



## **High-Level Tripartite Conference on Social Dialogue and Labour Law reform in EU Accession Countries**

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### **Labour Law Reform in EU Candidate Countries: achievements and challenges**

A Discussion Paper

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#### ***Introduction***

1. This paper intends to propose a conceptual framework for a discussion on the evolution, trends and challenges in the labour law in thirteen countries that have applied for EU membership. The paper will discuss the position of labour law in these countries vis-à-vis European Community Law (EC Law) and ILO Standards; it will also undertake a comparison between approaches to labour regulation in candidate countries and in EU Member States.
2. This paper has been prepared on the basis of nine national *Labour Law Profiles* that were commissioned by the Office to well known labour law experts in the following countries: Bulgaria, Czech Republic, Hungary, Latvia, Malta, Poland, Slovakia, Slovenia and Turkey. The Labour Law Profiles have followed a common outline. They present a thematic description of the labour law in the said countries. However, for the present discussion paper to be prepared the Office also needed to identify concrete issues that raise some of the greatest challenges in the labour law field that these countries, or a majority of them, are likely to face as they integrate the EU. To assess this question the Office convened a consultation, in Budapest, in November 2002, with high level officials in charge of the labour law reform *dossiers* in Hungary, Lithuania, Poland, Romania and Turkey. The Budapest meeting was of great help to the Office collecting additional information on the labour law reform process now underway in EU candidate countries. It also served to validate some of the assumptions that the Office had previously made – mainly on a theoretical basis – concerning the trends, problems, challenges of and prospects for the labour law in these countries. The

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author wishes to express his deep recognition to all those who have contributed the information that was needed to prepare this paper<sup>2</sup>.

## ***A reference framework for the discussion***

### a.- The international legislative setting

#### European Community Law

3. European Community Law (EC Law) is the cross-country legal reference for this discussion. In 1993 the Copenhagen European Council decided that transposition of EC law (the so-called *acquis communautaire*) into national law was to be one of the three criteria of eligibility that should be fulfilled for candidate countries to join the European Union<sup>3</sup>.
4. EC Law is made up of primary (the Treaty Establishing the European Community) and secondary (Directives, Regulations, Decisions etc.) rules and regulations. The EC Treaty (EC) contains several core provisions that are relevant in the labour law field. These include article 39 EC (ex Article 48 EC) concerning freedom of movement for workers, articles 43 to 48 EC (formerly articles 52 to 58 EC), on the right of establishment, and article 141 EC (ex Article 119 EC) on the principle of equal pay for male and female workers for equal work or work of equal value. The main sources of secondary regulation in the field of labour and employment are article 13 EC (ex article 6a EC) and article 137 EC (ex article 118 EC). Under article 13 EC the Council is empowered *to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation*. Under article 137 EC the Council is given faculties to adopt Directives addressed to Members States in a wide range of labour and employment issues<sup>4</sup>. So far the EC has adopted directives in the labour field that

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<sup>2</sup> The national labour law profiles were prepared by Mr. Krum Markov (Bulgaria), Ms. Marcela Kubínková (Czech Republic), Ms. Beata Nasa (Hungary), Mr. Jorens Aizsils (Latvia), Mr. Godfrey Baldacchino (Malta), Mr. Marek Pliskiewicz (Poland), Mr. Anton Talapka (Slovakia), Ms. Polonka Koncar (Slovenia) and Mr. Toker Dereli (Turkey). The Office considers editing and publishing these reports, perhaps on CD or electronic support. The consultation in Budapest was attended by Ms. Tokarska Bienarcik (Poland) and Messrs. Fodor Gabor (Hungary), Rimantas Kairelis (Lithuania), Razvan Ionut Cirica (Romania) and Toker Dereli (Turkey). The author has also relied on EU reports relating to the steps taken by the candidate countries to transpose EC law into their respective national systems, as well as on studies by the European Foundation for the Improvement of Living and Working Conditions, or under joint sponsorship of the Foundation and the ILO, most of which are available at the INTERNET and can be consulted online (see, for example the European Industrial Relations Observatory : <http://www.eiro.eurofound.ie/>). Most but not all of the relevant laws concerning the Central European countries have been translated into English and have been consulted in view of the preparation of this report. The author regretfully acknowledges that he has not been able to gather information concerning Cyprus. With regard to Romania it should be noted that a new Labour Code has been adopted in December 2002, whose translation was not available at the time when this report was written.

<sup>3</sup> In 1993, at the Copenhagen European Council, the following criteria, which are often referred to as the *Copenhagen Criteria* were defined as a precondition for accession to the European Union:

- stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union;
- the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

<sup>4</sup> Under article 137 EC (ex article 118 EC) the Council can adopt Directives by qualified majority on the following areas :

- improvement in particular of the working environment to protect workers' health and safety;
- working conditions;
- the information and consultation of workers;

cover issues such as the contract of employment, equality, protection of workers and involvement of employees.

5. Since EC Directives are addressed to Member States they call for transposition into the legal system of EU Members. Transposition is usually accomplished with the adoption of legislation though it is also possible that Directives be transposed by national level collective agreements, provided such agreements can apply to all workers that the Directive intends to cover or to protect. However, EC law can and does have direct effects also on individuals as many provisions of both the Treaty and secondary legislation directly confer individual rights on nationals of Member States which national courts must uphold. Under article 226 EC (ex article 169 EC) the European Commission or a Member State may bring a complaint, alleging the failure by a Member State to fulfil an obligation under the Treaty, before the European Court of Justice (ECJ or *the Court*). Grounds for a complaint may be, for example, the lack of transposition of a binding Directive, or the non repeal of a national rule that is not consistent with the Treaty or a Directive. If the Court finds that the obligation has not been fulfilled, the Member State concerned must comply without delay. If, after new proceedings are initiated by the Commission, the Court finds that the Member State concerned has not complied with its judgment, it may impose a fixed or a periodic penalty<sup>5</sup>. Also, in addition to hearing complaints brought by a Member State or the Commission, the ECJ is empowered, under article 234 EC (ex Article 177 EC), to give preliminary rulings upon request by a national court of a Member State, concerning the interpretation of the Treaty and other acts of Community institutions in respect to an individual case that has been brought before the national court. The view then taken by the ECJ is binding on the national court. Should the ECJ holds that the national law is not consistent with EC law, the national court shall set aside the national law so as to apply EC law in the case it has to resolve. ECJ case law on labour issues is rich and far-reaching, especially in the field of equal pay and equal treatment between male and female workers.
6. Mention should finally be made of other instruments that include provisions relating to fundamental rights at work. These are the European Social Charter, signed in Turin, 1961, under the auspices of the Council of Europe, and the Community Charter of the Fundamental Rights of Workers, 1989, which established the major principles on which the European Labour Law model should

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- the integration of persons excluded from the labour market, without prejudice to Article 150;
  - equality between men and women with regard to labour market opportunities and treatment at work.

Under the same article the unanimity rule shall be observed for the Council adopting Directives in the following areas:

- social security and social protection of workers;
- protection of workers where their employment contract is terminated;
- representation and collective defence of the interests of workers and employers, including codetermination, subject to paragraph 6;
- conditions of employment for third-country nationals legally residing in Community territory;
- financial contributions for promotion of employment and job-creation, without prejudice to the provisions relating to the Social Fund.

Article 137 EC does not apply to the following questions: pay, the right of association, the right to strike or the right to impose lock-outs.

<sup>5</sup> In 1991, in case *Franovich*, [1991] ECR I-5357, the Court for the first time fully addressed the question of State liability for breach of Community law. It ruled that it is a principle of Community law, inherent in the system of the EC Treaty, that the Member States are obliged to make good loss and damage caused to individuals by breaches of Community law for which they can be held responsible. Case *Franovich* concerned the failure of one Member State to implement the Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer.

be based<sup>6</sup>. A more recent instrument is the Charter of Fundamental Rights of the European Union, 2000, which also contains many provisions that are relevant in the labour and social field<sup>7</sup>. None of these instruments are binding in the same sense as are the Treaty and secondary regulations; yet they call for labour and social policy action by the European Union or its Member States where appropriate.

### ILO Standards

7. Unlike EC Law, ILO Conventions are binding on Member States only after they have been ratified. However, once the ratification of a convention has been registered by the ILO, the ratifying Member State is obliged to implement the convention, an obligation that is usually met by the adoption of national law or regulations to give effect to the convention, or by the amendment of existing legislation when it falls short of implementing the said convention<sup>8</sup>. Compliance with ILO ratified conventions is monitored by a supervisory machinery<sup>9</sup>, and in the case of non compliance a Member may be required to bring its national law into conformity with the conventions it has ratified.
8. Approaches with regard to the direct application of ratified ILO Conventions to individuals are, however, varied, as in some countries it is held that they do not have automatic binding effects. As it has been put out by certain Labour Courts, *ILO ratified conventions are binding on the State, not on the national tribunals*. By contrast, in a number of other countries it has been considered that ratified ILO conventions are automatically integrated into the national legal system, which would result for example in national courts having the possibility of applying the international norm, not the national law, while ruling on an individual dispute<sup>10</sup>.
9. ILO standards provide EU candidates with a legal framework that is as important as that of EC law. EC law and ILO standards overlap on certain issues in which case the normal approach would consist in the Members aligning their national law on whichever of EC law or ILO norm provide with the most favourable rule, as otherwise a Member would risk being in breach of its obligations vis à vis either

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<sup>6</sup> This Charter addresses the following issues: Freedom of movement, Employment and remuneration, Improvement of living and working conditions, Social protection, Freedom of association and collective bargaining, Vocational training, Equal treatment for men and women, Information, consultation and participation of workers, Health protection and safety at the workplace, Protection of children and adolescents, Elderly persons and disabled persons.

<sup>7</sup> This Charter –*Official Journal C 364/1, 18.12.2000* - contains provisions inter alia on forced labour (art. 5), protection of personal data (art. 8), freedom to choose an occupation and right to engage in work (art. 15), non discrimination (art. 21), equality between men and women (art. 23), workers' right to information and consultation within the undertaking (art. 27), right of collective bargaining and collective action including strike action (art. 28), right to access to a free placement service (art. 29), protection in the event of unjustified dismissal (art. 30), fair and just working conditions (art. 31), prohibition of child labour and protection of young people at work (art. 32).

<sup>8</sup> Ratified ILO conventions may also be implemented by other means that would be consistent with national law and practice, for example collective agreements or arbitration awards. However, in most cases implementation of ILO conventions actually call for the adoption of laws or regulations as, with very few exceptions, collective agreements have a by far narrower coverage than that of statutory regulation.

<sup>9</sup> More information on the monitoring system of ILO Standards can be obtained from the ILO Website at the following address : <http://www.ilo.org/public/english/standards/norm/index.htm>. The ILO Database ILOLEX <http://www.ilo.org/ilolex/english/newratframeE.htm> provides with information on the ratification of ILO Conventions.

<sup>10</sup> This would be, for example, the case in Lithuania, under article 8.2 of the Labour Code, 2002, whereby *International agreements of the Republic of Lithuania shall be directly applied to labour relations, except in cases where international agreements establish that the application thereof requires a special regulatory act of the Republic of Lithuania*.

the ILO or the European Community<sup>11</sup>. Many other labour law issues are addressed by ILO standards but not by EC law or vice-versa, which means that each system of norms provides with its own value added to Member States that are bound by both systems. For example, while the EC has adopted directives relating to information and consultation of employees on a general basis, transfer of enterprises or fixed-term employment, the ILO has not. By contrast, the ILO has adopted conventions on freedom of association and collective bargaining<sup>12</sup>, which are not addressed by EC law. It is well known that these conventions became the foundations on which all Central and Eastern European countries reshaped their industrial relations systems in the aftermath of the downfall of the communist regime. ILO Conventions also cover many other subjects which are not addressed by Community Law, and it is not unfrequent that the Commission addresses recommendations for EU Members ratifying ILO conventions that meet EU social goals<sup>13</sup>. Finally, there are very few areas where EC law and ILO standards would follow conflicting approaches, something which is frequently due to the fact that the relevant ILO standards were adopted more than fifty years ago, against a background then made up of conditions and values that no longer prevail in present times. So far this has always been solved by the ILO revising its standards<sup>14</sup>. Let's observe, however, that the ILO has been influential in the inclusion in the original EC Treaty of the sole rule that dealt with a social issue, i.e. the equal pay principle.

10. A further remark relating to ILO standards concerns their social legitimacy. Firstly, it is highly unlikely that a standard-setting issue would be included in the agenda of the ILO Conference in the case where the workers' or the employers' Governing Body Members oppose such inclusion. Secondly, both ILO Conventions and Recommendations need to be adopted by a qualified majority of two thirds of the delegates attending the Conference, which actually means that they cannot be adopted if they meet with strong opposition from either the workers' or the employers' side. In practice both the workers' and the employers' groups take the leading role in the discussion of ILO instruments by the Conference, which they thoroughly discuss and amend. It is therefore safe to conclude that ILO instruments are elaborated by the *users* themselves, not by technocrats, so that it can be expected that they reflect to a very large extent some form of international wisdom and social consensus with respect to the issues they are meant to address.

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<sup>11</sup> For example, a EU Member that has ratified the ILO Holidays with Pay Convention, 1970 (No. 132), providing for a minimum of three weeks of annual vacation shall, however, provide for a minimum of 4 weeks of annual leave as such is mandatory under the Working Time Directive, 1993. On the other hand, a EU Member that has ratified the ILO Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173), is obligated to guarantee the payment of the workers' severance pay, when they are entitled to under national law, something which was not necessarily mandatory under Directive 80/987/EC, on the protection of employees in the event of the insolvency of their employer (it has, however, become mandatory under Directive 2002/74/EC, *OJL. 270/12 of 8.10.2002*, which is to be transposed before 8 October 2005).

<sup>12</sup> Respectively the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). All of the EU candidates have ratified both ILO conventions.

<sup>13</sup> For example the Commission has recommended that EU Members ratify ILO Conventions No. 177 on home work, No. 180 on seafarers' hours of work and the manning of ships or No. 182 on the elimination of the worst forms of child labour.

<sup>14</sup> For example, the ECJ has ruled in *Stoeckel* (Case C-345/89 [1991] ECR I-4047) that French legislation that, in keeping with ILO Convention No. 89, prohibited night work of women, was discriminatory, and that the principle of equal treatment required that women, except during pregnancy and maternity, should also have the option of working at night. This ruling has lead all EC members to denounce the ILO Night Work (Women) Convention, 1949 (No. 89), and also was to a large extent at the origin of the ILO adopting in 1990 the Night Work Convention (No. 171) which provides for a framework for ILO members to restrict the prohibition of night work to cases where for example such measure is necessary to protect women with respect to their child-bearing abilities.

11. To sum up, both EC Law and ILO ratified conventions, together with other international obligations as the case may be, form the international legal setting within which a EU Member State is to frame its national labour law. Awareness of both systems of norms is therefore indispensable for law-makers in EU candidate countries to elaborate draft legislation. This raises the need to give training to law-makers, social actors, labour law practitioners and judges in EU candidate countries, on the use of both EC Law and ILO standards in the elaboration and further implementation of national labour law.

#### b- Sound Industrial Relations and effective Social Dialogue

12. Transposition of the *acquis communautaire* into the national labour law is, however, only part of the challenge that candidate countries have before them in relation to their forthcoming accession to the EU. For a successful integration into the EU it can be expected that candidate countries would also seek to adopt industrial relations patterns, behaviours and values that would be as close as possible to those that currently prevail elsewhere in the European Union. In this respect one should recall that social dialogue and collective bargaining possess both law-making and law-implementation functions in the European Union as well as (with very few exceptions) its Member States<sup>15</sup>.
13. With regard to the law-making role it should be observed that under article 139 EC (ex Article 118b EC) the right of the social partners to conclude European level agreements on matters covered by article 137 EC (see above), which may later take the form of Directives addressed to EU Members, has been recognized. So far negotiations between European-level social partners have successfully led to the conclusion of agreements on parental leave, fixed-term work and part-time work, which have subsequently taken the form of EC Directives addressed to Member States<sup>16</sup>. Similarly, cross-country sectoral social dialogue has also paved the way for the conclusion of European-level sectoral agreements which were further transposed into EC Directives<sup>17</sup>.
14. A different approach was followed in view of the conclusion of the *Framework Agreement on Telework*, of 16 July 2002<sup>18</sup>. The *Telework* agreement has not been transposed into a Directive addressed to Member States. Instead, it aims at establishing a general framework at the European level, which should be further implemented by the members of the signatory parties in accordance with the national procedures and practices specific to management and labour. It is clear, however, that for such an approach to be workable it would be indispensable that strong and representative sectoral level national organizations exist in all countries, so that they can conclude legally binding agreements.

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<sup>15</sup> The major exception would be the United Kingdom, where collective agreements do not have legally binding effects.

<sup>16</sup> **Council Directive** 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, Official Journal L 175 , 10/07/1999, **Council Directive** 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and ETUC, Official Journal L 014 , 20/01/1998, and **Council Directive** 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and ETUC, Official Journal L 145, 19.06.1996.

<sup>17</sup> See, for example **Council Directive** 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST), Official Journal L 167 , 02/07/1999 P. 0033 – 0037, and **Council Directive** 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA), Official Journal L 302 , 01/12/2000 P. 0057 – 0060.

<sup>18</sup> Text available online : [http://europa.eu.int/comm/employment\\_social/news/2002/oct/teleworking\\_agreement\\_en.pdf](http://europa.eu.int/comm/employment_social/news/2002/oct/teleworking_agreement_en.pdf)

15. With regard to the law-implementation role it should be recalled that under article 137.4 EC (ex Article 118) a Member State may entrust management and labour, at their joint request, with the implementation of directives adopted in the field of labour, something which several EU Members in fact do, and in which case the transposition of EC law into national law can be made through the adoption of national collective agreements with *erga omnes* effects<sup>19</sup>. Furthermore, several directives instruct Member States to promote social dialogue with a view to achieving the goals of such directives<sup>20</sup>. Of course, all of this calls for the establishment and development of both a credible practice of social dialogue and an institutionally strong collective bargaining system.
16. To sum up, the construction of a Social Europe calls for EU Member States, to both implement EC law through statutory law<sup>21</sup> and to promote social dialogue and collective bargaining with a view to formulating and implementing national policies that are conducive to achieve EC social goals.

#### The respective roles of statutory law and collective bargaining in labour regulation

17. Unlike centrally planned economies, production patterns are very diversified in a market economy as they bestow a large share of the production to small and medium-size enterprises, including family enterprises. Self-employment is not infrequent and decentralization is the rule, not the exception. It is small wonder that labour regulation needs to be sensitive to the diversity of organizational frameworks within which work is performed or services are provided in a market economy, which raises the problem of designing rules and regulations that must be realistic and workable for everybody. The reply to this challenge, in a large majority of Western European countries, has very largely relied on what one could name a *two-tier strategy for labour regulation*. It is made up of a basic layer of statutory protection that is applicable to every worker in every enterprise (albeit with some exceptions), to which a second layer of rules is added, that have been created through collective agreements concluded by the social partners, and which ought to take into consideration the varieties of production patterns that exist in the different branches and sectors of economy. Actually this second layer can also be made up of different levels of collective agreements, from the national central level downwards to the enterprise level. Some highly sophisticated industrial relations systems, such as that of Germany, add a further level of labour regulation which is composed of *work agreements*, which are concluded

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<sup>19</sup> It is considered that a collective agreement has *erga omnes* effects when its provisions, or part thereof can be extended so as they become binding on workers and employers that were not represented by the employers' and workers' organizations that originally signed the agreement. With the exception of the Scandinavian countries, Ireland and the UK in all the other EU Members it is legally possible that sectoral or national level agreements be extended to third parties, and such a legal possibility is very frequently used.

<sup>20</sup> See, for example, article 8 b of the Equal Treatment Directive 76/207/EEC, as amended in 2002 whereby :

1. Member States shall, in accordance with national traditions and practice, take adequate measures to promote social dialogue between the social partners with a view to fostering equal treatment, including through the monitoring of workplace practices, collective agreements, codes of conduct, research or exchange of experiences and good practices.

2. Where consistent with national traditions and practice, Member States shall encourage the social partners, without prejudice to their autonomy, to promote equality between women and men and to conclude, at the appropriate level, agreements laying down anti-discrimination rules in the fields referred to in Article 1 which fall within the scope of collective bargaining. These agreements shall respect the minimum requirements laid down by this Directive and the relevant national implementing measures.

<sup>21</sup> Some countries, for example, Belgium, Italy and Denmark have implemented some Directives by national level agreements, although Denmark has been also obliged to enact legislation to cover those workers that may be not covered by collective agreements (unlike Belgium, collective agreements are not legally extended to third parties in Denmark).

with non-union bodies (works councils) with the purpose of regulating issues relating to the organization of work at the plant level.

18. While the respective share of statutory law and collectively agreed rules in the framing of the labour law varies from country to country, it is undisputed that in a vast majority of EU Members collective bargaining and collective agreements play a very important role in the regulation of working and living conditions of the workers, and frequently also in the regulation of relations between workers' organizations and employers or employers' associations. It follows that it should be recognized that the labour law is made up of different legal sources, of which statutory law and collective agreements are of outstanding importance in a majority of EU Member States.
19. A discussion on the role of the labour law in EU candidate countries cannot, therefore, be limited to statutory law only, as it would also need to address the development and strengthening of institutions and machineries for social dialogue to work effectively, and for the social partners to create and implement labour regulation through collective bargaining.

#### c – Market economy and the labour law

20. A functioning market economy is another of the three *criteria of Copenhagen* that must be fulfilled by EU candidate countries as a requirement to join the European Union. Market economy presupposes that enterprises are vulnerable to internal and international competition. To stay in the market, enterprises need to very rapidly adapt themselves to cyclical and structural challenges, which may drive them to make choices which could have adverse effects on their workforce. Labour mobility represents a normal assumption in any market economy, which needs to be addressed by the legal system. This leads to greater freedom being accorded to enterprises with regard to their hiring and firing practices, as well as in the field of staff management and work organization. In a market economy, management has broad prerogatives to determine manpower size, to assign tasks and to organize and reorganize production processes.
21. It is also clear that job security in a market economy cannot be as strong as it might be in centrally planned economies. While in centrally planned economies the workers' jobs can be protected by law, in a market economy it is the market, not the law, that creates, modifies and destroys employment. Under these circumstances it would seem unrealistic that private law aims at offering absolute tenure of employment for workers, and the best that can be expected is that workers do not lose their jobs for reasons other than those connected with their capacity or conduct, or in connection with the economic needs of the enterprise that employs them. Termination of employment, and avenues for redress in case of unfair or illegal termination are, precisely, amongst the most controversial labour law issues in market economies.
22. It goes without saying that none of the above means that workers do not have rights in a market economy, and one of the roles of the labour law consists, precisely, in limiting management prerogatives so as to ensure that workers are fairly treated. Within this perspective the ultimate role of the labour law in a market economy is to work out logic and workable compromises between market constraints in the one hand and social and human values on the other hand.
23. For example, EC law and national discrimination legislation would limit gender-biased practices that the employer may have on issues such as recruitment, training, promotion, or termination of employment. Similarly, the labour law tends to restrict the employer's prerogatives to reassign tasks or to reorganize work

when in doing so the basic terms and conditions of employment that were agreed upon on the occasion of the conclusion of a contract of employment would be affected. A very thorny labour law issue consists precisely in establishing a reasonable borderline between management rights to impose changes on the execution of the contract of employment, on the one hand, and those other unilateral changes that would be deemed as being a breach of contract, on the other hand. Reforms and counter-reforms of the labour law very frequently address this issue, with business-friendly reforms aiming at enlarging the prerogatives of management while pro-labour reforms unsurprisingly take the opposite track. To help settle many difficulties in this field, both EC law and that of EU Members provide for the consultation of the workers' representatives when the employer contemplates changes in the organization of work. Under EC law such consultation is mandatory on a general basis pursuant to article 4 of the Information and Consultation Directive<sup>22</sup>, as well as on a more specific basis when at stake is the transfer of an enterprise or part thereof, or when the employer contemplates collective redundancies. Last but certainly not least, management prerogatives can be addressed by rules that have been agreed upon in collective agreements concluded between both sides of industry.

24. Market economy also means that pay and pay systems are no longer in the hands of the State. While the State may still determine a minimum level of remuneration, as is the case in many though not all of the EU Member States, the largest share of decisions on pay policies is in principle left to the market forces, unless the social partners are able to address this issue through collective bargaining, something which in fact they always do. Moreover, under EC Law it is mandatory that EU Member States operationalize the principle of equal pay for equal work or work of equal value between men and women, in compliance with art 141 EC (ex article 119 EC) and the Equal Pay Directive, 1975, as well as the ILO Equal Remuneration Convention, 1951 (No. 100) that they have all ratified. There is a great wealth of judicial decisions by the ECJ concerning equal pay, which suggests that the operationalization of the equal pay principle raises questions which are much more difficult than what one would *a priori* imagine.
25. In market economies, enterprises may need to reorganize; also an inherent risk of a market economy is the possibility of an enterprise becoming bankrupt or being liquidated. Both, enterprise reorganization and bankruptcy or liquidation are very likely to have negative effects on the workforce. Three EC Directives address some of the issues that may need to be tackled when an enterprise is reorganized or becomes insolvent. They deal respectively with transfer of enterprises, collective redundancies, and protection of workers claims in case of insolvency of the enterprise<sup>23</sup>. While there are no ILO standards on transfer of enterprises, termination of employment is addressed in the Termination of Employment Convention, 1982 (No. 158) and its accompanying Recommendation (No.166), while protection of workers claims in the event of the employer's insolvency is

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<sup>22</sup> **Directive 2002/14/EC** of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community - Joint declaration of the European Parliament, the Council and the Commission on employee representation, *Official Journal L 080*, 23/03/2002.

<sup>23</sup> See **Council Directive 2001/23/EC** of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, *Official Journal L 082*, 22/03/2001, P. 0016 – 0020 and **Council Directive 98/59/EC** of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies, *Official Journal L 225*, 12/08/1998 p. 0016 – 0021, and **Council Directive 80/987/EC** of 20 October 1980, on the protection of employees in the event of the insolvency of their employer, *Official Journal L 283*, 28.10.1980, p. 23, amended by **Directive of the European Parliament and of the Council 2002/74/EC** of 23 September 2002, *Official Journal L 270*, 8.10.2002, p. 10 -13.

dealt with by the Protection of Workers Claims (Employers' Insolvency) Convention, 1992 (No. 173), which is supplemented by Recommendation No.180.

26. What are perhaps today the most challenging questions stem from the fact that in modern market economies the patterns of employment have greatly changed since the labour law laid its foundations in the aftermath of the First World War, on the basis of taylorist-fordist production and work organization patterns. The male, blue collar worker, employed in factory work or in mining, for full time work, pursuant to a contract of employment for unlimited period of time, and with the purpose of performing well specified tasks (and frequently throughout all his working life) certainly no longer makes up the average profile of the workers to whom the labour law ought to apply. Diversification of production patterns, increasingly rapid technological changes, internal and international competition, all constantly raise the need for enterprises to adapt to a very rapidly changing, and challenging, environment, which may, and frequently does so, conditions for the emergence of different patterns of employment. To be sure, statistical data shows that what is still called the *standard employment relationship* (i.e. subordinated full time work, under a contract of employment of unlimited duration, for a single employer, within the premises of an enterprise) remains by far the prevailing pattern of employment in the most modern and competitive market economies. However, such a pattern is no longer as hegemonic as it had been up until the mid seventies. New patterns of employment have emerged alongside the so-called *standard employment relationship*, which take different forms including fixed-term contracts of employment, part-time work, on-call work, agency work, telework and so on, all of which fall under the common (and sometimes unjustified) denomination of *non-standard, atypical or precarious employment*. Moreover, professional skills become very rapidly obsolete, which calls for the workers interrupting their working life, so that they can be retrained to upgrade and update their qualifications. Besides, an increasing number of tasks, and the provision of an increasing number of services, are now performed by workers under civil or contractual arrangements beyond the scope of an employment relationship, despite the fact that they perform work or they provide services under objective conditions of dependency.
27. There is little wonder that all forms of work call for protection, so as to avoid discrimination of workers on the sole ground that they are not included within the scope of a permanent contract of employment. Consideration should also be paid to the fact that in Western Europe some forms of *atypical employment*, such as part-time work, contain a gender dimension, which raises the need to work out legal solutions to avoid discrimination of women workers on the apparent *objective* ground that they are part-timers, and as a matter of fact the ECJ has already issued very important rulings on this issue<sup>24</sup>. It remains that it would not seem realistic to envisage that protection of so-called *atypical workers* can be addressed in exactly the same terms as the labour law addresses the *standard employment relationship*. The challenge therefore consists of designing specific protection so that, at least with regard to a number of basic issues, workers in so-called *atypical employment* not be discriminated against. Fixed-term employment and part-time work are already dealt with by EC Directives, that - it should be recalled - have been worked out by the social partners at the EU level. A third

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<sup>24</sup> See, for example, cases *Nimz* C-184/89 [1991] ECR I-297, and *Jenkins* 96/80, ECR 1981, p. 911. In *Jenkins* the Court took the view that: *A difference in pay between full-time workers and part-time workers does not amount to discrimination prohibited by article 119 of the treaty unless it is in reality merely an indirect way of reducing the level of pay of part-time workers on the ground that that group of workers is composed exclusively or predominantly of women* .

directive, on temporary agency work, is under preparation<sup>25</sup>. Also, as indicated above, a European level agreement on Telework has been concluded, which calls for implementation by the social partners at each national level. Within the ILO, the Conference has adopted a convention and a recommendation on part-time work, a convention and a recommendation on homework, as well as a convention and a recommendation on private employment agencies that *inter alia* aim at protecting workers provided to user enterprises by a temporary work agency<sup>26</sup>. These instruments provide useful guidance on how to address these questions.

#### e - Law enforcement and the rule of law

28. Stable institutions guaranteeing democracy, the rule of law, human rights and respect for minorities are also part of the *Copenhagen criteria*. It is within this framework that one should address the questions relating to the application and enforcement of the labour law in EU candidate countries. A reliable system of labour inspection, and efficient delivery of justice by a competent and independent judiciary are indispensable for the rule of law being enforced in any country.
29. Government law-enforcement agencies such as Labour Inspection can be a relatively new issue in a number of former communist candidate countries. Whereas Labour Inspection is not addressed under EC Law it is dealt with by the ILO Labour Inspection Convention, 1948 (No. 81), which has so far been ratified by 128 ILO Members, including most EU Members, as well as ten EU candidates<sup>27</sup>. Under communist regime, state dominated trade unions were very frequently endowed with labour inspection responsibilities, a feature that is not shared by market economies.
30. Under Convention No. 81 the State has a major responsibility in this area, which calls for the establishment of solid labour inspection bodies within the ministries or other government agencies in charge of labour, that would be endowed with a wide range of faculties, as well as adequate means so that they can fulfil their labour inspection responsibilities. Though adopted more than fifty years ago, the Labour Inspection Convention still offers a reliable referential framework for labour inspection activities that are to be undertaken by ILO Member States<sup>28</sup>.
31. Approaches are very varied with respect to the organization of the judiciary machinery that is entrusted with the settlement of disputes relating to the application and enforcement of the labour law. A number of EU Member States, such as Belgium, Germany, Ireland and the United Kingdom have established a specialized labour jurisdiction, which is made up of panels of magistrates sitting alongside lay members representing each side of industry. France is a unique case, as first instance labour tribunals are made up of employer and worker lay

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<sup>25</sup> It should also be recalled that fixed-term employees and temporary agency workers are covered, since 1991, by Council Directive 91/383/EEC of 25 June 1991 [*Official Journal L 206, 29/07/1991*] *supplementing the measures to encourage improvement in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship*.

<sup>26</sup> **Part-time Work Convention**, 1994 (No. 175) and Recommendation, 1994 (No. 182); **Private Employment Agencies Convention**, 1997 (No. 181) and Recommendation, 1997 (No.188), available online, in the database ILOLEX.

<sup>27</sup> Convention No. 81 has been ratified by the following candidate countries: Bulgaria, Cyprus, Poland, Hungary, Latvia, Lithuania, Malta, Romania, Slovenia and Turkey.

<sup>28</sup> Together with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) , and the Employment Policy Convention, 1964 (No. 122), the Labour Inspection Convention makes up the group of *priority conventions* of the ILO.

members only, while the jurisdiction of appeal is made up of magistrates only. By contrast Italy, Portugal and Spain have a specialized labour jurisdiction by tribunals that are made up of magistrates only, while in the Netherlands there is no labour jurisdiction at all. A different approach exists in the Nordic countries, as in principle the Labour Courts deal only with disputes that are referred to them by the unions and employers' associations, while individual litigation falls within the competence of ordinary tribunals. Variety of approaches is also common in EU candidate countries. Hungary, Malta, Slovenia and Turkey have a distinct labour jurisdiction while in other countries labour litigation falls within the competence of the ordinary tribunals, although in a few countries there are bipartite labour dispute commissions - a feature that has been inherited from the old regime - that hear and adjudicate complaints submitted by the workers, with a right to further appeal before tribunals that are made up of magistrates only.

32. The wide variety of judiciary machineries to deal with labour litigation suggests that there is no single European model of administration of justice in the labour field. It is up to each state to address the issue and to try to work out the most suitable system to ensure that justice is efficiently delivered, so that the rule of law can be guaranteed to those to whom the labour law applies.
33. The role and competences of Equal opportunities agencies or similar bodies dealing with equality issues would also need to be addressed within the overall framework of this issue, as various EC Directives instruct EU Members to create specialized bodies to help achieve the goals of these Directives<sup>29</sup>.

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<sup>29</sup> See, for example, article 8 a. of Directive 2002/73/EC of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, Official Journal L 269 , 05/10/2002

## ***The processus of labour law reform in EU candidate countries***

34. The countries covered by this paper do not form a homogeneous group. A first distinction should be made between the group of ten countries of Central Europe that were under communist rule until the beginning of the last decade on one hand, and Cyprus, Malta and Turkey, on the other. Each of these groups is itself made up of countries with different backgrounds, as will be presented below.

### a.- Central European Countries

35. Some of the countries included in this group, such as Hungary and Poland had undertaken economic reforms even before the downfall of communism, which for example, decentralized decision-making faculties or allowed room for private business in the commerce, services and agriculture sectors. The same can be said in respect to Slovenia, as administrative and management decentralization was an important feature of the former Yugoslavia. By contrast, the Baltic States had been annexed by the Soviet Union in the early forties, and gained independence only in the early nineties. Soviet law applied in these countries until independence, and the economy was managed under soviet-minded centrally planning rules. In the former Czechoslovakia, a number of reforms had already been decided by the communist regime, which were however not implemented as the regime fell under the Velvet Revolution.
36. The legal setting of these countries is also very varied, as their historical background corresponds to three different patterns, respectively those of the Baltic Countries, the countries that formerly belonged to a wider entity (Slovenia, the Czech Republic and the Slovak Republic) and the countries which did not suffer territorial changes at the time of the demise of the communist regime (Bulgaria, Hungary, Poland, Romania).
37. The basis of the legal system in the Baltic States was provided, at the time of independence, by the laws that then applied in the Soviet Union. These laws have been progressively repealed as these countries adopted their own legislation. With regard to international obligations vis-à-vis the ILO, the three Baltic States considered that they were not bound by the conventions that had been ratified by the former Soviet Union and applied in their territory prior to independence; instead, they confirmed their acceptance of the conventions they had ratified as independent ILO Members before occupation by the Soviet Union<sup>30</sup>, and examined the remaining conventions on an individual basis.
38. Slovenia followed an approach different to that of the Baltic States, as it accepted the international obligations that applied in its territory before it declared independence from Yugoslavia; it also continued to apply former Yugoslav law, which it has progressively replaced by new legislation. Likewise, the Czech Republic and the Republic of Slovakia also confirmed the validity of both the international obligations and the federal legislation that applied in the territory of the former Czechoslovakia before it split into two countries.
39. The third sub-group of former Central European countries (Bulgaria, Hungary, Poland and Romania) did not need to address any particular legal problem arising out of a territorial change or a change in international legal status.

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<sup>30</sup> Estonia, Latvia and Lithuania had respectively ratified 18, 17 and 7 conventions before they were annexed by the Soviet Union.

### Common patterns of the labour law at the time of the demise of communist regime

40. Despite these differences, at the time of the downfall of the communist regime, in all former communist countries the labour law shared a number of patterns that were closely related to the nature of the political and economic regime. Firstly, the labour law was based on the assumption that the overwhelming pattern of employment was provided by the subordinated, permanent and full-time employment relationship, and that work was mainly organized within the framework of large production units or large administrations. Secondly, there were very few distinctions, if any, between private law employees and state employees, as both categories of workers actually had the same employer and the same kind of employment relationship. Thirdly, heavy and bureaucratic rules and procedures applied on issues such as recruitment and termination of employment which as a whole, afforded far-reaching guarantees to the workers as well giving a great say to the state-party dominated unions. Discipline at work and penalties for infringement of internal rules were other favorite fields for soviet-minded labour law, which was addressed by very detailed regulation. As far as individual disputes are concerned, it was frequent that the law provided for their settlement primarily at the workplace level, by ad-hoc commission made up of representatives of both labour and management, with a further possibility of appeal before the ordinary jurisdiction.
41. Another feature of communist minded labour law was its highly centralized pay structure, which ought not to take into account structural and market factors. At least in theory, centralized pay structures resulted in relatively narrow disparities in remuneration throughout the different economic sectors. This was, however, not so true in practice, as the labour market was in structural shortage of manpower, which obliged the leading state enterprises to offer various kinds of bonuses and premiums to improve the pay package in order to attract or retain the workforce they needed to efficiently operate.
42. By far the biggest differences between the labour law system in Central Europe and that of Western Europe were, however, to be found in the field of collective labour relations. On this point the shared pattern in Central Europe was the single-union structure, to which membership was quasi compulsory, and unions were mainly meant to act as a transmission belt for the implementation of policies and decisions taken by the state-party structure<sup>31</sup>. While collective bargaining formally existed its major purpose was in fact to allocate respective responsibilities to management and the workforce in view of meeting the production targets of the enterprise within the centralized planning system. Having regard to this, collective bargaining was carried out at the enterprise level, and strikes were considered as a form of sabotage against the interests of the state.

### Major trends in the evolution of the labour law

43. Since the downfall of communism in all of the ten Central European candidate countries the reforms in the labour law have followed three great trends, namely the narrowing of the personal scope of the labour law, the enrichment of the contents of the labour law and the liberalization of the industrial relations system.
44. The narrowing personal scope of the labour law stems essentially from the recognition of different types of employment relations, depending upon the

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<sup>31</sup> Yugoslavia departed, however, from this pattern as decision-making at the enterprise level was to a large extent decentralized, having regard to the self-management and social ownership concepts which made up the underlying philosophy of the political regime.

private or public nature of the employer, which results in the labour law applying only to private-law employees while separate regulations apply to public-law employees. When the economy was essentially in the hands of the State, and it operated under a centrally planning system, there was no real need to make distinctions between civil servants in the public administration and private-law workers in the production sector, as the latter was also run by the State, indeed in a very bureaucratic manner. However, the introduction of market economy as well as the overall reform of the state in Central Europe has obviously led to the recognition of various kinds of employment, as in market economies employees may work for a private-law employer, or for the central government administration or still for public-law agencies or administrations that do not perform government functions. It follows that the labour law applies with respect only to the first category of workers, while public law governs the relations between the state and civil servants, or at least certain categories of government employees. Depending upon the legal and administrative system of each country, a third and distinct regulation may or may not address the employment relations of employees in the so-called *peripheral administrations*. For example, since 1992, in the legislative system of Hungary there are three major acts covering the individual employment relationship and industrial relations of three different categories of employees: employees working in private employment, to whom the Labour Code applies, public employees working for publicly financed institutions such as schools, hospitals, libraries, etc. and civil servants. Similarly, in Estonia the Law on contracts of employment, 1992, does not apply to civil servants under the Public Service Law and to work on the basis of a contract of service<sup>32</sup>. It is, however, possible that private-law employees work in a public administration or a peripheral administration, in which case they would fall under the scope of the labour law. In such cases it would also be frequent that their collective bargaining rights be addressed by ad-hoc regulations.

45. A second reason for the narrowing of the personal scope of the labour law has been the increase in self-employment that has occurred in all former centrally planned economies. As the labour law only applies to workers who have employee status those who do not have a formally recognized employment relationship with an employer are in principle beyond the scope of the labour law. It ensues that the potential "customers" of the labour law in Central European EU candidate countries are considerably less than those to whom the labour law applied during the old regime.
46. By contrast, though narrower in scope the contents of the labour law in Central European candidate countries has been considerably enriched, because of the introduction of concepts that were unknown during the communist regime, in both the area of collective labour relations (social dialogue, freedom of association, free collective bargaining, plant level workers' representation, industrial action) and that of the individual contract of employment. Issues such as different forms of contract of employment, hiring and termination procedures, transfer of enterprises, modifications in the contract of employment, protection of remuneration or effects of the insolvency of the employer on the contract of employment, normally need to be addressed in a market economy while they may be unknown or irrelevant in centrally planned and state run economies. The need to transpose the *acquis communautaire* has also played a major role in this process of enrichment as the candidate countries have been required to adopt legislation to implement EC law. Furthermore, the process of labour law reform has been very intensive also in areas that are not addressed by EC law, but which

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<sup>32</sup> It neither applies to family work in farm family enterprises.

however call for regulation for the sake of a better and fair governance of the labour market.

47. A number of reminiscents from the old regime regulation can, however, still be tracked down in some labour legislations. A tacit assumption that the labour law addresses essentially employment relations in large organizations would seem to be a widely shared approach, as it is hard to find special provisions that would address small enterprises. Lack of ad-hoc rules for small enterprises is especially noteworthy in the field of termination of employment, something which might call for reconsideration. Also, some countries have considered it indispensable that their labour codes include rules concerning appointment or promotion by competition, or the contract of employment of employees that have been appointed to a job by popular election<sup>33</sup>, some make provision on the (prohibition of) appointment of relatives of employees in state or municipal enterprises, while some others still provide for detailed disciplinary procedures<sup>34</sup>. Such a type of rules normally belongs to the domain of civil service staff regulations, and would seem misplaced in private labour law. Also noteworthy are the detailed provisions on civil liability of employees that exist in a number of labour laws in Central Europe, while elsewhere this question is mainly addressed under civil law, not labour law<sup>35</sup>. Another reminiscent of old regime labour regulation is the employee's record book<sup>36</sup>, although it would seem that it now serves merely a purpose of proof, something which would certainly not raise the same objections it has raised during the old regime, when it implied a threat on workers whose political opinion deviated from the official wisdom. Some final remarks would be made with respect to still existent provisions that prohibit underground work by women, or rule that women may not be employed in work *which is harmful to their body*<sup>37</sup>, something which eventually may come under scrutiny by the European Commission or the ECJ.
48. The third common trend relates to the liberalization of the industrial relations systems. From a chronological viewpoint this trend has emerged before the two others as in all the former communist countries political changes came well ahead of economic reforms. It is therefore not so surprising that in the period between 1989 and 1993 most of these countries undertook a first wave of labour law reforms that were focussed on collective labour relations. To a very large extent these reforms drew inspiration from ILO Conventions Nos. 87 and 98 as well as on the doctrine of the ILO supervisory bodies on Freedom of Association and Collective Bargaining. In general the reforms aimed at establishing collective representation and collective bargaining structures that were tailored after the prevailing industry-based patterns in Western Europe. More especially, it would seem that to a large extent they have all taken the German model as a kind of

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<sup>33</sup> For example, the Labour Code of Bulgaria, arts. 83, and 89 to 97. Similar provisions exist in the labour laws of Estonia and Lithuania.

<sup>34</sup> For example, the Labour Law of Latvia, article 90.

<sup>35</sup> The sole reason to address employees' liability in a labour law would be to limit the employee's accountability only to prejudices that have been the result of his/her illegal action, wilful action or gross negligence, thus departing from the general civil law and common law rule whereby any fault or any negligence can be a source of civil liability. Under labour law the approach is that the employee would not be made accountable for damages that are the result of simple carelessness, on the understanding that such damages are business risk; see for example the Labour Code of Slovakia, article 179.

<sup>36</sup> Estonia, Law on Contracts of Employment, 1992, art. 20.

<sup>37</sup> Labour Code of the Czech Republic, art. 150. Estonia, Law on Contracts of Employment, 1992, S. 25.

reference, which allocates very distinct faculties and prerogatives respectively to industry-based unions and plant-level works councils<sup>38</sup>.

49. For example Czechoslovakia adopted a Collective Bargaining Act in 1991, while former communist trade union regulation was repealed so that the right to form workers' and employers' associations became regulated under a law enacted in 1990, on the right to form civil associations. In Estonia a new law on trade unions was adopted in 1989, which was followed in 1993 by a law on collective labour disputes. In Hungary the right to strike was already addressed in a law adopted in 1989. In Lithuania a law on collective agreements was adopted on 4 April 1991, which was followed in 1992 by a law on collective disputes. In Poland two acts of 1991, regulated trade unions and employers' associations respectively, while a third law addressed the settlement of collective labour disputes. In 1994 an amendment to the Labour Code dealt with collective agreements. In Romania three laws adopted in 1991, 1996 and 1999 addressed trade unions, collective agreements and the settlement of industrial disputes respectively. In Slovenia, a law of 1993 already established criteria to determine trade union representativeness.

#### A never ending process of labour law reform

50. The wave of reforms now underway would seem to aim at meeting two different challenges. The first and most well known is the transposition of the *acquis communautaire* in national labour law. All candidate countries claim that they have already enacted the laws and regulations that were required to undertake such transposition, or they will be completing this task in the coming months<sup>39</sup>. The second challenge is given by the adjustment of the labour law to changes and challenges that are nowadays to be met by all European societies, as they need to strike a fair balance between market constraints and social concerns.
51. Adjustment of the labour law to the social and economic environment would actually seem to be a never ending task, not only because such environment is constantly changing but also because government strategies and political options also tend to change, at least each time that there is a government change, which may result and frequent results in government proposals to amend the labour law alternatively going in opposite directions, i.e. so-called *business friendly* reforms in some cases, and so-called *labour friendly* reforms in other cases. Recent reforms in Hungary, in 2001 and again in 2002, or in Poland in 2002, provide noteworthy examples of these tendencies, while in Slovakia the Labour Code adopted in 2001 was amended even before it entered into force in April 2002, and a new reform process is now underway. In Lithuania, despite the very recent adoption of a new Labour Code, a committee is already working out proposals to regulate different types of contracts of employment deviating from the so-called standard employment relationship; in addition, work on the reforms to the law on trade unions and on a new law on pay indexation is underway. The Czech Republic is envisaging adopting a new Labour Code by 2004 or 2005, and so on ...

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<sup>38</sup> Such an approach so far has not been confirmed in practice, as in most countries industry-based collective labour relations are still insufficiently developed. This leads to the core of industrial relations interactions being relocated either upwards to the central level or downwards to the enterprise level, in which case there is some room for conflict between trade unions and non unionized staff representative bodies.

<sup>39</sup> The extent to which transposition of EC law in national law of EU candidate countries has been achieved cannot be addressed in this paper, as this calls for interpretation of EC law under the established procedures of the EC Treaty.

## The structure of the labour law

52. Like Western Europe (but not the UK, Scotland excepted) all Central European countries share the roman-germanic legal tradition. Law-making essentially follows a *top downwards* process, as labour regulation is essentially made up of statutory law, and the state is the usual initiator of the labour law reform process<sup>40</sup>. In all Central European countries the labour law system recognizes the distinction between collective labour relations and individual labour relations, which are addressed by distinct groups of legal provisions, although in several countries they are both integrated in a single legal act, typically a labour code.
53. Unlike Western Europe codification is a frequent feature in Central Europe, although some countries do not have labour codes<sup>41</sup>, and even those are not codes in the sense of the French codification, as it is frequent that separate laws on a number of issues exist alongside the Labour Code. Labour codes originally dated back to the old regime: 1951 in Hungary, 1965 in former Czechoslovakia, 1974 in Poland, 1986 in Bulgaria, while the Baltic countries had labour codes adopted in the early seventies, which were based on the Fundamentals of Labour Legislation of the former Soviet Union, promulgated in 1970. However, in Slovenia the labour law had followed a different pattern, as the former Yugoslavia had a peculiar system of self-management and social ownership which had an important legal bearing on labour regulation. All these codes have been extensively revised since the early nineties, and thus in practice it would not make much sense that they continue to be referred to as the codes adopted in the sixties or seventies, as is still the case in some countries<sup>42</sup>. In any event, whether they are brand new codes, like those of Lithuania, Slovakia or Romania, or consolidated texts of legislation more or less recently adopted, or separate texts of laws, the legislative drafting process has been very careful, which results in the existing legal texts being coherent, well structured, systematic and fairly easy to understand, even in their translated versions.
54. Individual labour relations are based on the private-law concept of the contract of employment or the employment relationship, which presupposes legal subordination of the employee vis-à-vis his or her employer, with reciprocal rights and obligations on each side of the contract. It is legally presumed that a contract of employment has been concluded for an unlimited duration, and in a large majority of countries the possibility to conclude a fixed-term contract of employment is restricted by the law. As in the case of Western Europe, termination of employment is extensively regulated as none of the Central European countries have followed the US *employment at-will* doctrine.
55. Provisions on collective labour relations always address collective bargaining and agreements as well as the settlement of industrial disputes and strikes. Trade union regulation is not always addressed in the labour law, as in certain countries but not in others trade unions are considered like any other civil association under the civil law, in which case there is not specific trade union law. In a few cases, for example in Poland, there is a special law on employers' associations.

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<sup>40</sup> The Nordic countries and Belgium depart, however, from this approach, as central level collective bargaining usually plays a role at least as important as statutory law. In Denmark central level bargaining is indeed the major source of labour regulation, with the state playing a secondary role, normally to extend labour protection so as it covers workers that are not protected by collective agreements.

<sup>41</sup> Estonia, Latvia and Slovenia do not have a single Labour Code. Lithuania has recently adopted a Labour Code, which has merged into a single text various separate bodies of labour legislation that had been adopted since the early nineties.

<sup>42</sup> E.g. Labour Code of the Czech Republic, 1965, Labour Code of Poland, 1974, and so on.

56. Under the legal system of all of these countries, collective agreements have legally binding effects between the parties to the agreements and those who are represented by these parties. In all countries it is legally possible that under certain conditions a collective agreement be extended so that it can become binding on third parties too. However, extension calls for a number of conditions relating to the level of the collective agreement (in principle only sector-level or national-level agreements can be extended) and representativeness of the parties that are seldom met in practice.

## Cyprus, Malta and Turkey

57. The second group of countries consists of Cyprus, Malta and Turkey. They also have a very different legal and institutional background. Cyprus and Malta gained independence from the United Kingdom respectively in 1960 and 1964. The basis of their legal system is British Common Law, which, however, has been thoroughly modified by statutory law. Unlike their British model, both countries have a written Constitution. Like their British model, and unlike continental Western Europe, they do not make a clearcut distinction between right disputes and interest disputes. Unlike their British model and like continental Europe, they recognize legally binding effects to collective agreements. Unlike Central European countries, Cyprus, Malta and Turkey had already a well-established market economy and private ownership tradition behind them well before they applied for EU membership.

## Malta

58. The first labour regulations in Malta date back to the beginning of WW II, and they applied to port work and factories. In 1945 trade unions were given legal recognition with the adoption of the Trade Unions and Trade Disputes Ordinance of 1945, which was followed in 1948 by a Conciliation and Arbitration Act. This laid down the machinery to be used for the settlement of trade disputes, including a Court of Inquiry and an Arbitration Tribunal. In 1952, the Essential Supplies and Services (Settlement of Disputes) Regulations were promulgated, and in 1955 an Employment Service Act gave birth to a National Employment Board which stipulated the conditions for the registration of the unemployed. Not less important was the adoption, in 1952, of the Conditions of Employment (Regulation) Act of 1952, known as CERA. This fundamental piece of legislation survived half a century laying down a broad range of policies concerning the regulation of the relationship between employers and employees, now considered as a contract of service. It protected employment with rules for payment of wages, overtime, sick leave and vacation leave; as well as from its abusive termination. The Department of Labour was boosted with the additional duties of inspection and enforcement. Under CERA, a whole range of wage councils orders, set up by specifically constituted Wages Councils, started fixing specific conditions of employment as were deemed applicable in specific sectors. Another novelty was the Labour Board, a national advisory body intended to submit recommendations for statutory provisions to the Minister, including advice on the number and constitution of Wages Councils. Thus, the Wages Councils and the Labour Board were pioneers in the operation of legally-backed tripartism and social dialogue in Malta.
59. The key piece of legislation on collective labour relations has been the Industrial Relations Act of 1976, known as IRA. This Act consolidated the Trade Unions and Trade Disputes Ordinance of 1945 and the Conciliation & Arbitration Act of 1948, while introducing new features which reflected developments in national collective labour relations: these included the issue of union recognition; the possibility of ordering reinstatement in cases of unjustified dismissals; the separate registration of trade unions and employers' associations; and the setting up of an Industrial Tribunal.
60. Since 1990, a new set of labour legislation has been promulgated. This has had the effect of adapting the legislative machinery to current challenges, such as the so-called *flexibilization* of employment patterns; the key role of training in facilitating return to employment; a concern with occupational health and safety; and the transposition of the *acquis communautaire*. With Act 35 of 1990, an

Employment and Training Corporation took over the Database (Work Book), Training and Inspectorate Functions of the former Labour Department; and a National Employment Authority replaced the former National Employment Board. With Act 7 of 1994, a Commission for Occupational Health and Safety was set up, and then replaced by an Occupational Safety & Health Authority by means of Act 28 of 2000. A Protection of Persons with Disability Act (2000) and a Gender Equality Act (2002) ensure special mechanisms for the elimination of discrimination.

61. As far as national structures for social dialogue are concerned, a Malta Council for Economic and Social Development Act was promulgated by means of Act 15 of 2001, setting up the MCESD on legal footing for the first time. The MCESD has been operating as a national vehicle for social dialogue and consultation amongst government, employers and trade unions for a number of years, with the first formal attempt during an incomes policy accord over the period 1990-1993.
62. But by far the most momentous reform of all has been the passage of the Employment & Industrial Relations Act (Act 22 of 2002). This is a consolidated piece of legislation which replaces both CERA (now Title I of the new Act) and IRA (now Title II), and covers both individual and collective labour and employment relations. In its first title the Law deals with the contract of employment (contract of service) and it addresses issues such as recognised conditions of employment, protection of wages, protection against discrimination related to employment, termination of employment, enforcement and non-compliance related to employment and administration related to employment. In its title II it deals with industrial relations, and it addresses issues such as organization of workers and employers, status, registration and conduct of trade unions and employer's associations, voluntary settlement of disputes and the Industrial Tribunal.

#### Turkey

63. In Turkey the first regulation with practical effects was the Labour Code of 1936, which followed Turkey's entry into the International Labour Organization in 1932. The Labour Code's coverage was limited to manual employees only, while white-collar employees were to be regulated by civil law. Also, the Labour Code applied initially to establishments with ten or more workers, and only in 1952 was its coverage extended to establishments with four to nine workers in cities with 50,000 or more inhabitants. This Code remained in force during more than thirty years until it was replaced by the Labour Act, 1967, which actually entered into force in 1971. Unlike the Code of 1936, the Act of 1967 covered both white collar and blue collar workers, and its scope included all establishments, even those employing only one worker.
64. On the other hand, severe restrictions existed on the right of association. In 1947 a Trade Union Act was adopted, which emphasized some aspects of voluntary unionization. For example, prior permission of administrative authorities was not required to set up a union. However, the Act of 1947 carried several restrictive measures as well. Like the Labour Code of 1936, the Trade Unions Act was also limited in scope to manual employees, thus excluding most white-collar employees from the right to unionize. The activities and finances of a union could be controlled at any time by the administrative authority. Also, unions should not join international organizations without the consent of the government, nor could they engage in political activities. The Act of 1947 also restricted strikes and lock-outs. Very significantly, while already in 1951 Turkey had ratified the ILO Convention on the Right to Organize and Collective Bargaining, 1949 (No.98, 1949) it did not ratify the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87) until 1993.

65. A new Constitution, adopted in 1961, recognized freedom of association and the right to collective bargaining and to strike, which, however, were to be governed by special legislation that was enacted in 1963. In 1965, a law was adopted which allowed the formation of unions by civil servants. These unions were, however, denied the right to bargain collectively and to strike, and only were allowed to participate in consultative joint committees established by the Public Servants Act. In 1970, a law amended certain articles of the Trade Unions Act; it notably imposed numerical requirements for unions to be active nationwide, which triggered mass protests and uprisings which, along with other political developments, ultimately led, on 12 March 1971, to the military intervention which suspended democratic freedom in Turkey.
66. Perhaps the most controversial development of the 1970s was Act No. 1927, passed in 1975, amending and supplementing certain sections of the Labour Act. Its significance lay in its new clauses pertaining to severance pay for workers and dismissals. Due to the absence of employment security and unemployment insurance, severance pay had always played an important role in providing workers with some degree of income and job security in the event of dismissals. The amendment increased the compensation from fifteen days' pay to thirty days' pay for each year of service. While under the previous system it was payable to a worker who had been employed in an establishment for at least three years, Act No. 1927 lowered the required minimum period to one year and also expanded the scope of the contract termination categories which entitled the worker to severance pay. Since the levels set by the Labour Act were automatically exceeded by collectively bargained arrangements, the impact of the new severance pay legislation on employers was allegedly profound, leading to heated debates in labour-management circles.
67. In the late 1970s, Turkish labour relations were adversely affected by increasing inflation and growing political instability and violence, which led to a military takeover in September 1980. The new regime suspended the activities of several labour unions and prohibited strikes and lock-outs. At the same time, a Supreme Arbitration Board reactivated many collective agreements as they expired, after revising wages and fringe benefits. In May 1983, new laws were adopted, namely Act No. 2821 on Trade Unions and Act No. 2822 on Collective Agreements, Strikes and Lock-Outs. Together with Act No. 1475 dealing with the individual employment relationship, these two acts, as amended in 1986, 1988, 1995 and 1997, established the legal environment of industrial relations in Turkey. With few exceptions, this legislation covered all manual and white-collar workers in both the public and private sectors; however, public servants and certain public functionnaires, including the newly created 'contract worker' category in the state economic enterprises, were denied the right to unionize and bargain collectively.
68. This legislation also aimed at creating a centralized trade union structure and to reduce the number of unions. To this end, national-industrial unionism having been declared the sole organizational principle, the number of industries according to which unions might be organized was cut from thirty-two to twenty-eight. By 1990, the 750 unions in existence a decade earlier had decreased to 69 unions, and of these only 41 seemed to meet the minimum 10 percent representativity requirement to gain bargaining status. By July 1996, there were 92 unions in Turkey, and of these only 48 met the minimum 10 percent requirement as the precondition for acquiring bargaining rights. Although the union structure was centralized at industry level, the focus of bargaining was reduced to local levels. At the same time, the requirement that a union, in order to be entitled to bargain on behalf of a plant (establishment) or enterprise (company) should represent at

least 10 percent of the workers in the industry and more than half of the workers in the plant or company, tended to curb the freedom to bargain.

69. Detailed prescriptions on mediation, strikes and lock-outs are other features of the post-1980 system of industrial relations. To be considered legal, strikes and lock-outs must have been called by the competent parties and conducted in conformity with the rules; their purpose must be solely work-related. General strikes, sympathy strikes, politically-motivated strikes and lock-outs, work slowdowns, sit-ins, and similar forms of concerted action were all illegal. Compared to the 1963 legislation, Act No. 2822 expanded the scope of strike restrictions. For those establishments and activities where strikes and lock-outs were prohibited, Act No. 2822 prescribed a compulsory arbitration mechanism to follow the mediation process.
70. After the general election of October 1991, a coalition government was formed, which promised labour law reform. In 1992, the Parliament ratified six ILO Conventions, including the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Workers' Representatives Convention, 1971 (No. 135), and the Labour Relations (Public Service) Convention, 1978 (No.151); but the proposed ratification of the Termination of Employment Convention, 1982 (No. 158) was vetoed by the President. In 1994, the economy was hit by severe crisis which led to heightened unemployment and an unprecedented level of inflation. During this crisis frequent negotiations took place, allowing for "flexible" practices (e.g. temporary layoffs, granting workers unpaid and paid leaves of absence, job sharing, and partial close-downs) which deviated from the labour legislation. On 26 July 1995, amendments made to Article 53 of the Constitution recognized trade union rights of civil servants, however with limited negotiation rights, and in 1994 the ILO Termination of Employment Convention, 1982 (No.158) was ratified by the Parliament, two significant developments which required the enactment of further legislation for actual implementation.

#### The last years

71. Following the formation of a coalition government in April 1999, work on labour law and social security reform gained new momentum. Of crucial importance was the change in retirement age which was 55 years old for men and 50 for women, and which in 1999 was raised to 60 for men and 58 for women; the reform also provided for a qualifying period of contributions for a minimum of 7000 days, or 4500 days for those who have been insured for at least 25 years. Also, an unemployment insurance was established, to begin functioning in 2002, and the Public Employment Service was reorganized while a ban on private fee-charging employment agencies was maintained, despite some government efforts to pave the way for the establishment and functioning of private employment agencies. The Economic and Social Council which was administered by government circulars since 1995 was given a stronger legal status by special legislation enacted in April 2001. Finally, a long-awaited Act on Public Servants' Unions, No. 4683 was passed on 25 June 2001.
72. The decision of the European Union (EU) government heads on 10 December 1999 in Helsinki to accept Turkey as a candidate for EU membership brought the compatibility of Turkish legislation with that of European standards to the foreground of the Government's agenda. A National Programme was published in 2001 in which the government of Turkey committed itself to harmonizing national norms and practices with those of the European Union. In an effort to amend certain sections of the 1982 Constitution, in particular those articles pertaining to

human rights and basic freedoms, Act No.4709 was passed on 3 October 2001. A new job security law was adopted in August 2002.

73. Work by a tripartite task force was in progress through most of 2002 to overhaul the whole labour law, including the Labour Act, No. 1475, Trade Unions Act, No.2821, and Collective Agreements, Strikes and Lock-Outs Act, No. 2822, with a view to modernizing the labour law and making it compatible with ILO standards and EC law.

## ***Some points for the discussion***

### **Contract of Employment**

74. The contract of employment or the employment relationship are the basis over which the labour law addresses what are commonly referred to as *individual employment relations*. The law may or may not provide for a legal definition of the contract of employment and as a matter of fact, there is a wide diversity of definitions in comparative law. Neither the ILO nor the EC legal systems undertake to define the contract of employment; instead, they prescribe that such definition will be provided for by the relevant national law, something which some laws do while some other do not. However, all national laws must address certain issues relating to the form of the contract of employment, and in fact all labour laws of Central European countries demand that an employment relationship be always formalized in a written contract of employment while under EC law it is only required that the employer provide the employee with written particulars of the *essential aspects* of the contract of employment<sup>43</sup>.
75. The most controversial issues in relation to the contract of employment or the employment relationship concern questions such as hiring procedures, probation, fixed-term employment relationships, supply of labour by third parties, so-called *atypical employment relationships*, and last but certainly not least, termination of employment and protection against unjustified dismissal. Some of these issues have been addressed by the labour law in EU candidate countries, while some others have not. Certain aspects of fixed-term employment and termination of employment (collective dismissals) are addressed by EC Directives, while the ILO has adopted international standards on certain forms of supply of labour by third parties (i.e. temporary employment agencies), and individual and collective termination of employment.<sup>44</sup>

### **Hiring procedures**

76. Two issues can be addressed within this subject, relating respectively to the role of public and private employment services in the supply of manpower to enterprises, and the measures that should be taken under national law to guarantee that job applicants not be discriminated against on grounds that are prohibited under EC law or national law. Only the first question will be addressed in this section as the second question will be dealt with in a further section, on discrimination issues.

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<sup>43</sup> A written contract of employment is not mandatory under EC Law, as the latter only prescribes that the employer shall be obliged to notify in writing an employee *of the essential aspects of the contract or employment relationship*. See article 2 Council Directive 91/533/EEC of 14 October 1991, on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship, *Official Journal L 288, 18/10/1991, p. 0032-0035*.

<sup>44</sup> Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, *Official Journal L 175, 10/07/1999 P. 0043 – 0048*. Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies, *Official Journal L 225, 12/08/1998 p. 0016 – 0021*, which has replaced two previous Directives on the same subject, adopted in 1975 and 1992 respectively. ILO Termination of Employment Convention, 1982 (No. 158) and Recommendation (No. 166), and Private Employment Agencies Convention, 1997 (No. 181), and Recommendation (No. 188).

## Private and public intermediation in recruitment

77. For many decades, and for a number of historical reasons, it has been common wisdom in many, though not all countries, that placement should be carried out by the state only. Pursuant to the adoption of three ILO conventions in the 30's and 40's many countries established public service employment offices while they took steps to prohibit placement by fee-charging private employment agencies. This tendency was, however, reversed as since the early 80's, and it is now recognized that private intermediation in the labour market has a legitimate role to accomplish, and that it can actually work very effectively alongside the public service of employment. While there is no EC law on this subject, the ECJ has taken the view that under certain circumstances state monopoly in placement would be incompatible with articles 82 EC (ex article 86 EC) and 86 EC (ex article 90 EC), concerning competition, taxation and approximation of laws (title VI EC, ex Title V EC).<sup>45</sup> Furthermore, the ILO has reviewed its previous position on the restriction or the prohibition of private employment agencies, and in 1997 it adopted the Private Employment Agencies Convention (No. 181), which together with its accompanying recommendation (No. 188), offer a suitable framework for Member States organizing labour market intermediation activities. It remains that some EU candidate countries are still bound by the old ILO conventions that provided for the prohibition of private employment agencies, something which they very probably would need to review, in light of both the afore-mentioned decisions by the ECJ and ILO Convention No. 181.<sup>46</sup>

## Fixed-term contracts of employment

78. A common (though not universal) approach in Labour Law is that, as a general rule, a contract of employment should be concluded for an indefinite duration. However, in many circumstances the employers have manpower needs that do not call for the hiring of workers on a permanent basis. Besides, fixed-term employment contracts are a useful feature in certain sectors, occupations and activities which can suit both employers and workers. The use of fixed-term contracts of employment instead of contracts for unlimited duration in these circumstances should in principle not give rise to controversies. By contrast, the use of fixed-term contracts of employment to hire workers to perform permanent tasks on a permanent basis is a much more controversial issue, especially where such contracts are actually being used for numerical flexibility purposes only, i.e. when such contracts are used with the main purpose of denying rights that are otherwise granted to workers with a permanent employment relationship.
79. It is beyond the purpose of the present paper to discuss the ideas that have been put forward by those who advocate liberalization in the use of fixed-term contracts, and those who oppose it. It is, however, necessary to be reminded that

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<sup>45</sup> Cases C-41/90 *Höfner and Elser v Macrotron GmbH*. ECR 1991 I-01979 and C-55/96 *Job Centre Coop. arl* (rendered on 11 December 1997).

<sup>46</sup> Already in 1919 the Unemployment Recommendation (No. 1) advocated that each Member of the International Labour Organisation *take measures to prohibit the establishment of employment agencies which charge fees or which carry on their business for profit*. In 1933 the ILO adopted the Fee Charging Employment Agencies Convention (No. 34) which provided for the abolition of employment agencies operating for profit. Convention No. 34 was revised by the ILO Fee-charging Employment Agencies (revised) Convention, 1949 (No. 96), which offered a choice to Member States between prohibiting or (tightly) regulating fee-charging employment agencies. Though officially "shelved" by the ILO, Convention No. 34 is still binding on countries that have not denounced it, as is the case of Bulgaria and Slovakia. Convention No. 96 has been denounced by a majority of EU Members that had previously ratified it. It remains, however, binding on Malta and Turkey, that have decided to apply part III (regulation of fee charging PEA) as well as Poland that has decided to apply Part II (prohibition). Within the group of candidate countries only the Czech Republic has ratified Convention No. 181, which has also been ratified by Italy, the Netherlands, Portugal and Spain.

this discussion is closely connected to issues relating to the protection against unjustified dismissal, as workers who are taken on under fixed-term arrangements do not enjoy protection against unjustified dismissal. This would suggest that employers' needs to use fixed-term arrangements increase proportionately with the level of protection against dismissal which the law affords to permanent workers, and decrease when such protection is lessens. As a matter of fact, all governments that have promoted reforms that aim at enlarging the use of fixed-term contracts have claimed that the prevailing model of permanent employment, with far-reaching protection against dismissal, creates rigidities that cannot be afforded by employers in an economic environment which is not only highly competitive but also highly unpredictable. A further assumption is that too far-reaching employment security acts as a deterrent to hiring, as employers fear that in case of economic downturn they would have difficulty in ridding themselves of redundant manpower that benefit from a permanent employment relationship, as such would call for the opening of lengthy and wearing-down procedures. So far, however, no reliable data has actually been collected in support of these assumptions, which however, does not mean that they should be dismissed lightly.<sup>47</sup>

80. In any event, the fact is that, in 2000, according to Eurostat data, fixed-term contracts of employment represented 13.4 per cent of all employment in the European Union, in increase from 1983 (9.1 per cent) but in decrease in several countries (Denmark, Greece and Ireland), with, however, very important country difference: from 32.1 per cent in Spain to only 3.4 per cent in Luxembourg.<sup>48</sup> It can be concluded from these figures that while fixed-term employment is a noteworthy feature in the employment market in all EU Members it is still far from being the prevailing pattern of employment.
81. Fixed-term contracts of employment are addressed under EC law by Council Directive 1999/70/EC of 28 June 1999, which has given binding effects to a framework agreement concluded by both sides of industry at European level<sup>49</sup>. It has been acknowledged in this agreement that *employment contracts of an indefinite duration are the general form of employment relationships and contribute to the quality of life of the workers concerned and improve performance* (general considerations, par. 6). The agreement foresees that EU Members shall take measures, first to prevent that fixed-term workers be discriminated against solely because they have a fixed-term contract or relation, and secondly to prevent abuse arising from the use of successive fixed-terms contracts or relationships.<sup>50</sup> Other provisions foresee that employers should facilitate access to

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<sup>47</sup> For example the use of fixed-term manpower in Germany is three times less than it is in Spain, while it would not seem credible to affirm that employment protection in Germany is weaker than it is in Spain.

<sup>48</sup> See the study on Non-permanent employment, quality of work and industrial relations, by the European Foundation for the Improvement of Living and Working Conditions, published online in the European Industrial Relations Observatory, at the following address : <http://www.eiro.eurofound.ie/2002/02/study/TN0202101S.html>

<sup>49</sup> Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, *Official Journal L 175*, 10/07/1999 P. 0043 - 0048

<sup>50</sup> Under clause 5 of this agreement it is specified the following :

*To prevent abuse arising from the use of successive fixed-term employment contracts or relationships, Member States, after consultation with social partners in accordance with national law, collective agreements or practice, and/or the social partners, shall, where there are no equivalent legal measures to prevent abuse, introduce in a manner which takes account of the needs of specific sectors and/or categories of workers, one or more of the following measures:*

- (a) objective reasons justifying the renewal of such contracts or relationships;*
- (b) the maximum total duration of successive fixed-term employment contracts or relationships;*
- (c) the number of renewals of such contracts or relationships.*

*2. Member States after consultation with the social partners and/or the social partners shall, where appropriate, determine under what conditions fixed-term employment contracts or relationships:*

training to fixed-term employees, and shall inform these workers about the vacancies that become available in the enterprise. Also, fixed-term employees shall be taken into consideration for the purposes of calculating the threshold above which workers' representative bodies may be constituted in the enterprise.

82. Apart from the Directive, EU Members have a large discretion on the actual regulation of fixed-term contracts of employment, and in fact there is a great diversity of approaches on this question under national labour law. One of the major differences relates to the grounds for recourse to fixed-term contracts, which in some countries is left opened with the sole proviso that recourse to fixed-term employment shall be justified "on an objective reason", while in some others, *inter alia* a majority but not all of Central European countries<sup>51</sup> – it is restricted to a pre-established list. A third option would consist in leaving the use of fixed-term contracts of employment to the entire discretion of the employer, without prejudice to certain restrictions referring to the maximum length and the number of renewals, as is required under the EC framework agreement. In any event, it should be borne in mind that the framework agreement recalls that *the use of fixed-term contracts based on objective reasons is a way to prevent abuses* (General considerations, No. 7). While regulating this issue consideration should also be given to the ILO Termination of Employment Convention, 1982 (No. 158), whereby *adequate safeguards shall be provided against recourse to contracts of employment for a specified period of time the aim of which is to avoid the protection resulting from this Convention* (i.e. protection against unjustified dismissal).<sup>52</sup>
83. It stems from the above that there is not a single European approach on the regulation of fixed-term contracts of employment. Within the framework that is set up by international and community law it is up to each country to design its own policy to address this point.

#### Temporary agency work

84. The basic common feature of all temporary work is the "triangular relationship" between a user undertaking, an employee and an intermediary. A temporary

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(a) shall be regarded as "successive"

(b) shall be deemed to be contracts or relationships of indefinite duration.

<sup>51</sup> For example, in Bulgaria fixed-term contracts of employment may not be concluded for more than three years, and are limited to temporary or seasonal work (Labour Code, art. 68). In Estonia there is a limitative list under S. 27.2 of the Law on Contracts of Employment, 1992. A limitative list also exists in Latvia, and fixed-term contracts of employment may not be entered into for more than two years, including renewals (Labour Law, Sections 44 and 45). In Lithuania the maximum duration of a fixed-term contract can go as far as five years, but *it shall be prohibited to conclude a fixed-term employment contract if work is of a permanent nature, except for the cases when this is provided by laws or collective agreements* (Labour Code, art. 109.2). By contrast, no limitations would seem to exist in the Czech Republic and Malta while in Poland the restrictions on the use of fixed-term contracts of employment that exist under the Labour Code have been suspended in 2002 until the country effectively joins the European Union. In Slovakia under article 48 of the Labour Code the maximum duration of a fixed term contract of employment is limited to three years, but it can be renewed in enterprises employing less than 20 employees.

<sup>52</sup> To this end, under paragraph 3.2 of the ILO Recommendation No. 166, the following policy is recommended :

(a) limiting recourse to contracts for a specified period of time to cases in which, owing either to the nature of the work to be effected or to the circumstances under which it is to be effected or to the interests of the worker, the employment relationship cannot be of indeterminate duration;

(b) deeming contracts for a specified period of time, other than in the cases referred to in clause (a) of this subparagraph, to be contracts of employment of indeterminate duration;

(c) deeming contracts for a specified period of time, when renewed on one or more occasions, other than in the cases mentioned in clause (a) of this subparagraph, to be contracts of employment of indeterminate duration.

Convention No. 158 is in force for the following EU candidate countries : Cyprus, Latvia, Slovenia and Turkey.

agency worker is a person who enters into a contract of employment with a the temporary work agency, which despatches the worker to perform work for a third party, the user enterprise. The latter assigns the worker's tasks and supervises the execution of these tasks while the formal employment relationship remains with the temporary work agency, which assumes the responsibilities of the employer vis-à-vis the worker as well as third parties, in particular the social security institutions

85. Temporary agency work is an important feature of the labour market in several EU Members while it is less important in some others. According to a study published by the European Foundation for the Improvement of Living and Working Conditions, in 1999, temporary work had a participation rate of 1.4% of equivalent full-time employment throughout the European Union. The highest rates of participation of temporary work in the labour market were found in the Netherlands (4 %), Luxembourg (3.5%), France (2.7%) and the UK (2.1%), while in Germany, Italy and Spain it respectively accounted only for 0.7%, 0.2% and 0.8% of equivalent full-time employment<sup>53</sup>
86. Lack of integration in the enterprise, emotional stress due to the volatility of employment, poor working conditions, exposure to occupational hazards and vulnerability to abuses have frequently been associated to temporary work. Bad practices and trafficking of manpower have also contributed, especially in the 1960's and the 70's, to give a bad corporate image of temporary work, which provided grounds for several European governments taking measures to prohibit or tightly regulate it. One can say, however, that nowadays many of the problems associated with temporary work have been overcome, something which to a great extent has been due to the combined action of state regulation and state labour inspection, social dialogue, collective bargaining and last but not least, the efforts that the professional associations of temporary work enterprises have made to impose an ethos on their profession. As very few EU candidate countries have regulated temporary agency work it would seem important that they consider the usefulness of establishing a regulatory framework within which it could evolve.
87. Regulatory approaches with regard to temporary agency work are varied within the European Union, as some countries have very limited specific regulations (e.g. Denmark, Ireland, the UK) while some others have more or less detailed regulation on this question (e.g. Belgium, France, Germany and Spain). Social dialogue, collective bargaining and corporate codes of conduct have also played an important role in the regulation of temporary work. Where they exist, regulations aim at establishing administrative supervision of the temporary work agency or at protecting the temporary workers. Administrative authorization or licensing of temporary work agencies is mandatory in Austria, Belgium, France, Germany, Italy, Portugal and Spain while it is not in the Netherlands. A number of countries make licensing conditional on the temporary work enterprise providing a financial guarantee, so as to ensure that the enterprise's obligations vis-à-vis the workers and third parties (e.g. the social security) will be met. Protection of temporary agency workers can cover a wide variety of issues, such as the obligation of a written contract, wage and paid leave entitlements, maternity leave, training, trade union rights, aspects relating to the protection against occupational hazards and so on.

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<sup>53</sup> Donald Storrie, Temporary Agency Work in the European Union, European Foundation for the Improvement of Living and Working Conditions, Dublin, 2002. This study can be consulted online at the following web address: <http://www.fr.eurofound.eu.int/publications/files/EF0202EN.pdf>

88. EC regulation of temporary agency work is made up of a Directive concerning certain aspects of safety and health of fixed-term and temporary workers,<sup>54</sup> the purpose of which is to ensure that as regards safety and health, fixed-term and temporary agency workers will receive the same level of protection as that of the regular workers of the user enterprise. Amongst other provisions, this Directive authorizes EU Members to prohibit that fixed-term or temporary agency workers be assigned work which would be particularly dangerous to their safety or health, and particularly for certain work which requires special medical surveillance, as defined in national legislation. Preparation of a second Directive, on working conditions for temporary workers, is now underway and a proposal has already been disclosed by the Commission.
89. Temporary work is also addressed by the ILO Private Employment Agencies Convention, 1997 (No. 181) and its accompanying Recommendation No. 188, from which Member States may draw very useful guidance to regulate this matter. Under Convention No. 181, it is not mandatory that temporary work agencies be in the possession of a license, provided that adequate regulation exists. Also, a Member that ratifies the Convention shall take the necessary measures to ensure adequate protection for temporary agency workers in relation to freedom of association, collective bargaining, minimum wages, working time and other working conditions, statutory social security benefits, access to training, occupational safety and health, compensation in case of occupational accidents or diseases, compensation in case of insolvency and protection of workers claims, maternity protection and benefits, and parental protection and benefits. To this end, the ratifying State shall determine and allocate the respective responsibilities of the temporary work agency and the user enterprises with respect to these issues (with the exception of freedom of association, which enjoys an absolute guarantee). Other provisions of the Convention guarantee that workers shall not be discriminated against on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, or any other form of discrimination covered by national law and practice, such as age or disability, they shall not have to pay fees to temporary work agencies for the placement services that they receive, and that measures shall be taken to protect the personal data of the workers that may have been gathered by the temporary work agency.<sup>55</sup> Amongst other provisions, the Recommendation adds that private employment agencies should not knowingly recruit, place or employ workers for jobs involving unacceptable hazards or risks or where they may be subjected to abuse or discriminatory treatment of any kind. It also foresees that temporary agency workers should, where appropriate, have a written contract of employment specifying their terms and conditions of employment. As a minimum requirement, these workers should be informed of their conditions of employment before the effective beginning of their assignment. Also, temporary work enterprises should not make workers available to a user enterprise to replace workers of that enterprise who are on strike.

#### Dependent work under civil or commercial contracts

90. The use of civil or commercial contracts, instead of a contract of employment, raises a different kind of problem, as it is at stake the recognition or non

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<sup>54</sup> Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship, *Official Journal L 206*, 29/07/1991 P. 0019 – 0021

<sup>55</sup> This presentation on the scope and the gist of Convention No. 181 is done without prejudice of the view on this convention that may be taken by the ILO supervisory bodies.

recognition of labour law protection, and also, frequently, of social security protection, to workers who perform tasks or provide services for a third party, under objective conditions of dependency. Misclassification, disguised employment relationships and authentic grey areas between dependent and independent work contribute to this phenomenon, which though not new in most countries is very likely on the increase. The existence of this problem is being increasingly acknowledged, and a recent study by the European Foundation for the Improvement of Living and Working Conditions, on "Economically dependent workers, employment law and industrial relations"<sup>56</sup> has undertaken a comparative overview of this phenomenon in the EU and Norway, and on its effects on the protection of the workers. Some data gathered by the ILO shows that this problem is widely shared by most EU candidate countries.

91. Several countries have already addressed this issue, and have worked out rules that aim at establishing criteria to distinguish between dependent and independent employment. Case law has added some further criteria for establishing when these workers should be recognized employee status. Social dialogue has also put this problem on its agenda, which sometimes has led to very encouraging results.<sup>57</sup> The ILO will address this question at its forthcoming 91st Session, June 2003, in which an agenda item on The Employment Relationship has been included for a General Discussion. It is expected that the discussion by the Conference will lead to the adoption of conclusions recommending policy action to help both the ILO and the ILO Members to better address this issue.

#### Termination of employment

92. Two conflicting approaches exist in comparative labour law with regard to termination of employment. On the one hand, there is the US common law *employment at will* doctrine, which was already formulated in US case law in the XIXth century. According to this doctrine, which despite many exceptions<sup>58</sup> is still the basic rule in the US, an employer may terminate the employment of an employee at any time, *whether with good reason, with bad reason or without any reason at all*. On the other hand, in a great majority of countries in the world, the rule is that the employment of a worker cannot be terminated unless there is a ground for termination, relating to the conduct or the capacity of the worker, or connected to the economic situation of the enterprise. The Charter of Fundamental Rights of the European Union has endorsed this approach as under article 30 it is stated that *Every worker has the right to protection against unjustified dismissal, in accordance with Community law and national laws and practices*. While the implementation of this principle is left to the discretion of EU Member States, they shall in any event adopt rules to address collective terminations on economics grounds, in keeping with Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies.<sup>59</sup> Also, countries that have ratified the ILO Termination of

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<sup>56</sup> Available online at the following web address: <http://www.eiro.eurofound.ie/2002/05/study/TN0205101S.html>

<sup>57</sup> Particularly noteworthy is the approach that has been followed in Ireland, where the social partners have agreed upon a *Code of Practice in determining employee status*. See the Report of the Employment Status Group established under the Programme for Prosperity and Fairness, available online: <http://www.revenue.ie/pdf/ppfrep.pdf>

<sup>58</sup> Exceptions to the *at will* doctrine may exist under the *common law* as the US tribunals have developed the concept of *wrongful dismissal*. Statutory law, especially but not only on discrimination, has also established exceptions to the *at will* rule. Further sources of protection against dismissal may be the explicit or implied terms of the individual contract of employment, and the collective agreement by which an enterprise may be bound.

<sup>59</sup> This directive has revised and repealed a former directive, adopted already in 1975.

Employment Convention, 1982 (No. 158)<sup>60</sup>, must take measures to protect employees against unjustified termination. Unlike EC law, ILO Convention No. 158 addresses both individual and collective termination of employment.

93. While a great majority of countries have taken measures to protect workers against unjustified dismissal, there is great diversity of approaches in comparative law with regard to issues such as procedures for termination, financial consequences of termination, recourses in case a worker challenges his or her termination, and avenues for redress. The most controversial issue, however, concerns the remedies that can be ordered by the body - in most cases a tribunal or a labour court - before which the worker has appealed his or her termination, if it takes the view that the termination was unjustified. In some countries, the tribunal can decide that the termination is void, and order that the worker be reinstated in his or her former employment with back pay<sup>61</sup>; in some other countries it can be decided that the termination is unjustified but not void, in which case the tribunal will order financial compensation only; in a third group of countries the tribunal is given the right to choose between ordering reinstatement or compensation<sup>62</sup>. A further possibility may consist in the tribunal establishing a distinction on the grounds of the termination, on the basis of which it would declare the termination void only when it has been made on prohibited grounds (for example discrimination or victimization), and unjustified in other cases, which would lead to the tribunal ordering reinstatement in the first case and compensation only in the second case.<sup>63</sup> In some countries the employer may refuse to reinstate a worker, in which case the latter would be entitled to compensation only, while in some others the employer must abide by an order of reinstatement. In certain countries but not in others a worker can choose between requesting reinstatement or compensation, and so on. Approaches also vary with regard to the actual amount of compensation (which is distinct to severance pay<sup>64</sup>) that a worker would be entitled to in the case of unfair dismissal.<sup>65</sup>
94. Labour laws of Central European candidate countries share a number of patterns of the German Protection Against Dismissal Law. However, it would seem that dismissal protection regulation in Central European countries applies to all enterprises, while the German law does not cover small enterprises employing less than five workers. Also, a majority, though not all, of these laws have chosen to impose reinstatement even when it is perhaps not a workable solution having regard to a number of circumstances that the court may take into account. Unlike Central European laws, the German law allows the labour court to refrain from ordering reinstatement when it considers that such a measure would be impractical, in which case it will order the employer to pay compensation. In general, in comparative law it should be observed that though not exceptional,

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<sup>60</sup> Convention No. 158 has been ratified by the following EU and EU candidate countries : Cyprus, Finland, France, Latvia, Luxembourg, Portugal, Slovenia, Spain, Sweden and Turkey

<sup>61</sup> Bulgaria, LC, arts. 344-45; Czech Republic, LC, Sect. 61; Estonia LCE, Sect. 117 ; Latvia, LL Sect. 124 and 126

<sup>62</sup> Poland, LC, art. 45, Slovenia, Employment Act, art. 118.

<sup>63</sup> Hungary, LC, Sect. 100, Malta, EIRA, art. 81.

<sup>64</sup> Severance pay is the amount of money that the worker would be entitled to receive when his or her employment is terminated on a valid reason, other than summary dismissal on the ground of gross misconduct. Compensation are damages which the worker would be entitled to in case of unfair dismissal.

<sup>65</sup> However, it should be reminded in this connection that under Directive 2002/73/EC amending the 1976 Directive on Equal Treatment of Men and Women, which on this point has confirmed an early decision taken by the ECJ, compensation or reparation for the loss and damage sustained by a person injured as a result of gender discrimination shall be *dissuasive and proportionate to the damage suffered*, and it cannot be restricted by the fixing of a prior upper limit, except in cases where the employer can prove that the only damage suffered by an applicant as a result of discrimination within the meaning of this Directive is the refusal to take his/her job application into consideration.

reinstatement is a solution that sometimes work and sometimes not. For example, it might not be a workable remedy in small enterprises or, in any enterprise, in respect to management positions. On the other hand, reinstatement might be considered a suitable remedy when a dismissal has been pronounced on a prohibited ground (e.g. discrimination, anti-union or retaliatory dismissals, or dismissals in violation of a public policy). In such cases, besides protecting an individual worker, the law is meant to protect a fundamental right, which could justify that the state "sends a message" clearly indicating that certain forms of abuse of rights cannot be tolerated. To a large extent, it would seem that the Employment and Industrial Relations Act, 2002, of Malta, has followed such reasoning.<sup>66</sup>

### Equality issues

95. Non-discrimination in employment and occupation and equal pay for equal work or work of equal value are fundamental rights in the European Union. Indeed, the equal pay principle (ex article 119 EC, now article 141 EC) is the sole social provision that was included in the original Treaty of Rome. Originally, ex article 119 EC was meant largely to serve economic purposes, i.e. to avoid social dumping to the detriment of countries which like France had adopted equal pay legislation pursuant to the ratification of the ILO Equal Remuneration Convention, 1951 (No. 100). However, the ECJ has stated that the economic aim pursued by Article 119 of the Treaty, namely the elimination of distortions of competition between undertakings established in different Member States, is secondary to the social aim pursued by the same provision, which constitutes the expression of a fundamental human right. Already, in 1975 and 1976, the European Council adopted two Directives, dealing respectively with the equal pay and equal treatment principles,<sup>67</sup> which provided with a legal basis for the European Court of Justice developing far-reaching case law. In June 2000, the Council adopted a Directive dealing with the principle of equal treatment between persons irrespective of racial or ethnic origin, which was followed some months later by a Directive whereby a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation was established.<sup>68</sup> Finally, in September 2002 the 1976 Equal Treatment Directive was amended by a new Directive<sup>69</sup>, which defined terms such as "direct" and "indirect" discrimination, and specified that harassment

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<sup>66</sup> Under this law (article 81) reinstatement would be envisageable when the Industrial Tribunal *considers that it would be practicable and in accordance with equity, for the complainant to be reinstated or re-engaged by the employer*. However, it will not order reinstatement *where the complainant is employed in such managerial or executive post as requires a special trust in the person of the holder of that post or in his ability to perform the duties thereof*, (except where the complainant was appointed or selected to such post as aforesaid by his fellow workers). If there is no specific request for reinstatement or the Tribunal has decided not to make an order for reinstatement, *the Tribunal shall make an award of compensation which shall take into consideration the real damages and losses incurred by the worker who was unjustly dismissed, as well as other circumstances, including the worker's age and skills as may affect the employment potential of the said worker*.

<sup>67</sup> **Council Directive 75/117/EEC** of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women, *Official Journal L 045*, 19/02/1975 P. 0019 – 0020, and **Council Directive 76/207/EEC** of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, *Official Journal L 039*, 14/02/1976 P. 0040 – 0042. Directive 76/207/EEC.

<sup>68</sup> **Council Directive 2000/43/EC** of 29 June 2000 principle of equal treatment between persons irrespective of racial or ethnic origin, *Official Journal L 180*, 19/07/2000 P. 0022 – 0026, and **Council Directive 2000/78/EC** of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, *Official Journal L 303*, 02/12/2000 P. 0016 – 0022.

<sup>69</sup> **Directive 2002/73/EC** of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions *Official Journal L 269*, 05/10/2002 P. 0015 – 0020.

and sexual harassment are included within the meaning of "discrimination" and shall be prohibited. Under the new Directive EU Members are also required to *make the necessary arrangements for a body or bodies for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex. These bodies may form part of agencies charged at national level with the defence of human rights or the safeguard of individuals' rights.* EU Members are also required to promote social dialogue between the social partners with a view to fostering equal treatment, through the monitoring of workplace practices, collective agreements, codes of conduct, research or exchange of experiences and good practices.

96. Transposition of these directives into the legal system of each country has already been done or is underway. However, it is not to be ruled out that the actual implementation of these directives raises challenges in all countries, as it is a (regrettable) fact that in market economies the labour market tends to be "gender biased"; also, discrimination on other grounds such as those that are addressed in the directives adopted in 2000 reflects some forms of societal behaviour which unfortunately have not yet been completely eradicated. In the field of equal pay and gender discrimination it is important that all EU candidate countries be fully familiarized with case law developed by the European Court of Justice, which has, for example, extensively developed the concepts of "indirect discrimination", "equal pay for work of equal value", as well as that of the "objective reasons" on the basis of which exceptions to the equal pay and equal treatment principles would be acceptable.<sup>70</sup>
97. A substantial element of anti-discrimination policy consists in the reversal of the burden of the proof, so that during litigation the plaintiff bears only the initial burden of establishing the facts from which it may be presumed that there has been direct or indirect discrimination, and once such facts have been established it is up to the respondent to demonstrate that the reason for apparent unequal treatment is justified on grounds that are compatible with national and EC law.<sup>71</sup> It will be important that litigants and the judiciary be made fully aware of the legal bearing of a such rule, as there is a tendency to believe that it contradicts the general principles on the administration of the evidence in civil litigation. However, this rule simply means that mere allegations by plaintiffs would not be deemed sufficient to establish the facts from which it may be presumed that direct or indirect discrimination has existed, and mere generalizations by respondents will not be deemed sufficient to establish that the alleged discriminatory treatment is justified on grounds that are compatible with national and EC law.<sup>72</sup>

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<sup>70</sup> Under EC law indirect discrimination is deemed to exist where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.

<sup>71</sup> See, for example, article 4 of **Council Directive 97/80/EC** of 15 December 1997 on the burden of proof in cases of discrimination based on sex, whereby *when persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.* The same rule exists under article 10 of **Council Directive 2000/78/EC** of 27 November 2000, establishing a general framework for equal treatment in employment and occupation.

<sup>72</sup> For example, in *Nimz* (case C-184/89 [1991] ECR I-297) the ECJ had to review a collective agreement which provided for automatic pay increases for full-timers and part-timers after respectively 6 and 12 years of service, and it was unchallenged that part-timers were mainly female staff. While it was argued that the greater experience of the full timers justified the indirect sex discrimination the ECJ considered that the ideas that full-timers acquire competences and capabilities pertaining to their work faster than part-timers or that greater experience *per se* justifies greater pay **are no more than generalisations about certain categories of workers.**

98. Another element in anti-discrimination policy is the protection of privacy of the workers, as there is a risk that job applicants be required to provide personal data, or to submit themselves to pre-employment tests which may be used to discriminate against them. Genetic tests or VIH tests, as well as questionnaires enquiring about trade union membership, religion belief or political opinion of the applicants may belong to this category. With regard to pregnancy tests it should be recalled that under EC law it is mandatory for the employer to assess the risk to pregnant or breastfeeding workers of exposure to hazardous agents, processes or working conditions, and if necessary to make appropriate accommodations, including transferring the woman to another job.<sup>73</sup> However, the EJC has ruled that it would be illegal for an employer to refuse to employ a pregnant woman on a permanent contract where the job entails exposure to harmful substances as the prohibition to work in a hazardous environment should have to be limited to the period of time during which a woman worker is pregnant or breastfeeding her child.<sup>74</sup> Under the Data protection directive, 1995<sup>75</sup>, Member States shall prohibit the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of data concerning health or sex life. More specific guidance on the protection of personal data for employment purposes may be drawn from the ILO Code of Practice on the Protection of Workers' Personal Data.<sup>76</sup>

#### Collective bargaining and collective representation issues

99. Whereas in Cyprus and Malta there is a well-established practice of collective bargaining, a large majority of Central European countries have still to make considerable effort for their collective bargaining practices becoming as strong and rich as they are elsewhere in Western Europe. Weakness of collective bargaining in Central Europe stems from a number of factors, which to a certain, or perhaps a large extent, relate to the fact that free collective bargaining, like free unionization and membership of employers' organizations, are relatively new issues in their industrial relations systems. Decreasing unionization rates, institutional weakness of both employers' and workers' organizations, privatization and the dismantlement of the big production units that made up the core of the economy during communism, together with the sharp increase of so-called *atypical* forms of employment are doubtless contributory factors that would help to explain collective bargaining weaknesses.
100. Legislation regarding the social partners and their rights and obligations, as well as industrial relations structures and procedures in general, is already in place in all countries concerned. However, the rules are relatively new and not yet consolidated, and it is not unlikely that they will be subject to some corrections in the years to come. Two areas which deserve special reconsideration and legal clarification in the future are the representativeness of social partner organizations and the relations between trade unions and non-unionized staff representation bodies. Collective bargaining machinery and procedures, extension

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<sup>73</sup> Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding *Official Journal L 348*, 28/11/1992 p. 0001 - 0008

<sup>74</sup> In *Mahlburg*, Case 207/98 [2000] ECR I-549, the ECJ judged that such refusal would be contrary to Article 2 (1) of the Equal Treatment Directive.

<sup>75</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, *Official Journal L 281*, 23/11/1995 P. 0031 - 0050

<sup>76</sup> Available online at the following WEB address : <http://www.ilo.org/public/english/support/publ/pdf/protect.pdf>

of the agreements to third parties, relations between collective agreements concluded at different levels, duration and denunciation of the agreements, and the legal effects of collective agreements after they have been denounced might also need attention by the lawmakers as they relate to problems that have arisen in some countries though not in others.

101. However, the major difficulty at present would stem from the fact that the practice of collective bargaining presupposes the existence of behavioural patterns and a culture of collective bargaining that has not had time to take root in the relatively short period of time that has elapsed since the downfall of communism. Such difficulties should, however, be weighted against the political will of supporting collective bargaining both as a means of promoting and implementing EC social and labour policy, and as a tool for achieving social stability at national, sectoral or enterprise levels. It is a fact that, within the European Union, collective bargaining benefits from very strong institutional and political support, something which would explain why, despite a difficult world-wide economic and structural environment it has suffered less setbacks in Western Europe than it has suffered elsewhere in world. Such support would seem indispensable if Central European candidate countries consider that, in addition to EC law, transposition of the *acquis communautaire* should also include the endorsement of the industrial relations cultures and values that prevail nowadays in EC Members. This would eventually lead to the strengthening of collective bargaining in these countries that are to join the EU in 2004.

### ***Concluding remarks: The role of social dialogue in the making of the Labour Law<sup>77</sup>***

102. Labour law, as defined in this paper, encompasses statutory laws, regulations and collectively agreed rules that govern the workplace and more specifically, relations between employers and workers. In most countries, labour law has deep roots in the political, economic, legal and social history of the country and its evolution over time is closely linked to progress and change in society generally. The significant labour law reforms undertaken since the early 1990s in Central and Eastern Europe mirror the profound economic, social and political changes that were already underway in these countries. The on-going process of labour law reform in the EU Member States and in the accession countries underlines the key role which labour law plays in achieving the goal of the European Union "to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion."<sup>78</sup>
103. Labour law is embedded in the fabric of society as it directly impacts on the day-to-day lives of women and men, their opportunities to earn a living, work in dignity and safety, realize their human potential and contribute to the overall well-being of their communities and society in general. It also ensures that there is a level playing field for businesses and that unfair competition based on unfair labour practices is minimized. Viewed from this perspective, it is clear that social dialogue and labour law are inextricably linked. Social dialogue is the process that

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<sup>77</sup> Contributed by Patricia O'Donovan, Director, In Focus Programme on Social Dialogue, Labour Law and Labour Administration, ILO .

<sup>78</sup> EU: *Presidency Conclusions*, European Council, Lisbon, 23-24 Mar. 2000.

ensures that the key stakeholders in the world of work - employers and workers and their representative organizations – input into the main decisions concerning governance of the workplace. At the level of the enterprise and at sectoral level, this dialogue is usually carried out on a bipartite basis. At national level or sub-regional level, government is normally a participant in the social dialogue process.

104. It is clear from the work undertaken by the ILO in the field of labour law reform that reforms which are built on a solid foundation of social dialogue are more likely to address the real challenges of the world of work, have greater legitimacy with the stakeholders and therefore a greater chance of successful implementation. Through the social dialogue process, employers and workers can agree to changes based on common interests and can reach acceptable compromises when their interests diverge. If labour law reform is perceived as a purely technical exercise undertaken in isolation from the political, economic and social environment in which it operates, it may produce a 'model' labour law but one that is unworkable in practice.
105. The role of government is also critical in the labour law reform process, particularly when it is a question of reform of a national labour code or statute that has wide economic and social implications. The government must respect the autonomy and role of the social partners, help to build a consensus and facilitate the dialogue by creating effective institutions and mechanisms of social dialogue. In turn, the social partners must respect the role of government and its responsibility to govern and enact legislation. Tripartism and social dialogue are keys to ensuring that balanced solutions are found to the complex challenges faced by governments, workers and employers.
106. The review of labour law reform in the accession countries contained in this paper illustrates that the value added of social dialogue is well recognized even though it may not always lead to consensus. The labour law reform process in these countries over the last decade provides a wealth of experience that in turn will help them to face the remaining challenges. The EU and the ILO share the same fundamental values in relation to the role of the social partners and the important contribution that they make to economic and social progress. One of the real achievements of the last decade in most, if not all, of the accession countries has been their commitment to ensuring that the social partners have the political and social space to fully play this role. One of the key challenges for the future is to build on this and to consolidate the processes and institutions of social dialogue.

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**Geneva, 14/02/03**

## ANNEX I

### PROVISIONS OF THE EC TREATY WITH RELEVANCE TO LABOUR LAW AND INDUSTRIAL RELATIONS ISSUES

#### TITLE III FREE MOVEMENT OF PERSONS, SERVICES AND CAPITAL Chapter 1 Workers

##### *Article 13 (ex Article 6a)*

Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

##### *Article 39 (ex Article 48)*

1. Freedom of movement for workers shall be secured within the Community.
2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.
3. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:
  - (a) to accept offers of employment actually made;
  - (b) to move freely within the territory of Member States for this purpose;
  - (c) to stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action;
  - (d) to remain in the territory of a Member State after having been employed in that State, subject to conditions which shall be embodied in implementing regulations to be drawn up by the Commission.
4. The provisions of this Article shall not apply to employment in the public service.

#### TITLE XI (ex Title VIII) SOCIAL POLICY, EDUCATION, VOCATIONAL TRAINING AND YOUTH Social Provisions

##### *Article 136 (ex Article 117)*

The Community and the Member States, having in mind fundamental social rights such as those set out in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers, shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion.

To this end the Community and the Member States shall implement measures which take account of the diverse forms of national practices, in particular in the field of contractual relations, and the need to maintain the competitiveness of the Community economy.

They believe that such a development will ensue not only from the functioning of the common market, which will favour the harmonisation of social systems, but also from the procedures provided for in this Treaty and from the approximation of provisions laid down by law, regulation or administrative action.

##### *Article 137 (ex Article 118)*

1. With a view to achieving the objectives of Article 136, the Community shall support and complement the activities of the Member States in the following fields:
  - improvement in particular of the working environment to protect workers' health and safety;
  - working conditions;
  - the information and consultation of workers;
  - the integration of persons excluded from the labour market, without prejudice to Article 150;
  - equality between men and women with regard to labour market opportunities and treatment at work.

2. To this end, the Council may adopt, by means of directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States. Such directives shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

The Council shall act in accordance with the procedure referred to in Article 251 after consulting the Economic and Social Committee and the Committee of the Regions.

The Council, acting in accordance with the same procedure, may adopt measures designed to encourage cooperation between Member States through initiatives aimed at improving knowledge, developing exchanges of information and best practices, promoting innovative approaches and evaluating experiences in order to combat social exclusion.

3. However, the Council shall act unanimously on a proposal from the Commission, after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions in the following areas:

- social security and social protection of workers;
- protection of workers where their employment contract is terminated;
- representation and collective defence of the interests of workers and employers, including codetermination, subject to paragraph 6;
- conditions of employment for third-country nationals legally residing in Community territory;
- financial contributions for promotion of employment and job-creation, without prejudice to the provisions relating to the Social Fund.

4. A Member State may entrust management and labour, at their joint request, with the implementation of directives adopted pursuant to paragraphs 2 and 3.

In this case, it shall ensure that, no later than the date on which a directive must be transposed in accordance with Article 249, management and labour have introduced the necessary measures by agreement, the Member State concerned being required to take any necessary measure enabling it at any time to be in a position to guarantee the results imposed by that directive.

5. The provisions adopted pursuant to this Article shall not prevent any Member State from maintaining or introducing more stringent protective measures compatible with this Treaty.

6. The provisions of this Article shall not apply to pay, the right of association, the right to strike or the right to impose lock-outs.

#### ***Article 138 (ex Article 118a)***

1. The Commission shall have the task of promoting the consultation of management and labour at Community level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties.

2. To this end, before submitting proposals in the social policy field, the Commission shall consult management and labour on the possible direction of Community action.

3. If, after such consultation, the Commission considers Community action advisable, it shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation.

4. On the occasion of such consultation, management and labour may inform the Commission of their wish to initiate the process provided for in Article 139. The duration of the procedure shall not exceed nine months, unless the management and labour concerned and the Commission decide jointly to extend it.

#### ***Article 139 (ex Article 118b)***

1. Should management and labour so desire, the dialogue between them at Community level may lead to contractual relations, including agreements.

2. Agreements concluded at Community level shall be implemented either in accordance with the procedures and practices specific to management and labour and the Member States or, in matters covered by Article 137, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission.

The Council shall act by qualified majority, except where the agreement in question contains one or more provisions relating to one of the areas referred to in Article 137(3), in which case it shall act unanimously.

**Article 140 (ex Article 118c)**

With a view to achieving the objectives of Article 136 and without prejudice to the other provisions of this Treaty, the Commission shall encourage cooperation between the Member States and facilitate the coordination of their action in all social policy fields under this chapter, particularly in matters relating to:

- employment;
- labour law and working conditions;
- basic and advanced vocational training;
- social security;
- prevention of occupational accidents and diseases;
- occupational hygiene;
- the right of association and collective bargaining between employers and workers.

To this end, the Commission shall act in close contact with Member States by making studies, delivering opinions and arranging consultations both on problems arising at national level and on those of concern to international organisations.

Before delivering the opinions provided for in this Article, the Commission shall consult the Economic and Social Committee.

**Article 141 (ex Article 119)**

1. Each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied.

2. For the purpose of this Article, 'pay' means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly, in respect of his employment, from his employer.

Equal pay without discrimination based on sex means:

- (a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement;
- (b) that pay for work at time rates shall be the same for the same job.

3. The Council, acting in accordance with the procedure referred to in Article 251, and after consulting the Economic and Social Committee, shall adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value.

4. With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the under represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.

**Article 142 (ex Article 119a)**

Member States shall endeavour to maintain the existing equivalence between paid holiday schemes.

**Article 143 (ex Article 120)**

The Commission shall draw up a report each year on progress in achieving the objectives of Article 136, including the demographic situation in the Community. It shall forward the report to the European Parliament, the Council and the Economic and Social Committee.

The European Parliament may invite the Commission to draw up reports on particular problems concerning the social situation.

**Article 144 (ex Article 121)**

The Council may, acting unanimously and after consulting the Economic and Social Committee, assign to the Commission tasks in connection with the implementation of common measures, particularly as regards social security for the migrant workers referred to in Articles 39 to 42.

**Article 145 (ex Article 122)**

The Commission shall include a separate chapter on social developments within the Community in its annual report to the European Parliament.

The European Parliament may invite the Commission to draw up reports on any particular problems concerning social conditions.

## ANNEX II

### Table of ratification of ILO Conventions by EU candidate countries Updated 31 st January 2003

#### **Bulgaria**

#### **Bulgaria has ratified 84 Conventions**

##### **Convention**

C1 Hours of Work (Industry) Convention, 1919  
Ratification date: 14:02:1922

C2 Unemployment Convention, 1919  
Ratification date:14:02:1922  
denounced on 20:07:1960

C3 Maternity Protection Convention, 1919  
Ratification date:14:02:1922

C4 Night Work (Women) Convention, 1919  
Ratification date:14:02:1922  
denounced on 20:07:1960

C5 Minimum Age (Industry) Convention, 1919  
Ratification date:14:02:1922  
denounced on 20:07:1960

C6 Night Work of Young Persons (Industry) Convention, 1919  
Ratification date:14:02:1922

C7 Minimum Age (Sea) Convention, 1920  
Ratification date:16:03:1923  
denounced on 23:04:1980

C8 Unemployment Indemnity (Shipwreck) Convention, 1920  
Ratification date:16:03:1923

C9 Placing of Seamen Convention, 1920  
Ratification date:16:03:1923

C10 Minimum Age (Agriculture) Convention, 1921  
Ratification date:06:03:1925  
denounced on 23:04:1980

C11 Right of Association (Agriculture) Convention, 1921  
Ratification date:06:03:1925

C12 Workmen's Compensation (Agriculture) Convention, 1921  
Ratification date:06:03:1925

C13 White Lead (Painting) Convention, 1921  
Ratification date:06:03:1925

C14 Weekly Rest (Industry) Convention, 1921  
Ratification date:06:03:1925

C15 Minimum Age (Trimmers and Stokers) Convention, 1921  
Ratification date:06:03:1925  
denounced on 23:04:1980

C16 Medical Examination of Young Persons (Sea) Convention, 1921  
Ratification date:06:03:1925

C17 Workmen's Compensation (Accidents) Convention, 1925  
Ratification date:05:09:1929

C18 Workmen's Compensation (Occupational Diseases) Convention, 1925  
Ratification date:05:09:1929

C19 Equality of Treatment (Accident Compensation) Convention, 1925  
Ratification date:05:09:1929

C20 Night Work (Bakeries) Convention, 1925  
Ratification date:05:09:1929

C21 Inspection of Emigrants Convention, 1926  
Ratification date:29:11:1929

C22 Seamen's Articles of Agreement Convention, 1926  
Ratification date:29:11:1929

C23 Repatriation of Seamen Convention, 1926  
Ratification date:29:11:1929

C24 Sickness Insurance (Industry) Convention, 1927  
Ratification date:01:11:1930

C25 Sickness Insurance (Agriculture) Convention, 1927  
Ratification date:01:11:1930

C26 Minimum Wage-Fixing Machinery Convention, 1928  
Ratification date:04:06:1935

C27 Marking of Weight (Packages Transported by Vessels) Convention, 1929  
Ratification date:04:06:1935

C29 Forced Labour Convention, 1930  
Ratification date:22:09:1932

C30 Hours of Work (Commerce and Offices) Convention, 1930  
Ratification date:22:06:1932

C32 Protection against Accidents (Dockers) Convention (Revised), 1932  
Ratification date:29:12:1949

C34 Fee-Charging Employment Agencies Convention, 1933  
Ratification date:29:12:1949

C35 Old-Age Insurance (Industry, etc.) Convention, 1933  
Ratification date:29:12:1949

C36 Old-Age Insurance (Agriculture) Convention, 1933  
Ratification date:29:12:1949

C37 Invalidity Insurance (Industry, etc.) Convention, 1933  
Ratification date:29:12:1949

C38 Invalidity Insurance (Agriculture) Convention, 1933  
Ratification date:29:12:1949

C39 Survivors' Insurance (Industry, etc.) Convention, 1933  
Ratification date:29:12:1949

C40 Survivors' Insurance (Agriculture) Convention, 1933  
Ratification date:29:12:1949

C42 Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934  
Ratification date:29:12:1949

C43 Sheet-Glass Works Convention, 1934  
Ratification date:29:12:1949

C44 Unemployment Provision Convention, 1934  
Ratification date:29:12:1949

C45 Underground Work (Women) Convention, 1935  
Ratification date:29:12:1949

C49 Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935  
Ratification date:29:12:1949

C52 Holidays with Pay Convention, 1936  
Ratification date:29:12:1949

C53 Officers' Competency Certificates Convention, 1936  
Ratification date:29:12:1949

C54 Holidays with Pay (Sea) Convention, 1936  
Ratification date:29:12:1949

C55 Shipowners' Liability (Sick and Injured Seamen) Convention, 1936  
Ratification date:29:12:1949

C56 Sickness Insurance (Sea) Convention, 1936  
Ratification date:29:12:1949

C57 Hours of Work and Manning (Sea) Convention, 1936  
Ratification date:29:12:1949

C58 Minimum Age (Sea) Convention (Revised), 1936  
Ratification date:29:12:1949  
denounced on 23:04:1980

C59 Minimum Age (Industry) Convention (Revised), 1937  
Ratification date:22:07:1960  
denounced on 23:04:1980

C60 Minimum Age (Non-Industrial Employment) Convention (Revised), 1937  
Ratification date:29:12:1949  
denounced on 23:04:1980

C62 Safety Provisions (Building) Convention, 1937  
Ratification date:29:12:1949

C68 Food and Catering (Ships' Crews) Convention, 1946  
Ratification date:29:12:1949

C69 Certification of Ships' Cooks Convention 1946  
Ratification date:29:12:1949

C71 Seafarers' Pensions Convention, 1946  
Ratification date:29:12:1949

C72 Paid Vacations (Seafarers) Convention, 1946  
Ratification date:29:12:1949

C73 Medical Examination (Seafarers) Convention, 1946  
Ratification date:29:12:1949

C75 Accommodation of Crews Convention, 1946  
Ratification date:29:12:1949

C77 Medical Examination of Young Persons (Industry) Convention, 1946  
Ratification date:29:12:1949

C78 Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946  
Ratification date:29:12:1949

C79 Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946  
Ratification date:29:12:1949

C80 Final Articles Revision Convention, 1946  
Ratification date:07:11:1955

C81 Labour Inspection Convention, 1947  
Ratification date:29:12:1949

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948  
Ratification date:08:06:1959

C88 Employment Service Convention, 1948  
Ratification date:29:12:1949  
denounced on 13:03:1961

C94 Labour Clauses (Public Contracts) Convention, 1949  
Ratification date:07:11:1955

C95 Protection of Wages Convention, 1949  
Ratification date:07:11:1955

C98 Right to Organise and Collective Bargaining Convention, 1949  
Ratification date:08:06:1959

C100 Equal Remuneration Convention, 1951  
Ratification date:07:11:1955

C105 Abolition of Forced Labour Convention, 1957  
Ratification date:23:03:1999

C106 Weekly Rest (Commerce and Offices) Convention, 1957  
Ratification date:22:07:1960

C108 Seafarers' Identity Documents Convention, 1958  
Ratification date:26:01:1977

C111 Discrimination (Employment and Occupation) Convention, 1958  
Ratification date:22:07:1960

C112 Minimum Age (Fishermen) Convention, 1959  
Ratification date:02:03:1961  
denounced on 23:04:1980

C113 Medical Examination (Fishermen) Convention, 1959  
Ratification date:02:03:1961

C116 Final Articles Revision Convention, 1961  
Ratification date:03:10:1969

C120 Hygiene (Commerce and Offices) Convention, 1964  
Ratification date:29:03:1965

C123 Minimum Age (Underground Work) Convention, 1965  
Ratification date:03:10:1969  
denounced on 23:04:1980

C124 Medical Examination of Young Persons (Underground Work) Convention, 1965  
Ratification date:03:10:1969

C127 Maximum Weight Convention, 1967  
Ratification date:21:06:1978

C138 Minimum Age Convention, 1973  
Ratification date:23:04:1980

C144 Tripartite Consultation (International Labour Standards) Convention, 1976  
Ratification date:12:06:1998

C182 Worst Forms of Child Labour Convention, 1999  
Ratification date:28:07:2000

C183 Maternity Protection Convention, 2000  
Ratification date:06:12:2001

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## **Cyprus**

### **Cyprus has ratified 55 Conventions**

#### **Convention**

C2 Unemployment Convention, 1919  
Ratification date 08:10:1965

C11 Right of Association (Agriculture) Convention, 1921  
Ratification date 08:10:1965

C15 Minimum Age (Trimmers and Stokers) Convention, 1921  
Ratification date 23:09:1960  
denounced on 02:10:1997

C16 Medical Examination of Young Persons (Sea) Convention, 1921  
Ratification date 23:09:1960

C19 Equality of Treatment (Accident Compensation) Convention, 1925  
Ratification date 23:09:1960

C23 Repatriation of Seamen Convention, 1926  
Ratification date 19:09:1995

C29 Forced Labour Convention, 1930  
Ratification date 23:09:1960

C44 Unemployment Provision Convention, 1934  
Ratification date 08:10:1965

C45 Underground Work (Women) Convention, 1935  
Ratification date 23:09:1960

C58 Minimum Age (Sea) Convention (Revised), 1936  
Ratification date 10:01:1995  
denounced on 02:10:1997

C81 Labour Inspection Convention, 1947  
Ratification date 23:09:1960

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948  
Ratification date 24:05:1966

C88 Employment Service Convention, 1948  
Ratification date 23:09:1960

C89 Night Work (Women) Convention (Revised), 1948  
Ratification date 08:10:1965  
denounced on 09:07:2001

C90 Night Work of Young Persons (Industry) Convention (Revised), 1948  
Ratification date 08:10:1965

C92 Accommodation of Crews Convention (Revised), 1949  
Ratification date 19:09:1995

C94 Labour Clauses (Public Contracts) Convention, 1949  
Ratification date 23:09:1960

C95 Protection of Wages Convention, 1949  
Ratification date 23:09:1960

C97 Migration for Employment Convention (Revised), 1949  
Ratification date 23:09:1960

C98 Right to Organise and Collective Bargaining Convention, 1949  
Ratification date 24:05:1966

C100 Equal Remuneration Convention, 1951  
Ratification date 19:11:1987

C102 Social Security (Minimum Standards) Convention, 1952  
Ratification date 03:09:1991

C105 Abolition of Forced Labour Convention, 1957

Ratification date 23:09:1960

C106 Weekly Rest (Commerce and Offices) Convention, 1957

Ratification date 20:12:1966

C111 Discrimination (Employment and Occupation) Convention, 1958

Ratification date 02:02:1968

C114 Fishermen's Articles of Agreement Convention, 1959

Ratification date 20:12:1966

C116 Final Articles Revision Convention, 1961

Ratification date 20:07:1964

C119 Guarding of Machinery Convention, 1963

Ratification date 29:03:1965

C121 Employment Injury Benefits Convention, 1964

Ratification date 28:07:1966

C122 Employment Policy Convention, 1964

Ratification date 28:07:1966

C123 Minimum Age (Underground Work) Convention, 1965

Ratification date 11:04:1967

C124 Medical Examination of Young Persons (Underground Work) Convention, 1965

Ratification date 18:01:1967

C128 Invalidity, Old-Age and Survivors' Benefits Convention, 1967

Ratification date 07:01:1969

C135 Workers' Representatives Convention, 1971

Ratification date 03:01:1996

C138 Minimum Age Convention, 1973

Ratification date 02:10:1997

C141 Rural Workers' Organisations Convention, 1975

Ratification date 28:06:1977

C142 Human Resources Development Convention, 1975

Ratification date: 28:06:1977

C143 Migrant Workers (Supplementary Provisions) Convention, 1975

Ratification date:28:06:1977

C144 Tripartite Consultation (International Labour Standards) Convention, 1976

Ratification date:28:06:1977

C147 Merchant Shipping (Minimum Standards) Convention, 1976

Ratification date:19:09:1995

C150 Labour Administration Convention, 1978

Ratification date:06:07:1981

C151 Labour Relations (Public Service) Convention, 1978

Ratification date:06:07:1981

C152 Occupational Safety and Health (Dock Work) Convention, 1979

Ratification date:13:11:1987

C154 Collective Bargaining Convention, 1981

Ratification date:16:01:1989

C155 Occupational Safety and Health Convention, 1981

Ratification date:16:01:1989

C158 Termination of Employment Convention, 1982

Ratification date:05:07:1985

C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983

Ratification date:13:04:1987

C160 Labour Statistics Convention, 1985

Ratification date:01:12:1987

C162 Asbestos Convention, 1986

Ratification date:07:08:1992

C171 Night Work Convention, 1990

Ratification date:04:01:1994

C172 Working Conditions (Hotels and Restaurants) Convention, 1991

Ratification date:28:02:1997

C175 Part-Time Work Convention, 1994

Ratification date:28:02:1997

C182 Worst Forms of Child Labour Convention, 1999

Ratification date:27:11:2000

P81 Protocol of 1995 to the Labour Inspection Convention, 1947

Ratification date:21:01:2000

P89 Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948

Ratification date:04:06:1994

denounced on 09:07:2001

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## **Czech Republic**

**The Czech Republic has ratified 68 Convention(s)**

### **Convention**

C1 Hours of Work (Industry) Convention, 1919

Ratification date : 01:01:1993

C5 Minimum Age (Industry) Convention, 1919

Ratification date :01:01:1993

C10 Minimum Age (Agriculture) Convention, 1921

Ratification date :01:01:1993

C11 Right of Association (Agriculture) Convention, 1921

Ratification date :01:01:1993

C12 Workmen's Compensation (Agriculture) Convention, 1921  
Ratification date :01:01:1993

C13 White Lead (Painting) Convention, 1921  
Ratification date :01:01:1993

C14 Weekly Rest (Industry) Convention, 1921  
Ratification date :01:01:1993

C17 Workmen's Compensation (Accidents) Convention, 1925  
Ratification date :01:01:1993

C18 Workmen's Compensation (Occupational Diseases) Convention, 1925  
Ratification date :01:01:1993

C19 Equality of Treatment (Accident Compensation) Convention, 1925  
Ratification date :01:01:1993

C21 Inspection of Emigrants Convention, 1926  
Ratification date :01:01:1993

C26 Minimum Wage-Fixing Machinery Convention, 1928  
Ratification date :01:01:1993

C27 Marking of Weight (Packages Transported by Vessels) Convention, 1929  
Ratification date :01:01:1993

C29 Forced Labour Convention, 1930  
Ratification date :01:01:1993

C34 Fee-Charging Employment Agencies Convention, 1933  
Ratification date :01:01:1993  
denounced on 09:10:2000

C37 Invalidity Insurance (Industry, etc.) Convention, 1933  
Ratification date :01:01:1993

C38 Invalidity Insurance (Agriculture) Convention, 1933  
Ratification date :01:01:1993

C39 Survivors' Insurance (Industry, etc.) Convention, 1933  
Ratification date :01:01:1993

C40 Survivors' Insurance (Agriculture) Convention, 1933  
Ratification date :01:01:1993  
denounced on 27:09:2000

C42 Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934  
Ratification date :01:01:1993

C43 Sheet-Glass Works Convention, 1934  
Ratification date :01:01:1993

C45 Underground Work (Women) Convention, 1935  
Ratification date :01:01:1993

C49 Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935  
Ratification date :01:01:1993

C52 Holidays with Pay Convention, 1936

Ratification date :01:01:1993  
denounced on 23:08:1996

C77 Medical Examination of Young Persons (Industry) Convention, 1946  
Ratification date :01:01:1993

C78 Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946  
Ratification date :01:01:1993

C80 Final Articles Revision Convention, 1946  
Ratification date :01:01:1993

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948  
Ratification date :01:01:1993

C88 Employment Service Convention, 1948  
Ratification date :01:01:1993

C89 Night Work (Women) Convention (Revised), 1948  
Ratification date :01:01:1993  
denounced on 27:06:2001

C90 Night Work of Young Persons (Industry) Convention (Revised), 1948  
Ratification date :01:01:1993

C95 Protection of Wages Convention, 1949  
Ratification date :01:01:1993

C98 Right to Organise and Collective Bargaining Convention, 1949  
Ratification date :01:01:1993

C99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951  
Ratification date :01:01:1993

C100 Equal Remuneration Convention, 1951  
Ratification date :01:01:1993

C102 Social Security (Minimum Standards) Convention, 1952  
Ratification date :01:01:1993

C105 Abolition of Forced Labour Convention, 1957  
Ratification date :06:08:1996

C108 Seafarers' Identity Documents Convention, 1958  
Ratification date :06:08:1996

C111 Discrimination (Employment and Occupation) Convention, 1958  
Ratification date :01:01:1993

C115 Radiation Protection Convention, 1960  
Ratification date :01:01:1993

C116 Final Articles Revision Convention, 1961  
Ratification date :01:01:1993

C120 Hygiene (Commerce and Offices) Convention, 1964  
Ratification date :01:01:1993

C122 Employment Policy Convention, 1964  
Ratification date :01:01:1993

C123 Minimum Age (Underground Work) Convention, 1965  
Ratification date :01:01:1993

C124 Medical Examination of Young Persons (Underground Work) Convention, 1965  
Ratification date :01:01:1993

C128 Invalidity, Old-Age and Survivors' Benefits Convention, 1967  
Ratification date :01:01:1993

C130 Medical Care and Sickness Benefits Convention, 1969  
Ratification date :01:01:1993

C132 Holidays with Pay Convention (Revised), 1970  
Ratification date :23:08:1996

C135 Workers' Representatives Convention, 1971  
Ratification date :09:10:2000

C136 Benzene Convention, 1971  
Ratification date :01:01:1993

C139 Occupational Cancer Convention, 1974  
Ratification date :01:01:1993

C140 Paid Educational Leave Convention, 1974  
Ratification date :01:01:1993

C142 Human Resources Development Convention, 1975  
Ratification date :01:01:1993

C144 Tripartite Consultation (International Labour Standards) Convention, 1976  
Ratification date :09:10:2000

C148 Working Environment (Air Pollution, Noise and Vibration) Convention, 1977  
Ratification date :01:01:1993

C150 Labour Administration Convention, 1978  
Ratification date :09:10:2000

C155 Occupational Safety and Health Convention, 1981  
Ratification date :01:01:1993

C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983  
Ratification date :01:01:1993

C160 Labour Statistics Convention, 1985  
Ratification date :01:01:1993

C161 Occupational Health Services Convention, 1985  
Ratification date :01:01:1993

C163 Seafarers' Welfare Convention, 1987  
Ratification date :01:01:1993

C164 Health Protection and Medical Care (Seafarers) Convention, 1987  
Ratification date :01:01:1993

C167 Safety and Health in Construction Convention, 1988  
Ratification date :01:01:1993

C171 Night Work Convention, 1990  
Ratification date :06:08:1996

C176 Safety and Health in Mines Convention, 1995  
Ratification date :09:10:2000

C181 Private Employment Agencies Convention, 1997  
Ratification date :09:10:2000

C182 Worst Forms of Child Labour Convention, 1999  
Ratification date :19:06:2001

P89 Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948  
Ratification date :15:03:1993  
denounced on 27:06:2001

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## **Estonia**

### **Estonia has ratified 31 Conventions**

#### **Convention**

C2 Unemployment Convention, 1919  
Ratification date: 20:12:1922

C5 Minimum Age (Industry) Convention, 1919  
Ratification date:20:12:1922

C6 Night Work of Young Persons (Industry) Convention, 1919  
Ratification date:20:12:1922

C7 Minimum Age (Sea) Convention, 1920  
Ratification date:03:03:1923

C8 Unemployment Indemnity (Shipwreck) Convention, 1920  
Ratification date:03:03:1923

C9 Placing of Seamen Convention, 1920  
Ratification date:03:03:1923

C10 Minimum Age (Agriculture) Convention, 1921  
Ratification date:08:09:1922

C11 Right of Association (Agriculture) Convention, 1921  
Ratification date:08:09:1922

C12 Workmen's Compensation (Agriculture) Convention, 1921  
Ratification date:08:09:1922

C13 White Lead (Painting) Convention, 1921  
Ratification date:08:09:1922

C14 Weekly Rest (Industry) Convention, 1921  
Ratification date:29:11:1923

C15 Minimum Age (Trimmers and Stokers) Convention, 1921  
Ratification date:08:09:1922

C16 Medical Examination of Young Persons (Sea) Convention, 1921  
Ratification date:08:09:1922

C19 Equality of Treatment (Accident Compensation) Convention, 1925  
Ratification date:14:04:1930

C20 Night Work (Bakeries) Convention, 1925  
Ratification date:23:12:1929

C22 Seamen's Articles of Agreement Convention, 1926  
Ratification date:10:05:1929

C23 Repatriation of Seamen Convention, 1926  
Ratification date:09:07:1928

C27 Marking of Weight (Packages Transported by Vessels) Convention, 1929  
Ratification date:18:01:1932

C29 Forced Labour Convention, 1930  
Ratification date:07:02:1996

C41 Night Work (Women) Convention (Revised), 1934  
Ratification date:21:12:1935

C45 Underground Work (Women) Convention, 1935  
Ratification date:04:06:1937

C53 Officers' Competency Certificates Convention, 1936  
Ratification date:20:06:1938

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948  
Ratification date:22:03:1994

C98 Right to Organise and Collective Bargaining Convention, 1949  
Ratification date:22:03:1994

C100 Equal Remuneration Convention, 1951  
Ratification date:10:05:1996

C105 Abolition of Forced Labour Convention, 1957  
Ratification date:07:02:1996

C108 Seafarers' Identity Documents Convention, 1958  
Ratification date:11:12:1996

C135 Workers' Representatives Convention, 1971  
Ratification date:07:02:1996

C144 Tripartite Consultation (International Labour Standards) Convention, 1976  
Ratification date:22:03:1994

C174 Prevention of Major Industrial Accidents Convention, 1993  
Ratification date:13:09:2000

C182 Worst Forms of Child Labour Convention, 1999  
Ratification date:24:09:2001

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## Hungary

### Hungary has ratified 66 Conventions

#### Convention

C2 Unemployment Convention, 1919

Ratification date:01:03:1928

C3 Maternity Protection Convention, 1919

Ratification date:19:04:1928

C4 Night Work (Women) Convention, 1919

Ratification date:19:04:1928

denounced on 18:12:1936

C6 Night Work of Young Persons (Industry) Convention, 1919

Ratification date:19:04:1928

C7 Minimum Age (Sea) Convention, 1920

Ratification date:01:03:1928

denounced on 28:05:1998

C10 Minimum Age (Agriculture) Convention, 1921

Ratification date:02:02:1927

denounced on 28:05:1998

C12 Workmen's Compensation (Agriculture) Convention, 1921

Ratification date:08:06:1956

C13 White Lead (Painting) Convention, 1921

Ratification date:08:06:1956

C14 Weekly Rest (Industry) Convention, 1921

Ratification date:08:06:1956

C15 Minimum Age (Trimmers and Stokers) Convention, 1921

Ratification date:01:03:1928

denounced on 28:05:1998

C16 Medical Examination of Young Persons (Sea) Convention, 1921

Ratification date:01:03:1928

C17 Workmen's Compensation (Accidents) Convention, 1925

Ratification date:19:04:1928

C18 Workmen's Compensation (Occupational Diseases) Convention, 1925

Ratification date:19:04:1928

C19 Equality of Treatment (Accident Compensation) Convention, 1925

Ratification date:19:04:1928

C21 Inspection of Emigrants Convention, 1926

Ratification date:03:02:1931

C24 Sickness Insurance (Industry) Convention, 1927

Ratification date:19:04:1928

C26 Minimum Wage-Fixing Machinery Convention, 1928

Ratification date:30:07:1932

C27 Marking of Weight (Packages Transported by Vessels) Convention, 1929  
Ratification date:06:12:1937

C29 Forced Labour Convention, 1930  
Ratification date:08:06:1956

C41 Night Work (Women) Convention (Revised), 1934  
Ratification date:18:12:1936  
denounced on 15:11:1977

C42 Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934  
Ratification date:17:06:1935

C45 Underground Work (Women) Convention, 1935  
Ratification date:19:12:1938

C48 Maintenance of Migrants' Pension Rights Convention, 1935  
Ratification date:10:08:1937  
denounced on 27:10:1983

C52 Holidays with Pay Convention, 1936  
Ratification date:08:06:1956  
denounced on 19:08:1998

C62 Safety Provisions (Building) Convention, 1937  
Ratification date:08:06:1956  
denounced on 22:05:1989

C77 Medical Examination of Young Persons (Industry) Convention, 1946  
Ratification date:08:06:1956

C78 Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946  
Ratification date:08:06:1956

C81 Labour Inspection Convention, 1947  
Ratification date:04:01:1994

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948  
Ratification date:06:06:1957

C88 Employment Service Convention, 1948  
Ratification date:04:01:1994

C95 Protection of Wages Convention, 1949  
Ratification date:08:06:1956

C98 Right to Organise and Collective Bargaining Convention, 1949  
Ratification date:06:06:1957

C99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951  
Ratification date:18:06:1969

C100 Equal Remuneration Convention, 1951  
Ratification date:08:06:1956

C101 Holidays with Pay (Agriculture) Convention, 1952  
Ratification date:08:06:1956  
denounced on 19:08:1998

C103 Maternity Protection Convention (Revised), 1952

Ratification date:08:06:1956

C105 Abolition of Forced Labour Convention, 1957

Ratification date:04:01:1994

C111 Discrimination (Employment and Occupation) Convention, 1958

Ratification date:20:06:1961

C115 Radiation Protection Convention, 1960

Ratification date:08:06:1968

C122 Employment Policy Convention, 1964

Ratification date:18:06:1969

C123 Minimum Age (Underground Work) Convention, 1965

Ratification date:08:06:1968

denounced on 28:05:1998

C124 Medical Examination of Young Persons (Underground Work) Convention, 1965

Ratification date:08:06:1968

C127 Maximum Weight Convention, 1967

Ratification date:04:01:1994

C129 Labour Inspection (Agriculture) Convention, 1969

Ratification date:04:01:1994

C132 Holidays with Pay Convention (Revised), 1970

Ratification date:19:08:1998

C135 Workers' Representatives Convention, 1971

Ratification date:11:09:1972

C136 Benzene Convention, 1971

Ratification date:11:09:1972

C138 Minimum Age Convention, 1973

Ratification date:28:05:1998

C139 Occupational Cancer Convention, 1974

Ratification date:10:06:1975

C140 Paid Educational Leave Convention, 1974

Ratification date:10:06:1975

C141 Rural Workers' Organisations Convention, 1975

Ratification date:04:01:1994

C142 Human Resources Development Convention, 1975

Ratification date:17:06:1976

C144 Tripartite Consultation (International Labour Standards) Convention, 1976

Ratification date:04:01:1994

C145 Continuity of Employment (Seafarers) Convention, 1976

Ratification date:08:06:1978

C148 Working Environment (Air Pollution, Noise and Vibration) Convention, 1977

Ratification date:04:01:1994

C151 Labour Relations (Public Service) Convention, 1978  
Ratification date:04:01:1994

C154 Collective Bargaining Convention, 1981  
Ratification date:04:01:1994

C155 Occupational Safety and Health Convention, 1981  
Ratification date:04:01:1994

C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983  
Ratification date:20:06:1984

C161 Occupational Health Services Convention, 1985  
Ratification date:24:02:1988

C163 Seafarers' Welfare Convention, 1987  
Ratification date:14:03:1989

C164 Health Protection and Medical Care (Seafarers) Convention, 1987  
Ratification date:14:03:1989

C165 Social Security (Seafarers) Convention (Revised), 1987  
Ratification date:13:12:1989

C166 Repatriation of Seafarers Convention (Revised), 1987  
Ratification date:14:03:1989

C167 Safety and Health in Construction Convention, 1988  
Ratification date:22:05:1989

C182 Worst Forms of Child Labour Convention, 1999  
Ratification date:20:04:2000

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## **Latvia**

### **Latvia has ratified 45 Conventions**

#### **Convention**

C1 Hours of Work (Industry) Convention, 1919  
Ratification date:15:08:1925

C3 Maternity Protection Convention, 1919  
Ratification date:03:06:1926

C5 Minimum Age (Industry) Convention, 1919  
Ratification date:03:06:1926

C6 Night Work of Young Persons (Industry) Convention, 1919  
Ratification date:03:06:1926

C7 Minimum Age (Sea) Convention, 1920  
Ratification date:03:06:1926

C8 Unemployment Indemnity (Shipwreck) Convention, 1920  
Ratification date:29:08:1930

C9 Placing of Seamen Convention, 1920

Ratification date:03:06:1926

C11 Right of Association (Agriculture) Convention, 1921

Ratification date:09:09:1924

C12 Workmen's Compensation (Agriculture) Convention, 1921

Ratification date:29:11:1929

C13 White Lead (Painting) Convention, 1921

Ratification date:09:09:1924

C14 Weekly Rest (Industry) Convention, 1921

Ratification date:09:09:1924

C15 Minimum Age (Trimmers and Stokers) Convention, 1921

Ratification date:09:09:1924

C16 Medical Examination of Young Persons (Sea) Convention, 1921

Ratification date:09:09:1924

C17 Workmen's Compensation (Accidents) Convention, 1925

Ratification date:29:05:1928

C18 Workmen's Compensation (Occupational Diseases) Convention, 1925

Ratification date:29:11:1929

C19 Equality of Treatment (Accident Compensation) Convention, 1925

Ratification date:29:05:1928

C24 Sickness Insurance (Industry) Convention, 1927

Ratification date:29:11:1929

C81 Labour Inspection Convention, 1947

Ratification date:25:08:1994

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948

Ratification date:27:01:1992

C98 Right to Organise and Collective Bargaining Convention, 1949

Ratification date:27:01:1992

C100 Equal Remuneration Convention, 1951

Ratification date:27:01:1992

C105 Abolition of Forced Labour Convention, 1957

Ratification date:27:01:1992

C106 Weekly Rest (Commerce and Offices) Convention, 1957

Ratification date:08:03:1993

C108 Seafarers' Identity Documents Convention, 1958

Ratification date:08:03:1993

C111 Discrimination (Employment and Occupation) Convention, 1958

Ratification date:27:01:1992

C115 Radiation Protection Convention, 1960

Ratification date:08:03:1993

C119 Guarding of Machinery Convention, 1963

Ratification date:08:31:1993

C120 Hygiene (Commerce and Offices) Convention, 1964

Ratification date:08:03:1993

C122 Employment Policy Convention, 1964

Ratification date:27:01:1992

C129 Labour Inspection (Agriculture) Convention, 1969

Ratification date:25:08:1994

C131 Minimum Wage Fixing Convention, 1970

Ratification date:08:03:1993

C132 Holidays with Pay Convention (Revised), 1970

Ratification date:10:06:1994

C135 Workers' Representatives Convention, 1971

Ratification date:27:01:1992

C142 Human Resources Development Convention, 1975

Ratification date:08:03:1993

C144 Tripartite Consultation (International Labour Standards) Convention, 1976

Ratification date:25:08:1994

C147 Merchant Shipping (Minimum Standards) Convention, 1976

Ratification date:12:11:1998

C148 Working Environment (Air Pollution, Noise and Vibration) Convention, 1977

Ratification date:08:03:1993

C149 Nursing Personnel Convention, 1977

Ratification date:08:03:1993

C150 Labour Administration Convention, 1978

Ratification date:08:03:1993

C151 Labour Relations (Public Service) Convention, 1978

Ratification date:27:01:1992

C154 Collective Bargaining Convention, 1981

Ratification date:25:08:1994

C155 Occupational Safety and Health Convention, 1981

Ratification date:25:08:1994

C158 Termination of Employment Convention, 1982

Ratification date:25:08:1994

C160 Labour Statistics Convention, 1985

Ratification date:10:06:1994

C173 Protection of Workers' Claims (Employer's Insolvency) Convention, 1992

Ratification date:22:02:2002

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## Lithuania

### Lithuania has ratified 34 Conventions.

#### Convention

C1 Hours of Work (Industry) Convention, 1919

Ratification date:19:06:1931

C4 Night Work (Women) Convention, 1919

Ratification date:19:06:1931

C6 Night Work of Young Persons (Industry) Convention, 1919

Ratification date:19:06:1931

C11 Right of Association (Agriculture) Convention, 1921

Ratification date:26:09:1994

C14 Weekly Rest (Industry) Convention, 1921

Ratification date:19:06:1931

C19 Equality of Treatment (Accident Compensation) Convention, 1925

Ratification date:28:09:1934

C24 Sickness Insurance (Industry) Convention, 1927

Ratification date:19:06:1931

C27 Marking of Weight (Packages Transported by Vessels) Convention, 1929

Ratification date:28:09:1934

C29 Forced Labour Convention, 1930

Ratification date:26:09:1994

C47 Forty-Hour Week Convention, 1935

Ratification date:26:09:1994

C73 Medical Examination (Seafarers) Convention, 1946

Ratification date:19:11:1997

C79 Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946

Ratification date:26:09:1994

C80 Final Articles Revision Convention, 1946

Ratification date:26:09:1994

C81 Labour Inspection Convention, 1947

Ratification date:26:09:1994

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948

Ratification date:26:09:1994

C88 Employment Service Convention, 1948

Ratification date:26:09:1994

C90 Night Work of Young Persons (Industry) Convention (Revised), 1948

Ratification date:26:09:1994

C98 Right to Organise and Collective Bargaining Convention, 1949

Ratification date:26:09:1994

C100 Equal Remuneration Convention, 1951  
Ratification date:26:09:1994

C105 Abolition of Forced Labour Convention, 1957  
Ratification date:26:09:1994

C108 Seafarers' Identity Documents Convention, 1958  
Ratification date:19:11:1997

C111 Discrimination (Employment and Occupation) Convention, 1958  
Ratification date:26:09:1994

C116 Final Articles Revision Convention, 1961  
Ratification date:26:09:1994

C127 Maximum Weight Convention, 1967  
Ratification date:26:09:1994

C131 Minimum Wage Fixing Convention, 1970  
Ratification date:26:09:1994

C135 Workers' Representatives Convention, 1971  
Ratification date:26:09:1994

C138 Minimum Age Convention, 1973  
Ratification date:22:06:1998

C142 Human Resources Development Convention, 1975  
Ratification date:26:09:1994

C144 Tripartite Consultation (International Labour Standards) Convention, 1976  
Ratification date:26:09:1994

C154 Collective Bargaining Convention, 1981  
Ratification date:26:09:1994

C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983  
Ratification date:26:09:1994

C160 Labour Statistics Convention, 1985  
Ratification date:10:06:1999

C171 Night Work Convention, 1990  
Ratification date:26:09:1994

C173 Protection of Workers' Claims (Employer's Insolvency) Convention, 1992  
Ratification date:26:09:1994

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## **Malta**

**Malta has ratified 62 Conventions.**

### **Convention**

C1 Hours of Work (Industry) Convention, 1919  
Ratification date 09:06:1988

C2 Unemployment Convention, 1919  
Ratification date:04:01:1965

C4 Night Work (Women) Convention, 1919  
Ratification date:09:06:1988  
denounced on 11:02:1991

C5 Minimum Age (Industry) Convention, 1919  
04:01:1965  
Ratification date:denounced on 09:06:1988

C7 Minimum Age (Sea) Convention, 1920  
04:01:1965  
Ratification date:denounced on 09:06:1988

C8 Unemployment Indemnity (Shipwreck) Convention, 1920  
Ratification date:04:01:1965

C10 Minimum Age (Agriculture) Convention, 1921  
Ratification date:04:01:1965  
denounced on 09:06:1988

C11 Right of Association (Agriculture) Convention, 1921  
Ratification date:04:01:1965

C12 Workmen's Compensation (Agriculture) Convention, 1921  
Ratification date:04:01:1965

C13 White Lead (Painting) Convention, 1921  
Ratification date:09:06:1988

C14 Weekly Rest (Industry) Convention, 1921  
Ratification date:09:06:1988

C15 Minimum Age (Trimmers and Stokers) Convention, 1921  
Ratification date:04:01:1965  
denounced on 09:06:1988

C16 Medical Examination of Young Persons (Sea) Convention, 1921  
Ratification date:04:01:1965

C19 Equality of Treatment (Accident Compensation) Convention, 1925  
Ratification date:04:01:1965

C21 Inspection of Emigrants Convention, 1926  
Ratification date:09:06:1988

C22 Seamen's Articles of Agreement Convention, 1926  
Ratification date:04:01:1965

C26 Minimum Wage-Fixing Machinery Convention, 1928  
Ratification date:04:01:1965

C29 Forced Labour Convention, 1930  
Ratification date:04:01:1965

C32 Protection against Accidents (Dockers) Convention (Revised), 1932  
Ratification date:04:01:1965

C35 Old-Age Insurance (Industry, etc.) Convention, 1933

Ratification date:04:01:1965

C36 Old-Age Insurance (Agriculture) Convention, 1933

Ratification date:04:01:1965

C42 Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934

Ratification date:04:01:1965

C43 Sheet-Glass Works Convention, 1934

Ratification date:09:06:1988

C45 Underground Work (Women) Convention, 1935

Ratification date:09:06:1988

C49 Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935

Ratification date:09:06:1988

C53 Officers' Competency Certificates Convention, 1936

Ratification date:19:09:2002

C62 Safety Provisions (Building) Convention, 1937

Ratification date:09:06:1988

C73 Medical Examination (Seafarers) Convention, 1946

Ratification date:18:05:1990

C74 Certification of Able Seamen Convention, 1946

Ratification date:19:09:2002

C77 Medical Examination of Young Persons (Industry) Convention, 1946

Ratification date:18:05:1990

C78 Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946

Ratification date:18:05:1990

C81 Labour Inspection Convention, 1947

Ratification date:04:01:1965

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948

Ratification date:04:01:1965

C88 Employment Service Convention, 1948

Ratification date:04:01:1965

C89 Night Work (Women) Convention (Revised), 1948

Ratification date:04:01:1965

denounced on 11:02:1991

C95 Protection of Wages Convention, 1949

Ratification date:04:01:1965

C96 Fee-Charging Employment Agencies Convention (Revised), 1949

Ratification date:09:06:1988

C98 Right to Organise and Collective Bargaining Convention, 1949

Ratification date:04:01:1965

C99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951

Ratification date:28:11:1969

C100 Equal Remuneration Convention, 1951  
Ratification date:09:06:1988

C105 Abolition of Forced Labour Convention, 1957  
Ratification date:04:01:1965

C106 Weekly Rest (Commerce and Offices) Convention, 1957  
Ratification date:09:06:1988

C108 Seafarers' Identity Documents Convention, 1958  
Ratification date:04:01:1965

C111 Discrimination (Employment and Occupation) Convention, 1958  
Ratification date:01:07:1968

C117 Social Policy (Basic Aims and Standards) Convention, 1962  
Ratification date:09:06:1988

C119 Guarding of Machinery Convention, 1963  
Ratification date:09:06:1988

C124 Medical Examination of Young Persons (Underground Work) Convention, 1965  
Ratification date:09:06:1988

C127 Maximum Weight Convention, 1967  
Ratification date:09:06:1988

C129 Labour Inspection (Agriculture) Convention, 1969  
Ratification date:09:06:1988

C131 Minimum Wage Fixing Convention, 1970  
Ratification date:09:06:1988

C132 Holidays with Pay Convention (Revised), 1970  
Ratification date:09:06:1988

C135 Workers' Representatives Convention, 1971  
Ratification date:09:06:1988

C136 Benzene Convention, 1971  
Ratification date:18:05:1990

C138 Minimum Age Convention, 1973  
Ratification date:09:06:1988

C141 Rural Workers' Organisations Convention, 1975  
Ratification date:09:06:1988

C147 Merchant Shipping (Minimum Standards) Convention, 1976  
Ratification date:10:01:2002

C148 Working Environment (Air Pollution, Noise and Vibration) Convention, 1977  
Ratification date:09:06:1988

C149 Nursing Personnel Convention, 1977  
Ratification date:18:05:1990

C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983  
Ratification date:09:06:1988

C180 Seafarers' Hours of Work and the Manning of Ships Convention, 1996  
Ratification date:19:09:2002

C182 Worst Forms of Child Labour Convention, 1999  
Ratification date:15:06:2001

P147 Protocol to the Merchant Shipping (Minimum Standards) Convention, 1976  
Ratification date:10:01:2002

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## **Poland**

### **Poland has ratified 84 Conventions**

#### **Convention**

C2 Unemployment Convention, 1919  
Ratification date:21:06:1924

C5 Minimum Age (Industry) Convention, 1919  
Ratification date:21:06:1924  
denounced on 22:03:1978

C6 Night Work of Young Persons (Industry) Convention, 1919  
Ratification date:21:06:1924

C7 Minimum Age (Sea) Convention, 1920  
Ratification date:21:06:1924  
denounced on 22:03:1978

C8 Unemployment Indemnity (Shipwreck) Convention, 1920  
Ratification date:21:06:1924

C9 Placing of Seamen Convention, 1920  
Ratification date:21:06:1924

C10 Minimum Age (Agriculture) Convention, 1921  
Ratification date:21:06:1924  
denounced on 22:03:1978

C11 Right of Association (Agriculture) Convention, 1921  
Ratification date:21:06:1924

C12 Workmen's Compensation (Agriculture) Convention, 1921  
Ratification date:21:06:1924

C13 White Lead (Painting) Convention, 1921  
Ratification date:21:06:1924

C14 Weekly Rest (Industry) Convention, 1921  
Ratification date:21:06:1924

C15 Minimum Age (Trimmers and Stokers) Convention, 1921  
Ratification date:21:06:1924  
denounced on 22:03:1978

C16 Medical Examination of Young Persons (Sea) Convention, 1921  
Ratification date:21:06:1924

C17 Workmen's Compensation (Accidents) Convention, 1925  
Ratification date:03:11:1937

C18 Workmen's Compensation (Occupational Diseases) Convention, 1925  
Ratification date:03:11:1937

C19 Equality of Treatment (Accident Compensation) Convention, 1925  
Ratification date:28:02:1928

C22 Seamen's Articles of Agreement Convention, 1926  
Ratification date:08:08:1931

C23 Repatriation of Seamen Convention, 1926  
Ratification date:08:08:1931

C24 Sickness Insurance (Industry) Convention, 1927  
Ratification date:29:09:1948

C25 Sickness Insurance (Agriculture) Convention, 1927  
Ratification date:29:09:1948

C27 Marking of Weight (Packages Transported by Vessels) Convention, 1929  
Ratification date:18:06:1932

C29 Forced Labour Convention, 1930  
Ratification date:30:07:1958

C35 Old-Age Insurance (Industry, etc.) Convention, 1933  
Ratification date:29:09:1948

C36 Old-Age Insurance (Agriculture) Convention, 1933  
Ratification date:29:09:1948

C37 Invalidity Insurance (Industry, etc.) Convention, 1933  
Ratification date:29:09:1948

C38 Invalidity Insurance (Agriculture) Convention, 1933  
Ratification date:29:09:1948

C39 Survivors' Insurance (Industry, etc.) Convention, 1933  
Ratification date:29:09:1948

C40 Survivors' Insurance (Agriculture) Convention, 1933  
Ratification date:29:09:1948

C42 Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934  
Ratification date:29:09:1948

C45 Underground Work (Women) Convention, 1935  
Ratification date:15:06:1957

C48 Maintenance of Migrants' Pension Rights Convention, 1935  
Ratification date:21:03:1938  
denounced on 10:08:1973

C62 Safety Provisions (Building) Convention, 1937  
Ratification date:17:04:1950

C68 Food and Catering (Ships' Crews) Convention, 1946

Ratification date:13:04:1954

C69 Certification of Ships' Cooks Convention 1946

Ratification date:13:04:1954

C70 Social Security (Seafarers) Convention, 1946

Ratification date:08:10:1956

C73 Medical Examination (Seafarers) Convention, 1946

Ratification date:13:04:1954

C74 Certification of Able Seamen Convention, 1946

Ratification date:13:04:1954

C77 Medical Examination of Young Persons (Industry) Convention, 1946

Ratification date:11:12:1947

C78 Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946

Ratification date:11:12:1947

C79 Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946

Ratification date:11:12:1947

C80 Final Articles Revision Convention, 1946

Ratification date:11:12:1947

C81 Labour Inspection Convention, 1947

Ratification date:02:06:1995

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948

Ratification date:25:02:1957

C90 Night Work of Young Persons (Industry) Convention (Revised), 1948

Ratification date:26:06:1968

C91 Paid Vacations (Seafarers) Convention (Revised), 1949

Ratification date:08:10:1956

C92 Accommodation of Crews Convention (Revised), 1949

Ratification date:13:04:1954

C95 Protection of Wages Convention, 1949

Ratification date:25:10:1954

C96 Fee-Charging Employment Agencies Convention (Revised), 1949

Ratification date:25:10:1954

C98 Right to Organise and Collective Bargaining Convention, 1949

Ratification date:25:02:1957

C99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951

Ratification date:05:07:1977

C100 Equal Remuneration Convention, 1951

Ratification date:25:10:1954

C101 Holidays with Pay (Agriculture) Convention, 1952

Ratification date:08:10:1956

C103 Maternity Protection Convention (Revised), 1952

Ratification date:10:03:1976

C105 Abolition of Forced Labour Convention, 1957

Ratification date:30:07:1958

C108 Seafarers' Identity Documents Convention, 1958

Ratification date:15:03:1993

C111 Discrimination (Employment and Occupation) Convention, 1958

Ratification date:30:05:1961

C112 Minimum Age (Fishermen) Convention, 1959

Ratification date:20:06:1966

denounced on 22:03:1978

C113 Medical Examination (Fishermen) Convention, 1959

Ratification date:11:01:1980

C115 Radiation Protection Convention, 1960

Ratification date:23:12:1964

C116 Final Articles Revision Convention, 1961

Ratification date:22:04:1964

C119 Guarding of Machinery Convention, 1963

Ratification date:03:02:1977

C120 Hygiene (Commerce and Offices) Convention, 1964

Ratification date:26:06:1968

C122 Employment Policy Convention, 1964

Ratification date:24:11:1966

C123 Minimum Age (Underground Work) Convention, 1965

Ratification date:30:09:1969

denounced on 21:08:2000

C124 Medical Examination of Young Persons (Underground Work) Convention, 1965

Ratification date:26:06:1968

C127 Maximum Weight Convention, 1967

Ratification date:02:05:1973

C129 Labour Inspection (Agriculture) Convention, 1969

Ratification date:02:06:1995

C133 Accommodation of Crews (Supplementary Provisions) Convention, 1970

Ratification date:09:10:1975

C134 Prevention of Accidents (Seafarers) Convention, 1970

Ratification date:26:06:1980

C135 Workers' Representatives Convention, 1971

Ratification date:09:06:1977

C137 Dock Work Convention, 1973

Ratification date:22:02:1979

C138 Minimum Age Convention, 1973

Ratification date:22:03:1978

C140 Paid Educational Leave Convention, 1974  
Ratification date:23:04:1979

C141 Rural Workers' Organisations Convention, 1975  
Ratification date:29:11:1991

C142 Human Resources Development Convention, 1975  
Ratification date:10:10:1979

C144 Tripartite Consultation (International Labour Standards) Convention, 1976  
Ratification date:15:03:1993

C145 Continuity of Employment (Seafarers) Convention, 1976  
Ratification date:10:10:1979

C147 Merchant Shipping (Minimum Standards) Convention, 1976  
Ratification date:02:06:1995

C149 Nursing Personnel Convention, 1977  
Ratification date:04:11:1980

C151 Labour Relations (Public Service) Convention, 1978  
Ratification date:26:07:1982

C160 Labour Statistics Convention, 1985  
Ratification date:24:04:1991

C176 Safety and Health in Mines Convention, 1995  
Ratification date:25:06:2001

C178 Labour Inspection (Seafarers) Convention, 1996  
Ratification date:09:08:2002

C182 Worst Forms of Child Labour Convention, 1999  
Ratification date:09:08:2002

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## **Romania**

**Romania has ratified 54 Conventions.**

### **Convention**

C1 Hours of Work (Industry) Convention, 1919  
Ratification date:13:06:1921

C2 Unemployment Convention, 1919  
Ratification date:13:06:1921

C3 Maternity Protection Convention, 1919  
Ratification date:13:06:1921

C4 Night Work (Women) Convention, 1919  
Ratification date:13:06:1921  
denounced on 28:05:1957

C5 Minimum Age (Industry) Convention, 1919  
Ratification date:13:06:1921  
denounced on 19:06:1976

C6 Night Work of Young Persons (Industry) Convention, 1919  
13:06:1921

C7 Minimum Age (Sea) Convention, 1920  
Ratification date:08:05:1922  
denounced on 19:06:1976

C8 Unemployment Indemnity (Shipwreck) Convention, 1920  
Ratification date:10:11:1930

C9 Placing of Seamen Convention, 1920  
Ratification date:10:11:1930

C10 Minimum Age (Agriculture) Convention, 1921  
10:11:1930  
Ratification date:denounced on 19:06:1976

C11 Right of Association (Agriculture) Convention, 1921  
Ratification date:10:11:1930

C13 White Lead (Painting) Convention, 1921  
Ratification date:04:12:1925

C14 Weekly Rest (Industry) Convention, 1921  
Ratification date:18:08:1923

C15 Minimum Age (Trimmers and Stokers) Convention, 1921  
18:08:1923  
Ratification date:denounced on 19:06:1976

C16 Medical Examination of Young Persons (Sea) Convention, 1921  
Ratification date:18:08:1923

C22 Seamen's Articles of Agreement Convention, 1926  
Ratification date:11:10:2000

C24 Sickness Insurance (Industry) Convention, 1927  
Ratification date:28:06:1929

C27 Marking of Weight (Packages Transported by Vessels) Convention, 1929  
Ratification date:07:12:1932

C29 Forced Labour Convention, 1930  
Ratification date:28:05:1957

C59 Minimum Age (Industry) Convention (Revised), 1937  
Ratification date:06:06:1973  
denounced on 19:06:1976

C68 Food and Catering (Ships' Crews) Convention, 1946  
Ratification date:11:10:2000

C81 Labour Inspection Convention, 1947  
Ratification date:06:06:1973

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948

Ratification date:28:05:1957

C88 Employment Service Convention, 1948

Ratification date:06:06:1973

C89 Night Work (Women) Convention (Revised), 1948

Ratification date:28:05:1957

C92 Accommodation of Crews Convention (Revised), 1949

Ratification date:11:10:2000

C95 Protection of Wages Convention, 1949

Ratification date:06:06:1973

C98 Right to Organise and Collective Bargaining Convention, 1949

Ratification date:26:11:1958

C100 Equal Remuneration Convention, 1951

Ratification date:28:05:1957

C105 Abolition of Forced Labour Convention, 1957

Ratification date:03:08:1998

C108 Seafarers' Identity Documents Convention, 1958

Ratification date:20:09:1976

C111 Discrimination (Employment and Occupation) Convention, 1958

Ratification date:06:06:1973

C116 Final Articles Revision Convention, 1961

Ratification date:09:04:1965

C117 Social Policy (Basic Aims and Standards) Convention, 1962

Ratification date:06:06:1973

C122 Employment Policy Convention, 1964

Ratification date:06:06:1973

C127 Maximum Weight Convention, 1967

Ratification date:28:10:1975

C129 Labour Inspection (Agriculture) Convention, 1969

Ratification date:28:10:1975

C131 Minimum Wage Fixing Convention, 1970

Ratification date:28:10:1975

C133 Accommodation of Crews (Supplementary Provisions) Convention, 1970

Ratification date:11:10:2000

C134 Prevention of Accidents (Seafarers) Convention, 1970

Ratification date:28:10:1975

C135 Workers' Representatives Convention, 1971

Ratification date:28:10:1975

C136 Benzene Convention, 1971

Ratification date:06:11:1975

C137 Dock Work Convention, 1973

Ratification date:28:10:1975

C138 Minimum Age Convention, 1973

Ratification date:19:11:1975

C144 Tripartite Consultation (International Labour Standards) Convention, 1976

Ratification date:09:12:1992

C147 Merchant Shipping (Minimum Standards) Convention, 1976

Ratification date:15:05:2001

C154 Collective Bargaining Convention, 1981

Ratification date:15:12:1992

C163 Seafarers' Welfare Convention, 1987

Ratification date:11:03:2002

C166 Repatriation of Seafarers Convention (Revised), 1987

Ratification date:11:10:2000

C168 Employment Promotion and Protection against Unemployment Convention, 1988

Ratification date:15:12:1992

C180 Seafarers' Hours of Work and the Manning of Ships Convention, 1996

Ratification date:11:10:2000

C182 Worst Forms of Child Labour Convention, 1999

Ratification date:13:12:2000

C183 Maternity Protection Convention, 2000

Ratification date:23:10:2002

P147 Protocol to the Merchant Shipping (Minimum Standards) Convention, 1976

Ratification date:15:05:2001

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## **Slovakia**

**Slovakia has ratified 67 Conventions.**

### **Convention**

C1 Hours of Work (Industry) Convention, 1919

Ratification date:

01:01:1993

C5 Minimum Age (Industry) Convention, 1919

Ratification date:

01:01:1993

denounced on 29:09:1997

C10 Minimum Age (Agriculture) Convention, 1921

Ratification date:01:01:1993

denounced on 29:10:1997

C11 Right of Association (Agriculture) Convention, 1921

Ratification date: 01:01:1993

C12 Workmen's Compensation (Agriculture) Convention, 1921  
Ratification date: 01:01:1993

C13 White Lead (Painting) Convention, 1921  
Ratification date: 01:01:1993

C14 Weekly Rest (Industry) Convention, 1921  
Ratification date: 01:01:1993

C17 Workmen's Compensation (Accidents) Convention, 1925  
Ratification date: 01:01:1993

C18 Workmen's Compensation (Occupational Diseases) Convention, 1925  
Ratification date: 01:01:1993

C19 Equality of Treatment (Accident Compensation) Convention, 1925  
Ratification date: 01:01:1993

C21 Inspection of Emigrants Convention, 1926  
Ratification date: 01:01:1993

C26 Minimum Wage-Fixing Machinery Convention, 1928  
Ratification date: 01:01:1993

C27 Marking of Weight (Packages Transported by Vessels) Convention, 1929  
Ratification date: 01:01:1993

C29 Forced Labour Convention, 1930  
Ratification date: 01:01:1993

C34 Fee-Charging Employment Agencies Convention, 1933  
Ratification date: 01:01:1993

C37 Invalidity Insurance (Industry, etc.) Convention, 1933  
Ratification date: 01:01:1993

C38 Invalidity Insurance (Agriculture) Convention, 1933  
Ratification date: 01:01:1993

C39 Survivors' Insurance (Industry, etc.) Convention, 1933  
Ratification date: 01:01:1993

C40 Survivors' Insurance (Agriculture) Convention, 1933  
Ratification date: 01:01:1993

C42 Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934  
Ratification date: 01:01:1993

C43 Sheet-Glass Works Convention, 1934  
Ratification date: 01:01:1993

C45 Underground Work (Women) Convention, 1935  
Ratification date: 01:01:1993

C49 Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935  
Ratification date: 01:01:1993

C52 Holidays with Pay Convention, 1936  
Ratification date: 01:01:1993

C77 Medical Examination of Young Persons (Industry) Convention, 1946  
Ratification date: 01:01:1993

C78 Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946  
Ratification date: 01:01:1993

C80 Final Articles Revision Convention, 1946  
Ratification date: 01:01:1993

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948  
Ratification date: 01:01:1993

C88 Employment Service Convention, 1948  
Ratification date: 01:01:1993

C89 Night Work (Women) Convention (Revised), 1948  
Ratification date: 01:01:1993  
denounced on 11:02:2002

C90 Night Work of Young Persons (Industry) Convention (Revised), 1948  
Ratification date: 01:01:1993

C95 Protection of Wages Convention, 1949  
Ratification date: 01:01:1993

C98 Right to Organise and Collective Bargaining Convention, 1949  
Ratification date: 01:01:1993

C99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951  
Ratification date: 01:01:1993

C100 Equal Remuneration Convention, 1951  
Ratification date: 01:01:1993

C102 Social Security (Minimum Standards) Convention, 1952  
Ratification date: 01:01:1993

C105 Abolition of Forced Labour Convention, 1957  
Ratification date: 29:09:1997

C111 Discrimination (Employment and Occupation) Convention, 1958  
Ratification date: 01:01:1993

C115 Radiation Protection Convention, 1960  
Ratification date: 01:01:1993

C116 Final Articles Revision Convention, 1961  
Ratification date: 01:01:1993

C120 Hygiene (Commerce and Offices) Convention, 1964  
Ratification date: 01:01:1993

C122 Employment Policy Convention, 1964  
Ratification date: 01:01:1993

C123 Minimum Age (Underground Work) Convention, 1965  
Ratification date: 01:01:1993

C124 Medical Examination of Young Persons (Underground Work) Convention, 1965  
Ratification date: 01:01:1993

C128 Invalidity, Old-Age and Survivors' Benefits Convention, 1967  
Ratification date: 01:01:1993

C130 Medical Care and Sickness Benefits Convention, 1969  
Ratification date: 01:01:1993

C136 Benzene Convention, 1971  
Ratification date: 01:01:1993

C138 Minimum Age Convention, 1973  
Ratification date: 29:09:1997

C139 Occupational Cancer Convention, 1974  
Ratification date: 01:01:1993

C140 Paid Educational Leave Convention, 1974  
Ratification date: 01:01:1993

C142 Human Resources Development Convention, 1975  
Ratification date: 01:01:1993

C144 Tripartite Consultation (International Labour Standards) Convention, 1976  
Ratification date: 10:02:1997

C148 Working Environment (Air Pollution, Noise and Vibration) Convention, 1977  
Ratification date: 01:01:1993

C155 Occupational Safety and Health Convention, 1981  
Ratification date: 01:01:1993

C156 Workers with Family Responsibilities Convention, 1981  
Ratification date: 14.06.2002

C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983  
Ratification date: 01:01:1993

C160 Labour Statistics Convention, 1985  
Ratification date: 01:01:1993

C161 Occupational Health Services Convention, 1985  
Ratification date: 01:01:1993

C163 Seafarers' Welfare Convention, 1987  
Ratification date: 01:01:1993

C164 Health Protection and Medical Care (Seafarers) Convention, 1987  
Ratification date: 01:01:1993

C167 Safety and Health in Construction Convention, 1988  
Ratification date: 01:01:1993

C171 Night Work Convention, 1990  
Ratification date: 11:02:2002

C173 Protection of Workers' Claims (Employer's Insolvency) Convention, 1992  
Ratification date: 24:09:1998

C176 Safety and Health in Mines Convention, 1995  
Ratification date: 03:06:1998

C182 Worst Forms of Child Labour Convention, 1999  
Ratification date: 20:12:1999

C183 Maternity Protection Convention, 2000  
Ratification date: 12:12:2000

C184 Safety and Health in Agriculture Convention, 2001  
Ratification date: 14:06:2002

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## **Slovenia**

### **Slovenia has ratified 71 Conventions**

#### **Convention**

C2 Unemployment Convention, 1919  
Ratification date: 29:05:1992

C3 Maternity Protection Convention, 1919  
Ratification date: 29:05:1992

C8 Unemployment Indemnity (Shipwreck) Convention, 1920  
Ratification date: 29:05:1992

C9 Placing of Seamen Convention, 1920  
Ratification date: 29:05:1992

C11 Right of Association (Agriculture) Convention, 1921  
Ratification date: 29:05:1992

C12 Workmen's Compensation (Agriculture) Convention, 1921  
Ratification date: 29:05:1992

C13 White Lead (Painting) Convention, 1921  
Ratification date: 29:05:1992

C14 Weekly Rest (Industry) Convention, 1921  
Ratification date: 29:05:1992

C16 Medical Examination of Young Persons (Sea) Convention, 1921  
Ratification date: 29:05:1992

C17 Workmen's Compensation (Accidents) Convention, 1925  
Ratification date: 29:05:1992

C18 Workmen's Compensation (Occupational Diseases) Convention, 1925  
Ratification date: 29:05:1992

C19 Equality of Treatment (Accident Compensation) Convention, 1925  
Ratification date: 29:05:1992

C22 Seamen's Articles of Agreement Convention, 1926  
Ratification date: 29:05:1992

C23 Repatriation of Seamen Convention, 1926  
Ratification date: 29:05:1992

C24 Sickness Insurance (Industry) Convention, 1927  
Ratification date: 29:05:1992

C25 Sickness Insurance (Agriculture) Convention, 1927  
Ratification date: 29:05:1992

C27 Marking of Weight (Packages Transported by Vessels) Convention, 1929  
Ratification date: 29:05:1992

C29 Forced Labour Convention, 1930  
Ratification date: 29:05:1992

C32 Protection against Accidents (Dockers) Convention (Revised), 1932  
Ratification date: 29:05:1992

C45 Underground Work (Women) Convention, 1935  
Ratification date: 29:05:1992

C48 Maintenance of Migrants' Pension Rights Convention, 1935  
Ratification date: 29:05:1992

C53 Officers' Competency Certificates Convention, 1936  
Ratification date: 29:05:1992

C56 Sickness Insurance (Sea) Convention, 1936  
Ratification date: 29:05:1992

C69 Certification of Ships' Cooks Convention 1946  
Ratification date: 29:05:1992

C73 Medical Examination (Seafarers) Convention, 1946  
Ratification date: 29:05:1992

C74 Certification of Able Seamen Convention, 1946  
Ratification date: 29:05:1992

C80 Final Articles Revision Convention, 1946  
Ratification date: 29:05:1992

C81 Labour Inspection Convention, 1947  
Ratification date: 29:05:1992

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948  
Ratification date: 29:05:1992

C88 Employment Service Convention, 1948  
Ratification date: 29:05:1992

C89 Night Work (Women) Convention (Revised), 1948  
Ratification date: 29:05:1992

C90 Night Work of Young Persons (Industry) Convention (Revised), 1948  
Ratification date: 29:05:1992

C91 Paid Vacations (Seafarers) Convention (Revised), 1949  
Ratification date: 29:05:1992

C92 Accommodation of Crews Convention (Revised), 1949  
Ratification date: 29:05:1992

C97 Migration for Employment Convention (Revised), 1949  
Ratification date: 29:02:1992

C98 Right to Organise and Collective Bargaining Convention, 1949  
Ratification date: 29:05:1992

C100 Equal Remuneration Convention, 1951  
Ratification date: 29:05:1992

C102 Social Security (Minimum Standards) Convention, 1952  
Ratification date: 29:05:1992

C103 Maternity Protection Convention (Revised), 1952  
Ratification date: 29:05:1992

C105 Abolition of Forced Labour Convention, 1957  
Ratification date: 24:06:1997

C106 Weekly Rest (Commerce and Offices) Convention, 1957  
Ratification date: 29:05:1992

C109 Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958  
Ratification date: 29:05:1992

C111 Discrimination (Employment and Occupation) Convention, 1958  
Ratification date: 29:05:1992

C113 Medical Examination (Fishermen) Convention, 1959  
Ratification date: 29:05:1992

C114 Fishermen's Articles of Agreement Convention, 1959  
Ratification date: 29:05:1992

C116 Final Articles Revision Convention, 1961  
Ratification date: 29:05:1992

C119 Guarding of Machinery Convention, 1963  
Ratification date: 29:05:1992

C121 Employment Injury Benefits Convention, 1964  
Ratification date: 29:05:1992

C122 Employment Policy Convention, 1964  
Ratification date: 29:05:1992

C126 Accommodation of Crews (Fishermen) Convention, 1966  
Ratification date: 29:05:1992

C129 Labour Inspection (Agriculture) Convention, 1969  
Ratification date: 29:05:1992

C131 Minimum Wage Fixing Convention, 1970  
Ratification date: 29:05:1992

C132 Holidays with Pay Convention (Revised), 1970  
Ratification date: 29:05:1992

C135 Workers' Representatives Convention, 1971  
Ratification date: 29:05:1992

C136 Benzene Convention, 1971  
Ratification date: 29:05:1992

C138 Minimum Age Convention, 1973  
Ratification date: 29:05:1992

C139 Occupational Cancer Convention, 1974  
Ratification date: 29:05:1992

C140 Paid Educational Leave Convention, 1974  
Ratification date: 29:05:1992

C142 Human Resources Development Convention, 1975  
Ratification date: 29:05:1992

C143 Migrant Workers (Supplementary Provisions) Convention, 1975  
Ratification date: 29:05:1992

C147 Merchant Shipping (Minimum Standards) Convention, 1976  
Ratification date: 21:06:1999

C148 Working Environment (Air Pollution, Noise and Vibration) Convention, 1977  
Ratification date: 29:05:1992

C155 Occupational Safety and Health Convention, 1981  
Ratification date: 29:05:1992

C156 Workers with Family Responsibilities Convention, 1981  
Ratification date: 29:05:1992

C158 Termination of Employment Convention, 1982  
Ratification date: 29:05:1992

C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983  
Ratification date: 29:05:1992

C161 Occupational Health Services Convention, 1985  
Ratification date: 29:05:1992

C162 Asbestos Convention, 1986  
Ratification date: 29:05:1992

C173 Protection of Workers' Claims (Employer's Insolvency) Convention, 1992  
Ratification date: 08:05:2001

C175 Part-Time Work Convention, 1994  
Ratification date: 08:05:2001

C182 Worst Forms of Child Labour Convention, 1999  
Ratification date: 08:05:2001

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## Turkey

### Turkey has ratified 40 Conventions

#### Convention

C2 Unemployment Convention, 1919

Ratification date: 14:07:1950

C11 Right of Association (Agriculture) Convention, 1921

Ratification date: 29:03:1961

C14 Weekly Rest (Industry) Convention, 1921

Ratification date: 27:12:1946

C15 Minimum Age (Trimmers and Stokers) Convention, 1921

Ratification date: 29:09:1959

denounced on 30:10:1998

C26 Minimum Wage-Fixing Machinery Convention, 1928

Ratification date: 29:01:1975

C29 Forced Labour Convention, 1930

Ratification date: 30:10:1998

C34 Fee-Charging Employment Agencies Convention, 1933

Ratification date: 27:12:1946

denounced on 23:01:1952

C42 Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934

Ratification date: 27:12:1946

C45 Underground Work (Women) Convention, 1935

Ratification date: 21:04:1938

C58 Minimum Age (Sea) Convention (Revised), 1936

Ratification date: 29:09:1959

denounced on 30:10:1998

C59 Minimum Age (Industry) Convention (Revised), 1937

Ratification date: 12:07:1993

denounced on 30:10:1998

C77 Medical Examination of Young Persons (Industry) Convention, 1946

Ratification date: 02:11:1984

C80 Final Articles Revision Convention, 1946

Ratification date: 13:07:1949

C81 Labour Inspection Convention, 1947

Ratification date: 05:03:1951

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948

Ratification date: 12:07:1993

C88 Employment Service Convention, 1948

Ratification date: 14:07:1950

C94 Labour Clauses (Public Contracts) Convention, 1949

Ratification date: 29:03:1961

C95 Protection of Wages Convention, 1949  
Ratification date: 29:03:1961

C96 Fee-Charging Employment Agencies Convention (Revised), 1949  
Ratification date: 23:01:1952

C98 Right to Organise and Collective Bargaining Convention, 1949  
Ratification date: 23:01:1952

C99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951  
Ratification date: 23:06:1970

C100 Equal Remuneration Convention, 1951  
Ratification date: 19:07:1967

C102 Social Security (Minimum Standards) Convention, 1952  
Ratification date: 29:01:1975

C105 Abolition of Forced Labour Convention, 1957  
Ratification date: 29:03:1961

C111 Discrimination (Employment and Occupation) Convention, 1958  
Ratification date: 19:07:1967

C115 Radiation Protection Convention, 1960  
Ratification date: 15:11:1968

C116 Final Articles Revision Convention, 1961  
Ratification date: 02:09:1968

C118 Equality of Treatment (Social Security) Convention, 1962  
Ratification date: 25:06:1974

C119 Guarding of Machinery Convention, 1963  
Ratification date: 13:11:1967

C122 Employment Policy Convention, 1964  
Ratification date: 13:12:1977

C123 Minimum Age (Underground Work) Convention, 1965  
Ratification date: 08:12:1992

C127 Maximum Weight Convention, 1967  
Ratification date: 13:11:1975

C135 Workers' Representatives Convention, 1971  
Ratification date: 12:07:1993

C138 Minimum Age Convention, 1973  
Ratification date: 30:10:1998

C142 Human Resources Development Convention, 1975  
Ratification date: 12:07:1993

C144 Tripartite Consultation (International Labour Standards) Convention, 1976  
Ratification date: 12:07:1993

C151 Labour Relations (Public Service) Convention, 1978  
Ratification date: 12:07:1993

C158 Termination of Employment Convention, 1982  
Ratification date: 04:01:1995

C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983  
Ratification date:26:06:2000

C182 Worst Forms of Child Labour Convention, 1999  
Ratification date:02:08:2001

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**Geneva, 14/02/03**