



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

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PRESS BRIEFING ELEMENTS

Conclusions 2025

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Press briefing elements: Conclusions 2025 by the European Committee of Social Rights (ECSR)

I. Introductory remarks: general overview of Conclusions 2025

The ECSR between March and December 2025 examined the reports on the application of the Revised European Social Charter.

In accordance with the [decision of 27 September 2022 of the Ministers' Deputies](#) concerning the [reform of the system of presentation of reports](#) relating to the application of the European Social Charter, the provisions of the Charter are henceforth divided into two groups.

Further to this decision, the authorities of States Parties **not having accepted the collective complaints procedure** were invited to submit a report in response to targeted questions on the [first group](#) of provisions by **31 December 2024**.

Thus, the conclusions adopted by the ECSR in December 2025 concern the accepted provisions of the following articles of the Revised and 1961 Charter belonging to the first group of provisions (Group 1) in respect of States Parties not having accepted the collective complaints procedure:

- **The right to just conditions of work (Article 2§1)**
- **-The right to safe and healthy working conditions (Article 3§§1, 2 and 3)**
- **The right to a fair remuneration (Article 4§)**
- **-The right to organise (Article 5)**
- **-The right to bargain collectively (Article 6§§1, 2 and 4)**
- **-The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the ground of sex (Article 20)** (Article 1 of the 1988 Additional Protocol).
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The ECSR recalls that States Parties were asked solely to reply to the [specific targeted questions](#) posed under these provisions. The Committee therefore focused on the information relating to those questions. The Committee recalls that no targeted questions were asked under certain provisions.

The following States Parties submitted a report:

[Andorra](#), [Armenia](#), [Austria](#), [Azerbaijan](#), [Bosnia and Herzegovina](#), [Denmark](#), [Estonia](#), [Georgia](#), [Germany](#), [Hungary](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Malta](#), [the Republic of Moldova](#), [Montenegro](#), [the Netherlands in respect of Curaçao](#), [North Macedonia](#),

[Poland](#), [Romania](#), [Serbia](#), [the Slovak Republic](#), [Türkiye](#), [Ukraine](#) and the [United Kingdom](#).

No report was submitted by Albania, Iceland and the Netherlands in respect of Sint Maarten and the Netherlands in respect of Aruba. The Committee considers that the failure to submit a report amounts to a breach of its reporting obligations under Article C of the Charter.

Comments from civil society

In addition to the state reports, the Committee had at its disposal comments on the reports submitted by different trade unions, human rights institutions and organisations (see introduction to the individual country chapters). The Committee wishes to acknowledge the value of these various comments.

The Committee wishes in particular to acknowledge the contribution of ETUC which submitted a compilation of all relevant materials in respect of very many States Parties

II. The outcome: key figures

At its session in December 2025, the Committee adopted a total of **213 conclusions**, including **42** conclusions of conformity and **171** conclusions of non-conformity

Main findings and Problems identified

These legal assessments of the performance of states parties in terms of key work-related rights protected by the European Social Charter reveal persistent shortcomings in the guarantee of labour rights in many European countries. The areas of concern highlighted in the Conclusions include excessive working hours, inadequate safeguards for certain types of jobs (those in the gig or platform economy; telework; jobs requiring intense attention or high performance) and ongoing gender pay inequality.

The ECSR expressed concern that no measures have been taken in member states to encourage or strengthen the positive freedom of association of workers in the above-mentioned sectors, which traditionally have a low rate of unionisation.

The Committee identified significant problems of non-conformity, notably:

- **Excessive Working Hours:** In several states, some occupational sectors still allow weekly working times exceeding 60 hours, undermining the health and safety of workers.
- **Inadequate Protection for Vulnerable category of workers:** Many states have yet to extend adequate health and safety protections to vulnerable categories of workers such as: digital platform workers; teleworkers; posted workers; workers employed through subcontracting; self-employed workers; workers exposed to environmental-related risks such as climate change and pollution.

- **Gender Pay Gap and Parity:** The persistence of gender-based inequalities in remuneration and decision-making roles was observed in most States, with little measurable progress having been made in reducing the gender pay gap or increasing women's representation on company boards.
- **Barriers to Effective Collective Bargaining:** Structural and legal obstacles continue to hinder collective bargaining coverage and the exercise of the right to strike in many states. Important obstacles include blanket prohibitions on civil servants, and more specifically on the police, prison services employees, air traffic control and helthacre sector's workers.
- **Failures to Address New and Emerging Risks:** The lack of comprehensive responses to psychosocial and climate change-related risks in the workplace was observed in many States, particularly affecting vulnerable workers with insufficient legal protections in place, including for the right to disconnect.

The legal assessments underline the crucial role of the European Social Charter as Europe's safeguard for social rights and the ECSR's role as the guardian of those rights.

The full set of country-by-country conclusions and recommendations can be found on the [Council of Europe's website](#).

Appendix: I Summary of main conclusions

Article 2 – The right to just conditions of work

By accepting **Article 2§1** of the Charter, States Parties undertake to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit.

The ECSR had addressed three targeted questions to States Parties: on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including information on the exact number of weekly hours that persons in these occupations can work; as well as information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours; on the weekly working hours of maritime workers; on how inactive on-call periods are treated in terms of work or rest time on law and practice.

The Committee developed three Statements of Interpretation: on maximum working time; on working time of maritime workers and on on-call periods (see above).

Of the 20 conclusions under Article 2§1 of the Charter, the ECSR considered that the situation was in conformity with the requirements of this provision in six cases (**Estonia, Lithuania, Montenegro, North Macedonia, Romania, Ukraine**).

In fourteen cases (**Andorra, Armenia, Bosnia and Herzegovina, Georgia, Germany, Hungary, Latvia, Luxembourg, Malta, Republic of Moldova, Poland, Serbia, Slovak Republic and Türkiye**), the ECSR considered that the situation was not in conformity with this provision of the Charter. The grounds of non-conformity were the following:

- in certain sectors for certain workers the maximum weekly working time may exceed 60 hours (**Andorra, Georgia, Germany, Hungary, Malta, Poland, Serbia, Slovak Republic, Türkiye**);
- inactive on-call periods during which no effective work is undertaken are considered as rest periods or it has not been established that inactive on-call periods during which no effective work is undertaken are not considered as rest periods (**Bosnia and Herzegovina, Georgia, Germany, Hungary, Latvia, Luxembourg, Malta, Republic of Moldova, Poland**);
- in certain sectors for some categories of workers the daily working time can be extended to 24 hours (**Armenia**);
- reference periods can exceed 12 months (**Germany**);
- there is no legally defined limit to maximum weekly working time in the military (**Hungary**).

Article 3 – the right to safe and healthy working conditions

Under **Article 3§1** of the Revised Social Charter, States Parties undertake to formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment.

The Committee had addressed a targeted question to States Parties requesting that they provide information on the content and implementation of national policies on psychosocial or new and emerging risks, including in relation to: (i) the gig or platform economy; (ii) telework; (iii) jobs requiring intense attention or high performance; (iv) jobs related to stress or traumatic situations at work; (v) jobs affected by climate change risks.

The Committee decided to clarify its case law on Article 3 of the Charter, specifically in relation to measures that States Parties should take in order to address the effects of climate change on occupational health and safety.

The Committee examined the situation with regard to Article 3§1 of the Revised Social Charter in 16 States Parties. **Germany** ratified the Revised Social Charter on 29 March 2021. Therefore, this was the first time the Committee examined the implementation of Article 3§1 of the Revised Charter in **Germany**.

The examination of the Committee concerned new and emerging issues, which could account for the fact that many States Parties did not provide adequate information on measures taken to comply with Article 3§1. Consequently, the Committee considered that the situation was not in conformity with this provision of the Charter in most of the States Parties examined, in relation to one or more types of work covered by the targeted question. Nonetheless, States also indicated that they were planning to take future measures to address some of the issues raised in the targeted question.

Of the 16 States Parties examined under Article 3§1 of the Revised Charter, the Committee considered that the situation was in conformity with the requirements of this provision in one case (**Austria**).

In 15 cases (**Andorra, Armenia, Estonia, Germany, Hungary, Latvia, Lithuania, Malta, Republic of Moldova, Montenegro, Romania, Serbia, Slovak Republic, Türkiye, Ukraine**), the Committee considered that the situation was not in conformity with Article 3§1 of the Revised Charter, with regard to one or more types of work covered by the targeted question. Specifically:

- eleven States Parties had a conclusion of non-conformity in relation to the gig and platform economy (**Andorra, Armenia, Germany, Hungary, Lithuania, Republic of Moldova, Montenegro, Romania, Serbia, Slovak Republic, , Ukraine**);
- three States Parties had a conclusion of non-conformity in relation to telework (**Andorra, Armenia, Montenegro**);

- five States Parties had a conclusion of non-conformity in relation to jobs requiring intense attention or high performance (**Latvia, Malta, Montenegro, Romania, Türkiye**);
- three States Parties had a conclusion of non-conformity concerning jobs related to stress or traumatic situations at work (**Germany, Latvia, Romania**); and
- two States Parties had a conclusion of non-conformity in relation to jobs affected by climate change risks (**Estonia** and **Malta**).

Article 3§2 of the Revised Charter (Article 3§1 of the 1961 Charter), requires States Parties to issue regulations with a view to ensuring the effective exercise of the right to safe and healthy working conditions.

The States Parties were asked two targeted questions under this provision. Firstly, the Committee asked for information on the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours, including the right to disconnect. Secondly, the Committee asked for information on the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations; and on whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

Of 20 situations examined during the 2025 monitoring cycle, the Committee adopted one conclusion of conformity (Luxembourg) and 19 conclusions of non-conformity (**Andorra, Austria, Denmark, Estonia, Germany, Hungary, Lithuania, Latvia, Republic of Moldova, North Macedonia, Malta, Montenegro, Poland, Romania, Serbia, Slovak Republic, Türkiye, Ukraine, and the United Kingdom**). The conclusions of non-conformity are based on grounds relating to the absence of a right to disconnect and/or the lack of coverage under occupational health and safety regulations in respect of one or more of the groups of workers referred to in the second targeted question.

Article 3§3 Revised Charter (Article 3§2 of the 1961 Charter) requires States Parties, in consultation with employers' and workers' organisations, to take measures to provide for the enforcement of health and safety regulations by means of supervision. The aim of Article 3§3 is to guarantee the effective exercise of the right to safe and healthy working conditions.

States Parties were asked to respond to targeted questions. Under this provision, the ECSR asked for information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers such as: (i) domestic workers; (ii) digital platform workers; (iii) teleworkers; (iv) posted workers; (v) workers employed through subcontracting; (vi) self-employed workers; (vii) workers exposed to environmental-related risks such as climate change and pollution.

Of 19 situations examined during the 2025 monitoring cycle, the ECSR adopted 1 conclusion of conformity and 18 conclusions of non-conformity.

The conclusions of non-conformity were based on grounds including the absence of or insufficient measures taken to ensure the supervision of implementation of health and safety regulations in respect to: (i) *domestic workers* (**Andorra, Austria, Germany, Hungary, Latvia, Lithuania, Republic of Moldova, Montenegro, Poland, Romania, Serbia, United Kingdom**); (ii) *self-employed workers* (**Andorra, Austria, Estonia, Hungary, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Romania, Serbia, Slovak Republic, Türkiye, Ukraine**); (iii) *digital platform workers* (**Hungary, Lithuania, Republic of Moldova, Montenegro, Poland, Romania, Türkiye, Ukraine**); (iv) *posted workers* (**Hungary, Montenegro, Romania, Türkiye, Ukraine**); (v) *workers employed through subcontracting* (**Latvia, Lithuania, Montenegro, Poland, Romania, Türkiye, Ukraine**).

Certain conclusions of non-conformity resulted from the failure to provide information in response to the targeted questions in respect to various categories of workers (**Latvia, Montenegro, Poland, Romania, Türkiye, Ukraine**).

Article 4 – The right to a fair remuneration

Article 4§3 of the Revised Charter relates to the right to a fair remuneration and non-discrimination between women and men with respect to remuneration.

The Committee has examined the national reports of 22 States Parties. In its targeted questions to the States the Committee had requested information on whether the notion of equal work and work of equal value is defined in domestic law or case law, whether there are job classification and remuneration systems that reflect the equal-pay principle and whether measures have been taken to achieve measurable progress in reducing the gender pay gap, supported by statistical trends.

21 States Parties (have been found not to be in conformity with the Charter. Only one State— Luxembourg has been found to be in conformity.

Definition of Equal Work and Work of Equal Value

Under Article 4§3 of the Charter the concept of “work of equal value” lies at the heart of the fundamental right to equal pay for women and men, as it permits a broad scope of comparison, going beyond “equal”, “the same” or “similar” work. In order to establish whether work performed is equal or of equal value, factors such as the nature of tasks, skills, educational and training requirements must be taken into account. The value of work, that is the worth of a job for the purposes of determining remuneration should be assessed on the basis of objective gender-neutral criteria, including educational, professional and training requirements, skills, effort, responsibility and working conditions, irrespective of differences in working patterns. States should therefore ensure that this notion is clearly defined in legislation or case law. Pay structures shall be such as to enable the assessment of whether workers are in a comparable situation with regard to the value of work.

The Committee has found that there was no definition of work of equal value in law or case law or absence of parameters for establishing equal value in **Armenia**,

Azerbaijan, Bosnia and Herzegovina, Estonia, Georgia, Latvia, Lithuania, Romania, Slovak Republic and Ukraine.

Job Classification and Remuneration Systems

Under Article 4§3 pay transparency is essential for the effective application of the equal pay principle. Gender-neutral job evaluation and classification systems help identify and prevent indirect discrimination and ensure that differences in pay reflect the value of the job, not the gender of the worker. States Parties should therefore ensure that analytical tools and methodologies are available and accessible to support gender-neutral assessment of work. In this respect, job classification and evaluation systems should be promoted and where they are used, they must rely on criteria that are gender-neutral and do not result in indirect discrimination. Moreover, such systems must consider the features of the posts in question rather than the personal characteristics of the workers.

The Committee has found that in **Poland, Armenia, Azerbaijan, Bosnia and Herzegovina, Estonia, Georgia, Latvia, Lithuania, Moldova, Montenegro, North Macedonia, Romania, Serbia, Slovak Republic and Türkiye** there no job classification or evaluation systems are in place in the public or private sectors or there is insufficient evidence that such systems exist or ensure pay transparency.

Measures to reduce the gender pay gap

Under Article 4§3 States Parties are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it. In order to ensure and promote equal pay, the collection of high-quality pay statistics broken down by gender as well as statistics on the number and type of pay discrimination cases are crucial. The collection of such data increases pay transparency at aggregate levels and ultimately uncovers the cases of unequal pay and therefore the gender pay gap. States Parties should demonstrate a measurable progress in reducing the gender pay gap.

The Committee has found that no measurable progress was made in reducing the gender pay gap, in **Poland, Armenia, Azerbaijan, Bosnia and Herzegovina, Estonia, Andorra, Austria, Georgia, Germany, Latvia, Moldova, Montenegro, North Macedonia, Romania, Serbia, Slovak Republic and Türkiye**.

Article 5 – The right to organize

Article 5 guarantees freedom of association and the right to form and join trade unions and employers' organisations.

Two obligations are embodied in this provision, having a negative and positive aspect respectively. The implementation of the first obligation requires the absence, in the law of each State Party, of any legislation or regulation or any administrative practice such as to impair the freedom of workers or employers to form or join their respective organisations. Under the second obligation, the State Party is obliged to take adequate legislative or other measures to guarantee the exercise of the right to organise and, in particular, to protect workers' organisations from any interference on the part of employers.

Moreover, Article 5 sets out certain restrictions on the right to organise for the police and the military. The Committee held, in this respect, that a state party may be permitted to limit the freedom to organise for the members of the police but cannot deprive them of all the guarantees provided for in Article 5. Police officers are entitled to enjoy the core trade union rights which are the right to negotiate their salaries and working conditions and freedom of association. Regarding the armed forces, states parties are generally entitled to restrict or withdraw the right of the armed forces to organise. However, states parties are in breach of the Charter if they legislate for a blanket prohibition or restrict the right to organise to such an extent as to make the right substantially ineffective.

During the monitoring cycle 2025, the ECSR examined the situation regarding Article 5 in 24 countries. The Committee addressed a series of targeted questions to the States Parties, and its assessment regarding the 24 countries examined was based on the information submitted in response.

The ECSR first examined the situation in member States with regard to the positive freedom of association of workers in sectors with traditionally low levels of unionisation. The focus was placed in particular on platform workers in the gig economy. The Committee therefore examined whether States had taken measures to guarantee the right to organise for platform workers, even when they are classified under domestic law as “independent contractors” or “self-employed”.

Of the 24 countries examined 4 countries were found to be in conformity: **Germany, Lithuania, Malta, and Poland**. And 20 countries were found be in non-conformity: **Andorra, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Denmark, Estonia, Georgia, Hungary, Latvia, Republic of Moldova, Montenegro, North Macedonia, Romania, Serbia, Slovak Republic, Ukraine, Luxembourg, the Netherlands (in respect of Curaçao), and the United Kingdom**.

In most of the States with a non-conformity conclusion, platform workers are classified as self-employed or independent contractors and therefore do not enjoy trade-union rights, which are reserved for employees. These countries generally lack specific regulation of platform work and have not adopted measures to guarantee the right to organise for platform workers. While labour law regulates regular employment, individual entrepreneurs fall under civil-law provisions, which do not provide employment-related protections. As a result, platform workers are deprived of labour rights, social insurance, public healthcare, accident insurance and other benefits, as well as trade-union rights available to employees.

In countries found to be in conformity, platforms provide employment contracts to their workers (Germany, Malta), granting them labour rights under employment law. The Committee also considered practical developments: in Lithuania a dedicated platform workers’ trade union was established in 2025 representing workers of Bolt, Wolt, Last Mile, Uber and other digital platforms.

The ECSR next examined the legal criteria used to determine the recognition of employers’ organisations for social dialogue and collective bargaining, as well as the criteria governing their formation.

Of the 24 countries examined, 21 countries were found to be in conformity, 3 countries were found to be in non-conformity: **Armenia, Montenegro and Serbia.**

The Committee has found that in Armenia and Serbia there is excessive minimum membership requirements for forming employers' organisations. In Montenegro: excessive criteria for recognising employers' organisations for social dialogue, notably the requirement to employ at least 25% of the national workforce and contribute at least 25% of GDP.

The Committee also reviewed national rules governing the recognition and representativeness of trade unions, including information on minority unions and alternative worker-representation structures at enterprise level. Criteria for forming trade unions were also examined.

Of the 24 countries examined, 17 countries were in conformity, 7 countries were in non-conformity: **Armenia, Azerbaijan, Georgia, Latvia, Malta, Romania and Curaçao.**

The grounds for non-conformity were:

- Excessively high minimum membership requirements to form trade unions: Armenia, Latvia.
- Excessive representativeness thresholds for collective bargaining: Malta, Romania, Curaçao.
- Lack of information establishing that minority trade unions can exercise essential trade-union prerogatives: Azerbaijan, Georgia.

The Committee also examined whether members of the police and armed forces are guaranteed the right to organise. **Of the 24 countries examined, 14 countries were in conformity, and 10 countries were not in conformity.**

In Armenia, Azerbaijan and Georgia, non-conformity resulted from a complete prohibition on police officers and military personnel forming or joining trade unions.

In seven countries, non-conformity was due to the lack of a guaranteed right to organise for members of the armed forces only: Bosnia and Herzegovina, Estonia, Latvia, Lithuania, Romania, Ukraine and the United Kingdom.

In Hungary and Poland, although certain restrictions exist regarding trade-union membership for military personnel, the presence of representative bodies covering the professional interests and working conditions of military staff ensured conformity with Article 5.

In 2025, the ECSR examined the situation in 24 countries under Article 5 of the Revised and 1961 Charters.

- 2 countries were in full conformity: **Germany and Poland.**
- 22 countries were found not to be in conformity with Article 5.

The main grounds for non-conformity were:

- Lack of measures ensuring the right to organise for platform workers and workers in low-unionisation sectors: 20 countries.
- Excessive legal criteria for recognising employers' organisations: 3 countries.
- Excessive or disproportionate criteria for trade-union recognition and representativeness: 7 countries.
- Failure to guarantee the right to organise for members of the police and/or armed forces: 10 countries.

Article 6 – The right to bargain collectively

By accepting **Article 6§1** of the Charter, States Parties undertake to provide for promote joint consultation between workers and employers.

The ECSR had addressed three targeted questions to States Parties, on measures taken by the Government to promote joint consultation, on issues of mutual interest that have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented and on the existence of joint consultations on matters related to the digital transition, or to the green transition.

Of the 23 conclusions under Article 6§1 of the Charter, the ECSR considered that the situation was in conformity with the requirements of this provision in six cases (**Austria, Germany, Lithuania, Luxembourg, the Netherlands in respect of Curaçao, and Romania**).

In seventeen cases (**Armenia, Azerbaijan, Denmark, Bosnia and Herzegovina, Estonia, Georgia, Hungary, Latvia, Malta, Republic of Moldova, Montenegro, North Macedonia, Poland, Serbia, Slovak Republic, the United Kingdom and Ukraine**), the ECSR considered that the situation was not in conformity with this provision of the Charter.

While most member States demonstrated the existence of a well-established system to promote joint consultation, in most cases within the framework of tripartite committees, others encountered challenges related to the functioning of their tripartite committee or to the fair representation of the social partners within it.

The Committee identified the following grounds for violation of Article 6§1 of the Charter in this respect:

- Lack of joint consultations sufficiently promoted (**Armenia, Azerbaijan, Bosnia and Herzegovina , Estonia , Georgia, Hungary , Poland, Serbia, Slovak Republic, Ukraine**).
- Lack of joint consultations held in the public sector (**Malta , Armenia**).
- Lack of joint consultations in the private sector (**Serbia**).
- Lack of joint consultations on all matters of mutual interest (**Azerbaijan , United Kingdom**).

With regard to joint consultations on matters related to the digital transition, and to the green transition, all member States acknowledged the importance of these issues.

However, while most of the member States have started to put in place consultation mechanism, it has not always been established that such consultations have already been carried out.

More specifically, the Committee considered that it had not been established that joint consultation have been held on matters related to:

- the digital transition and the green transition (**Azerbaijan , Estonia , Georgia, Latvia, Montenegro , North Macedonia , Republic of Moldova, Ukraine**);
- the digital transition (**Bosnia and Herzegovina , Denmark, Serbia , United Kingdom**);
- the green transition (**Hungary**).

Article 6§2 of the Charter requires States Parties to promote voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements. The States Parties were asked three targeted questions under this provision.

Firstly, the Committee asked for information on how collective bargaining was coordinated between and across different bargaining levels, including factors such as erga omnes clauses and other mechanisms for the extension of collective agreements, as well as the favourability principle and the extent to which local or workplace agreements could derogate from legislation or collective agreements concluded at a higher level. Secondly, the Committee asked for information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy, on the measures taken or planned to address those obstacles, their timeline, and the outcomes expected or achieved in terms of those measures. Thirdly, the Committee asked for information on the measures taken or planned to guarantee the right of self-employed workers, particularly those who are economically dependent or in a similar situation to employees, to bargain collectively.

Of 23 situations examined during the 2025 monitoring cycle, the Committee adopted two conclusions of conformity (**Austria and Malta**) and 21 conclusions of non-conformity (**Armenia, Azerbaijan, Denmark, Bosnia and Herzegovina, Estonia, Georgia, Germany, Hungary, Lithuania, Latvia, Luxembourg, Republic of Moldova, North Macedonia, Montenegro, Netherlands Curaçao, Poland, Romania, Serbia, Slovak Republic, Ukraine, and the United Kingdom**). The conclusions of non-conformity are based on grounds of the failure to take sufficient measures to promote collective bargaining in general, and/or with respect to dependent self-employed workers specifically.

In addition, several countries were found not to be in conformity with Article 6§2 Charter based on *sui generis* grounds, as follows. The situation in Denmark was found not to be in conformity with Article 6§2 of the 1961 Charter on the ground that the right to collective bargaining in respect of non-resident seafarers engaged on vessels entered in the International Shipping Register was unduly restricted. The situation in Romania was found not be in conformity with Article 6§2 of the Charter on the ground

of the suspension by decree of already negotiated collective agreements with employees of state-owned companies. The situation in Hungary was found not to be in conformity with Article 6§2 of the Charter on the ground that collective agreements are permitted to derogate systematically from the labour protections established by law, in addition to the two grounds mentioned above.

The Committee notes that the favourability principle establishes a hierarchy between different legal norms and between collective agreements at different levels. Accordingly, it is generally understood to mean that collective agreements may not weaken the protections afforded under the law and that lower-level collective bargaining may only improve the terms agreed in higher-level collective agreements. The purpose of the favourability principle is to ensure a minimum floor of rights for workers.

The Committee considers the favourability principle a key aspect of a well-functioning collective bargaining system within the meaning of Article 6§2 of the 1961 Charter, alongside other features present in the legislation and practice of States Parties, such as the use of *erga omnes* clauses and extension mechanisms. These features are typically found in comprehensive sectoral bargaining systems with high coverage, usually associated with stronger labour protections.

At the same time, the Committee notes that some States Parties provide for the possibility of deviations from higher-level collective agreements through what may be termed opt-out, hardship, or derogation clauses. The Committee applies strict scrutiny to such clauses, based on the requirements set out in Article 31 of the 1961 Charter. As a matter of principle, the Committee considers that their use should be narrowly defined, voluntarily agreed, and that core rights must be always protected. In any event, derogations must not become a vehicle for systematically weakening labour protections.

Article 6§4 guarantees the right to collective action for both workers and employers, including (but not necessarily limited to) the right to strike for workers and the right to call a lock-out for employers. The right to collective action is intrinsically linked to the right to collective bargaining, which would be ineffective without the possibility for workers or employers to resort to collective action.

Article 6§4 recognises the right to collective action only in cases of conflicts of interests. However, The Committee takes the view that the right to strike should be guaranteed in the context of any negotiation between employers and employees in order to settle an industrial dispute, whether or not the strike aims at the conclusion of a collective agreement.

Political strikes, normally outside the scope of Article 6§4, are protected when aimed at safeguarding collective bargaining rights against government or parliamentary initiatives. Restrictions on the right to strike must comply with Article G: they must be prescribed by law, serve a legitimate aim, and be necessary and proportionate in a democratic society. Only a narrow scope for restrictions is permitted - justified mostly by national security or risks to life and health, and not by purely economic or organisational concerns.

Blanket bans on strikes, especially where “essential services” are too broadly defined, are not proportionate; instead, minimum service requirements may be compatible with the Charter if determined by law and not decided unilaterally by employers. For public servants (e.g. police, armed forces, judges), restrictions are only justified if established by law, necessary, and proportionate to specific functions or sectors; blanket prohibitions or merely symbolic strike rights are not sufficient. In the case of armed forces, a total ban can be justified only if other effective negotiation mechanisms exist

Police

An absolute prohibition on the right to strike for police officers may be compatible with Article 6§4 only if there are compelling, context-specific reasons, and lesser restrictions would not suffice. Excessive restrictions that make the right to strike ineffective go beyond what Article G permits, including situations where police may strike only if a wide range of duties must still be fulfilled during the action

Armed forces

Restrictions on the right to strike for armed forces members are allowed under Article G if prescribed by law, necessary, and proportionate to protect public interests or national security. States have a wider margin for such restrictions than for police. An absolute ban may be justified, provided it complies with Article G and alternative means for negotiation exist for armed forces personnel.

In 2024, States were asked to report on sectors with strike bans or restrictions, relevant legal frameworks and their practical application, and whether courts or authorities can prohibit strikes by injunction, including recent case data.

All States parties were found not to be in conformity with the Charter. This reflects what was found in the previous examination of this provision in 2022- out of 29 states only 5 were found in conformity pending receipt of information.

The main reasons for the conclusions of non-conformities:

- blanket prohibitions on categories of workers from striking; for example police (Azerbaijan, Hungary, Georgia, Latvia, Lithuania, Malta, Romania and the United Kingdom), civil servants (Germany, Estonia), workers in energy supply services (Armenia, Azerbaijan, Republic of Moldova), prison services (Georgia, Great Britain, and NI, Latvia) air traffic control (republic of Moldova, Slovak Republic), health care (Serbia and Lithuania).
- overtly extensive range of sectors requiring a minimum service during a strike,
- and for States Parties where the armed forces are prohibited from striking no information on other means they may have to effectively negotiate the terms and conditions of employment, including remuneration.

Article 20 :The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

In this reporting cycle the Committee has examined the national reports of 20 States Parties. In its targeted questions to the States, the Committee requested information on measures to promote greater participation of women in the labour market and reduce the gender employment gap, to achieve effective parity in decision-making positions in both the public and private sectors, and on statistical trends concerning the proportion of women on the management boards of the largest publicly listed companies and in management positions within public institutions.

Three States have been found to be in conformity (Andorra, Latvia and Germany) and 17 not in conformity with Article 20 (**Armenia, Austria, Azerbaijan, BiH, Georgia, Estonia, Hungary, Lithuania, Malta, Montenegro, Moldova, North Macedonia, Romania, Serbia, Slovak Republic, Türkiye and Ukraine**).

Women's participation in the labour market

Under Article 20, States Parties must actively promote equal opportunities for women in employment. This includes taking targeted measures to close the gender gap in labour-market participation, removing de facto inequalities, and addressing structural barriers that hinder substantive equality. Eliminating discriminatory provisions is not sufficient on its own; it must be accompanied by concrete action to promote quality employment for women. States are expected to demonstrate measurable progress in reducing the gender employment gap.

The Committee found that no measurable progress had been made in reducing the gender employment gap in **Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Malta, Moldova, Montenegro, North Macedonia, Romania, Serbia, Slovak Republic, Türkiye and Ukraine**. the female employment rate remained low, with no measurable improvement or the gender employment gap remained very high.

Parity in decision-making positions

Article 20 also guarantees equal opportunities in career advancement and representation in decision-making roles across both the public and private sectors.

The Committee underlines that the effectiveness of measures taken to promote parity in decision-making positions depends on their actual impact in closing the gender gap in leadership roles. While training programmes for public administration executives and private sector stakeholders are valuable tools for raising awareness, their success depends on whether they lead to tangible changes in recruitment, promotion, and workplace policies. States must demonstrate measurable progress in achieving gender equality by providing statistical data on the proportion of women in decision-making positions.

The Committee found that no measurable progress has been achieved in reaching effective parity in decision-making positions in Azerbaijan, Bosnia and Herzegovina, Georgia, Hungary, Lithuania, Malta, Montenegro, Romania, Slovak Republic, Türkiye and Ukraine.

Women's representation on management boards

Article 20 of the Charter imposes positive obligations on States to tackle vertical segregation in the labour market, by means of, *inter alia*, promoting the advancement of women in management boards in companies. Measures designed to promote equal opportunities for women and men in the labour market must include promoting an effective parity in the representation of women and men in decision-making positions in both the public and private sectors. The States must demonstrate a measurable progress achieved in this area.

The Committee found that in Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Estonia, Georgia, Hungary, Lithuania, Malta, Moldova, North Macedonia, Romania, Serbia, Slovak Republic, Türkiye and Ukraine no measurable progress has been made in promoting the representation of women in executive positions or on the boards of the largest publicly listed companies.

Appendix II -Statements of interpretation

The Committee makes the following [statements of interpretation](#):

Article 2§1 – The right to just conditions of work – maximum working time

The Committee notes that the Charter does not expressly define what constitutes reasonable working hours and situations are assessed on a case-by-case basis. However, the Committee recalls that the daily working time should in no circumstances (except for extraordinary situations) exceed 16 hours, even if, in compensation, results in a reduction of the weekly working time (Conclusions 2014, Armenia). The Committee also recalls that a total working week (usual hours plus overtime) which, within the framework of “flexibility regulations”, may exceed 60 hours per week is unreasonable (Conclusions XIV-2 (1998), the Netherlands).

The Committee wishes to clarify its approach to the maximum daily and weekly working time.

As a general rule, the Committee considers that its case-law on the maximum limits of daily and weekly working time is still to be followed. However, the Committee considers that in certain sectors and in exceptional circumstances, workers performing specific functions may be allowed to exceed the 16 daily working hours limit or 60 weekly working hours limit. These sectors are, for example, healthcare; emergency and security services; military; sectors necessary for the uninterrupted functioning of services essential for the State (such as power plants, transport control centres) and the functions concerned are those that are essential for the functioning of the sectors mentioned. Circumstances that can be considered exceptional in those sectors are natural disasters, situations of force majeure, public health emergencies, situations of state of emergency.

The Committee further notes that, even in those sectors and exceptional circumstances, certain safeguards must exist. These safeguards include adequate rest periods and compensatory rest in case ordinary rest periods are missed due to exceptional situations, reasonable reference periods for calculation of average working hours (Statement of Interpretation on Article 2§1, Conclusions XIV-2 (1998)). Furthermore, employers must keep record of working hours and appropriate authorities must supervise that the working time limits are respected in practice; also, employers must ensure regular medical supervision of workers who exceed maximum limits of working time in exceptional circumstances.

Article 2§1 – The right to just conditions of work – maritime workers

The Committee notes that the Charter does not expressly define what constitutes reasonable working hours and situations are assessed on a case-by-case basis. The Committee recalls that working hours totalling more than 60 hours in one week are unreasonable (Conclusions 2018, Türkiye).

During the examination of its Conclusions 2022, the Committee issued a statement noting that, because of the very specific nature of the work in question which is carried

out in a very specific environment, it would re-examine the working hours of seafarers and the working time limits applicable to them.

For the purposes of this Statement of Interpretation, the term maritime workers will be used to include both seafarers and professional fishers.

The Committee takes note of the following ILO Conventions:Maritime Labour Convention (2006), Work in Fishing Convention, 2007 (No. 188). It also takes note of the following EU Directives: 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 Worker's Unions in the European Union (FST) – Annex: European Agreement on the organisation of working time of seafarers; Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time and Council Directive (EU) 2017/159 of 19 December 2016 implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation, concluded on 21 May 2012 between the General Confederation of Agricultural Cooperatives in the European Union (Cogeca), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises in the European Union (Europêche).

The Committee considers it necessary to change its approach concerning the working hours of maritime workers. The Committee notes that, in order to be in conformity with the Charter, maritime workers may be permitted to work a maximum of 14 hours in any individual 24-hour period and 72 hours in any individual seven-day period. The maximum reference period allowed is one year. Adequate rest periods have to be provided. Records of maritime workers' working hours shall be maintained by employers to allow supervision by the competent authorities of the working time limits.

Article 2§1 – The right to just conditions of work – on-call periods

The Committee recalls its case law according to which on-call periods ("périodes d'astreinte") during which the worker is not required to perform work for the employer, although they do not constitute effective working time, cannot be regarded as a rest period in the meaning of Article 2 of the Charter (*Confédération générale du travail* (CGT) and *Confédération française de l'encadrement*-CGC (CFE-CGC) v. France, Complaint No. 149/2017, decision on the merits of 19 May 2021, §56). On-call periods are periods during which the worker is obliged to be at the disposal of the employer with a view to carrying out work, if the latter so demands. However, this obligation, even where the possibility of having to carry out work is purely hypothetical, unquestionably prevents the worker from pursuing activities of their own choosing (ibid., §57). The Committee considers that the equivalence of an inactive part of an on-call period to a rest period, in its entirety, constitutes a violation of the right to reasonable working hours, both in respect of standby duty at the employer's premises and of on-call time spent at home (ibid., §61).

The Committee wishes to further clarify its position regarding on-call periods. Active parts of on-call period where work performed during an on-call period, irrespective of whether the worker is present at the employer's premises or at home or at another

designated place outside the employer's premises, should be considered as working time and remunerated as such.

Inactive parts of on-call period during which no work is carried out but the worker must be present at the employer's premises should also be considered as working time and remunerated accordingly.

With regard to inactive parts of on-call period during which no work is carried out and where the worker stays at home or is otherwise away from the employer's premises, the Committee considers that under no circumstances should such periods be regarded as rest periods in their entirety.

However, there are two situations that need to be examined. Firstly, where the worker, who is on-call away from the employer's premises (at home or at another designated place by the employer), is under an obligation to be immediately available or available at very short notice and on a recurring basis to the employer, and where there are serious consequences in cases of the failure to respond, such on-call periods, including where no actual work is performed (inactive on-call), must be classified as working time in their entirety and remunerated accordingly in order to be in conformity with the Charter. Secondly, where the worker who is away from the employer's premises (at home or at another designated place by the employer) has a certain degree of freedom to manage their free time and is allowed time to respond to work tasks (i.e. they do not have to report for work immediately or at a very short notice or on a recurring basis), the inactive on-call periods amount neither to full-fledged working time nor to genuine rest periods. In such cases the situation may be considered as being in conformity with the Charter if the worker receives a reasonable compensation. The Committee will assess the reasonableness of the nature and level of such compensation on a case-by-case basis and will take into account circumstances such as the nature of the worker's duties, the degree of the restriction imposed on the worker and other relevant factors.

Article 3 – The right to safe and healthy working conditions - telework

Under Article 3 of the Charter, teleworkers, who regularly work outside of the employer's premises by using information and communications technology, enjoy equal rights and the same level of protection in terms of health and safety as workers working at the employer's premises.

States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, such as: (i) assessing the risks associated with the teleworker's work environment; (ii) providing or ensuring access to ergonomically appropriate equipment and protective equipment; (iii) providing information and training to teleworkers on ergonomics, safe use of equipment, physical risks (e.g. musculoskeletal disorders, eye strain) and prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect, and electronic monitoring); (iv) maintaining clear documentation and records; (v) providing appropriate support through human resources or health and safety officers/services; and (vi) ensuring that teleworkers can effectively report occupational accidents or health and safety issues encountered during telework. States Parties must also take measures to ensure that teleworkers comply with the guidelines

and regulations on health and safety, and co-operate with employers and labour inspectorate or other enforcement bodies in this sense.

The labour inspectorate or other enforcement bodies must be entitled to effectively monitor and ensure compliance with health and safety obligations by employers and teleworkers. This requires: (i) conduct regular and systematic supervision, including remote audits; (ii) review employers' risk assessments and training documentation; (iii) verify the appropriateness and effectiveness of preventive measures taken by employers; (iv) have adequate resources, legal authority, and clearly defined powers to issue corrective instructions and impose proportionate and dissuasive sanctions in cases of non-compliance.

19. The Committee decided to clarify its case law on certain of the Charter provisions examined as follows:

Article 3 – Climate change

The Committee recalls its case law under Article 3 in relation to the protection against dangerous agents and substances (including asbestos and ionizing radiation), and air pollution (see Conclusions XIV-2 (1998), Statement of interpretation on Article 3). Further, the Committee notes the United Nations General Assembly Resolution A/RES/76/300 (28 July 2022) “The human right to a clean, healthy and sustainable environment”.

The Committee notes that climate change has had an increasing impact on the safety and health of workers across all affected sectors, with a particular impact on workers from vulnerable groups such as migrant workers, women, older people, persons with disabilities, persons with pre-existing health conditions and youth. As noted by the United Nations Committee on Economic, Social and Cultural Rights, rapid environmental changes, caused by climate change, increase risks to working conditions and exacerbate existing ones (General comment No. 27 (2025) on economic, social and cultural rights and the environmental dimension of sustainable development, UN Doc E/C.12/GC/27, §51). Hazards related to climate change include, but are not limited to, excessive heat, ultraviolet radiation, extreme weather events (such as heatwaves), indoor and outdoor workplace pollution, vector-borne diseases and exposure to chemicals. These phenomena can have a serious effect on both the physical and mental health of workers. (Ensuring safety and health at work in a changing climate, Geneva: International Labour Office, 2024).

States should take measures to identify and assess climate change risks and adopt preventive and protective measures. These risks and impacts should be addressed through appropriate policies, regulations, and collective agreements. Particular attention should be paid to vulnerable workers, such as migrant workers, persons involved in informal work, young and older workers, women, persons with disabilities and persons with pre-existing health conditions. States must effectively monitor the application of standards addressing climate-related safety and health risks, including

through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers' and workers' organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working hours and the provision of mental health support and other support services, where appropriate).

The Committee further stresses the importance of providing guidance and training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Article 6§2 – Favorability principle

The favourability principle establishes a hierarchy among different legal norms and among collective agreements at different levels. Accordingly, it is generally understood to mean that collective agreements may not weaken the protections afforded under the law and that lower-level collective bargaining may only improve the terms agreed in higher-level collective agreements. The purpose of the favourability principle is to ensure a minimum floor of rights for workers.

The Committee considers the favourability principle a key aspect of a well-functioning collective bargaining system within the meaning of Article 6§2 of the Charter, alongside other features present in the legislation and practice of States Parties, such as the use of *erga omnes* clauses and extension mechanisms. These features are typically found in comprehensive sectoral bargaining systems with high coverage, usually associated with stronger labour protections.

At the same time, the Committee notes that some States Parties provide for the possibility of deviations from higher-level collective agreements through what may be termed opt-out, hardship, or derogation clauses. The Committee applies strict scrutiny to such clauses, based on the requirements set out in Article G of the Charter. As a matter of principle, the Committee considers that their use should be narrowly defined, voluntarily agreed, and that core rights must be always protected. In any event, derogations must not become a vehicle for systematically weakening labour protections.

Article 6§4 – Collective action – Political strikes

The Committee considers however that, while political strikes (targeted against the Government rather than any particular employer) are generally not covered under Article 6§4, they are protected as a legitimate exercise of the right to strike in cases of conflicts of interests if they aim to protect the right to collective bargaining as such

against the risks posed by legislative or policy initiatives from the Government or from Parliament.

Article 6§4 – Collective action – The right of judges and prosecutors to strike

Having regard to the nature of the tasks carried out by judges and prosecutors who exercise the authority of the State and the potential disruption that any industrial action may cause to the functioning of the rule of law, the Committee considers that the imposition of an absolute prohibition on the right to strike may be justified, provided such prohibition complies with the requirements of Article G, and provided the members of the judiciary and prosecutors are have other means through which they can effectively negotiate the terms and conditions of employment, including remuneration.

Appendix III – ECSR Conclusions 2025 in numbers

Revised Charter (1991) ¹	Conformity	Non-conformity
Article 2§1	6	12
Article 3§1	1	15
Article 3§2	0	16
Article 3§3	0	15
Article 3§4	0	1
Article 4§3	0	19
Article 5	18	1
Article 6§1	4	14
Article 6§2	2	16
Article 6§4	0	17
Article 10§4	1	0
Article 20	3	17
Article 25	0	1
Article 28	0	1
Article 29	1	0
total	36	145

1961 Charter	Conformity	Non-conformity
Article 2§1	0	2
Article 3§1	1	3
Article 3§2	1	3
Article 4§3	1	2
Article 5	1	4
Article 6§1	2	3
Article 6§2	0	5
Article 6§4	0	3
Article 1 of the 1988 Additional Protocol	0	1
total	6	26

¹ Germany ratified the Revised European Social Charter in March 2021. Germany was therefore required to report on the provisions newly accepted, in addition to replying to the targeted questions. Those provisions are Article 3§4, 10§4, 25, 28 and 29 of the Revised Charter.

Appendix IV -Positive developments:

- **Andorra:** In general, time spent at the company's disposal outside the workplace does not count as working time or working hours. However, it must be remunerated with at least 25% of the basic salary. In any case, a day when the worker must remain at the company's disposal outside the workplace will never be considered as a day off, even if this time was not used to carry out an activity. If the worker has to carry out an activity, this will count as actual working time.
- **Hungary:** In cases of on-call or standby duty not involving actual performance of work, the worker is entitled to a wage supplement of 20% of the base wage for the duration of standby duty and 40% of the base wage for the duration of on-call duty.
- **Lithuania:** A worker must be paid a bonus for at least 20% of the average monthly salary for each week on-call away from the workplace in case of a passive on-call duty at home.

The following countries have not yet held full joint consultations on the digital and green transitions. However, they have set up programmes, mechanisms or activities that are intended to prepare them for such consultations in the future.

- **Montenegro** has launched programmes including the Decent Work Programme 2024-2027 and the Council for Just Transition;
- In **North Macedonia**, the Economic and Social Council, in collaboration with the ILO, has begun awareness-raising activities and working group preparations focused on just transition and digitalisation;
- **Serbia** has implemented tools and initiated a joint ILO-EU project to improve the normative framework and raise the effectiveness of social dialogue, including collective bargaining
- **Ukraine** has established individual working groups, forums, and discussions dedicated to issues of transition to digital technologies and an environmentally sustainable economy.