

## DECENTWORKCHECK.ORG

## Check

DecentWorkCheck Estonia is a product of WageIndicator.org and  
and [www.mysalary.ee/avaleht](http://www.mysalary.ee/avaleht)



National Regulation exists



National Regulation does not exist

## 01/13 Work &amp; Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

## 02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

## 03/13 Annual Leave &amp; Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

## 04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 06/13 Maternity &amp; Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

\* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





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- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 07/13 Health & Safety

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |









## 08/13 Sick Leave & Employment Injury Benefits

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury                                       |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease     |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 09/13 Social Security

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 10/13 Fair Treatment

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                     |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion  |  | <input type="checkbox"/> | <input type="checkbox"/> |

\* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

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Nationality/Place of Birth	😊	<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste	😊	<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status	😊	<input type="checkbox"/>	<input type="checkbox"/>
Age	😊	<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS	😊	<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities	😊	<input type="checkbox"/>	<input type="checkbox"/>
Language	😊	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)	😊	<input type="checkbox"/>	<input type="checkbox"/>
Marital Status	😊	<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance	😞	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity	😞	<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 11/13 Minors & Youth

41. In my workplace, children under 15 are forbidden	😊	<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 12/13 Forced Labour

43. I have the right to terminate employment at will or after serving a notice	😊	<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour	😊	<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 13/13 Trade Union Rights

46. I have a labour union at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination	😊	<input type="checkbox"/>	<input type="checkbox"/>

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## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Estonia scored 46 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.

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## 01/13 Work &amp; Wages

**Regulations on work and wages:**

Employment Contracts Act

Regulation 166 on Introduction of Minimum Wage

PalgaAlammääraMuutmisePõhimõteteKohta 2008

**Minimum Wage**

Minimum wages were governed under the Wages Act of 1994. However, since the passage of Employment Contracts Act in 2008, minimum wages are now regulated under the new Act and every year government publishes a new agreement on minimum wages.

The government establishes the minimum wage in the country for a specific unit of time (be it hour, day, week or month) through a regulation. There exists only a single national minimum wage in the country. No sectoral, occupational or regional minimum wages are defined. An employer is required not to pay a worker less than the minimum wage announced by the government.

Minimum wage is determined through an agreement between the social partners, i.e., the government, the Estonian Trade Union Confederation and the Estonian Employers' Confederation. The criteria for determining or updating minimum wages includes needs of workers and their families; cost of living; consumer price index/inflation rate; productivity; and level of wages and income in the country.

The Labor Inspectorate is a government agency working under the Ministry of Social Affairs. The main tasks of the Labor Inspectorate are implementation of the working environment policy, state supervision of compliance with the requirements of the legislation on health and safety at work and labor relations in the working environment, informing the public, employees and employers about the risks of the work environment, and resolving individual labor disputes in pre-trial labor disputes bodies. Thus, it is the job of Labour Inspectorate to ensure compliance with minimum wages. The Employment Contract Law however does not specify any monetary fines for violation regarding minimum wages.

Sources: §29(5-6) of Employment Contracts Act; Regulation 166 on Introduction of Minimum Wage; Palga Alammäära Muutmise Põhimõtete Kohta 2008

For updated minimum wage, kindly refer to the section on Minimum Wages

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## Regular Pay

Wages are the remuneration which an employer pays to an employee for work performed in accordance with an employment contract, legal instrument or in other cases prescribed by legislation, a collective agreement or employment contract. Wages are comprised of basic wages and additional remuneration, bonuses and additional payments paid in the cases prescribed by law.

The relevant law on payment of wages is Employment Contracts Act. An employer is under obligation to pay wages to the work under the conditions and at the time agreed on. The wage period may vary for different workers however it cannot exceed one month. Wages have to be paid at the end of wage period in the form of money and legal tender. Wages in kind are not allowed. If a pay day falls on a public holiday or weekly rest day, pay day is deemed to be the day preceding the public holiday or day-off.

There is no clear indication in the law on the number of days at the end of a wage period within which wages have to be paid to a worker. On a pay day, an employer is required to transfer an employee's wages and other remuneration to the bank account indicated by a worker, unless otherwise agreed.

The tax liabilities on an employee are debited from a worker's wages.

Sources: §28(2), 29 & 33 of Employment Contracts Act

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## 02/13 Compensation

**Regulations on compensation:**

Employment Contracts Act

**Overtime Compensation**

The general working hours are 8 hours a day and 40 hours a week. The reference period for 40 hours is seven days (full-time work) unless an employer and employee have agreed on a shorter working time (part-time work).

Overtime work has to be agreed between the parties and overtime work is the work exceeding the general working time at the end of a calculation period. The summarized working time cannot exceed on average 48 hours for a period of seven days over a calculation period of four months. However this calculation period can be extended by a collective agreement up to 12 months in the case of health care professionals, welfare workers, agricultural workers and tourism workers. Employer and employee may agree on a longer working time where summarized working time may not exceed 52 hours per a period of seven days over a period four months and if such agreement is not unreasonably detrimental to an employee.

An employee also has the right to refuse overtime (if it is more than 8 hours on average a week). A labour inspector also has the right to prohibit or limit overtime work if an employer fails to fulfill the conditions related to occupational safety and health requirements.

An employer may demand workers to work overtime in the event of unforeseen circumstances pertaining to the enterprise or activity of the employer and in particular for prevention of damage. However, even in such cases of emergency, overtime cannot be demanded of a minor, pregnant worker or an employee who the right to pregnancy and maternity leave.

Employers are required to compensate workers for working overtime by providing time-off equal to the overtime hours unless it has been agreed that overtime is compensated for in monetary terms. Employers are required to pay workers 150% of the normal wage rate for working overtime.

In the event of on-call time agreement where parties have agreed that the employee will be available to the employer for performance of duties outside of working time, employer has to pay a worker at least 110% of his normal wages for on-call hours.

Sources: §43-48 of Employment Contracts Act

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## Night Work Compensation

Night worker is an employee who works at least three hours of his daily working time or at least one-third of his annual working time at night time (between 22:00 and 06:00).

Night workers cannot work more than eight hours on average over a period of 24 hours in a calculation period of seven days. All such agreements are void by which a worker, whose health is affected by a working environment hazard or characteristics of his work, is obligated to work more than eight hours over a 24 hour period.

For night workers, employers are required to pay 125% of the wages for the work unless it is agreed between the parties that the usual wages include remuneration for working at night time. The parties may also agree to provide additional time-off to a night worker.

Sources: §45 & 50 of Employment Contracts Act

## Compensatory Holidays / Rest Days

There is no clear provision in the Employment Contracts Act on provision of compensatory rest day for working on a weekly rest day or a public holiday.

An employer may like to give additional time-off to a worker who works on a public holiday. However, no such provision is found in the case of weekly rest days.

Sources: §45 & 53 of Employment Contracts Act

## Weekend / Public Holiday Work Compensation

Employment Contract Act has provisions regarding premium pay for workers involved in working on public holidays. However no such provision could be located for those involved in work on weekly rest days.

The premium rate for working on a public holiday is 200% of the normal wage rate of a worker.

Sources: §45 of Employment Contracts Act



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## 03/13 Annual Leave &amp; Holidays

**Regulations on annual leave and holidays:**

Employment Contracts Act

Public Holidays and Days of National Importance Act

**Paid Vacation / Annual Leave**

Employment Contracts Act has provisions with regard to annual leave, scheduling and splitting of annual leave and payment of annual leave pay.

An employee's annual holiday period is 28 calendar days unless the parties have agreed on a longer period or unless otherwise provided under the law. The annual holidays of a worker do not increase with the length of service and its duration remains the same for a worker with one year or five years of service. The annual holiday period for employees receiving pension on account of incapacity for work is 35 calendar days. The annual leave provision for educational and research staff is up to 56 calendar days. A public holiday and a national holiday is not part of annual leave if it falls during the term of annual leave.

The annual holidays for minors are 35 calendar days unless parties have agreed on a longer period or unless otherwise provided under the law.

The qualifying period for annual leave is six months and a worker may demand annual leave (during the first year of employment) once he has served the employer for at least six months. In the first year of employment, annual leave is granted in proportion to the time worked.

Annual leave may be used within a calendar year and is granted in parts only by agreement of parties (splitting of annual leave is allowed). At least 14 consecutive days of annual leave have to be used by an employee successively. The minimum annual leave, to be taken at one time, cannot be less than seven days. Any unused part of the annual leave is transferred to the next calendar year.

The timing of annual leave is set by the employer taking into the requests of an employee and reasonably combining these with the interests of the enterprise. An employer draws up a holiday schedule for each calendar year and communicates it to the worker within the first quarter of the calendar year.

The following types of workers have the right to demand annual leave at a suitable time: a woman worker immediately before or after pregnancy and maternity leave or immediately after child care leave; a male worker immediately after child care leave or during the pregnancy and maternity leave of his wife; a parent raising a child of up to seven years of age; a parent raising a child of seven to ten years of age-during the child's school holidays; and a minor subject to the obligation to attend school-during school holidays.

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Workers receive their average wages during the term of their annual leave. Holiday pay is paid no later than the penultimate working day before the start of holidays unless the parties have agreed otherwise. An agreement on the basis of which holiday pay is paid later than the pay day following the use of annual leave is void. Annual leave pay for (minors and work is with disability) the part exceeding 28 calendar days is paid through the state budget.

A worker cannot receive any payment or other benefits in lieu of annual leave during the validity of an employment contract and all such agreements to the contrary are void. However, in the event of contract termination, an employer is obligated to compensate an employee in monetary form for any unused holiday which has not expired.

Sources: §55-58 & 68-71 of Employment Contracts Act

### Pay on Public Holidays

Public holidays in Estonia are regulated under the Public Holidays and Days of National Importance Act of 1998.

Under the Act, there is one national day and ten public holidays. All of these are non-working days. The national day is Independence Day and anniversary of the Republic of Estonia, commemorated on February 24. The public holidays are New Year's Day (January 01), Good Friday; Easter Monday; May Day (May 01); Pentecost; Victory Day (June 23); Midsummer Day (June 24); Day of Restoration of Independence (August 20); Christmas Eve (December 24); Christmas Day (December 25); and Boxing Day (December 26). There are also nearly thirteen days of national importance however these are not rest days.

Public holidays are paid days and if a worker is required to work on a public holiday, he is entitled to 200% of the normal wage. In some cases, additional time-off may also be provided if agreed between the parties.

Employer are required to shorten the working day by three hours on days preceding New Year's Day, the anniversary of the Republic of Estonia, Victory Day and Christmas Eve.

Sources: §1-3 of Public Holidays and Days of National Importance Act; §45 of Employment Contracts Act

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## Weekly Rest Days

Weekly rest is provided under the Employment Contracts Act.

The general weekly rest period that employee is entitled to, in a seven day period, cannot be less than 48 consecutive hours unless otherwise provided by the law.

In the case of summarized working time, weekly rest time that employees are entitled to, in a seven day period, cannot be less than 36 consecutive hours, unless otherwise provided under the law. Weekly rest is usually granted on Saturday and Sunday.

Workers are entitled to rest break of at least 30 minutes after at most 6 hours of work unless otherwise specified by a separate law. For young workers under 18, the minimum rest of at least 30 minutes must be provided after every four and a half hours of work. This rest time is not considered working time. Labour Code also provides for a daily rest period of 11 consecutive hours.

Sources: §47, 51, and 52 of Employment Contracts Act

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## 04/13 Employment Security

### Regulations on employment security:

Employment Contracts Act

Unemployment Insurance Act

### Written Employment Particulars

Employment Contracts Act has provision with regard to the written employment contracts and written employment particulars.

Employment contracts are required to be in writing except in cases where duration of an employment contract does not exceed two weeks. A written employment contract must contain following information: personal information of the employer and employee; commencement date of an employment contract; job description; agreed wages; wage period and pay day; taxes and payments withheld by the employer; workplace; working time; duration of annual leave; contract termination notice period; reference to the rules of work organization as well as applicable collective agreement.

Employer is required to communicate this information to the worker in good faith, clearly and unambiguously before work is started. If an employer does not communicate this information before commencement of employment, he may demand it at any time and employer would be obligated to communicate such information within two weeks of the receipt of such request. If there is a change in the employment contract, such change will be communicated to the worker in writing within one month of making such change. Employer is required to keep record of employment contract during the term of validity of employment contract and for ten years after the expiry of employment contract.

Employers are also required to indicate probation period as well duration of a fixed term employment contract and reasons for entry into a fixed term contract.

Sources: §5 & 6 of Employment Contracts Act

### Fixed Term Contracts

Employment Contracts Act has provisions with regard to the fixed term contracts.

Employment contracts are usually concluded for an unspecified term (indefinite term contracts). A fixed-term contract may be entered into for up to five years (60 months) if it is justified by good reasons arising from the temporary fixed term characteristics of the work, especially a temporary increase in the work volume or performance of seasonal work. Fixed term contracts can also be concluded for replacement of an employee who is temporarily absent.

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If the work duties are performed by way of temporary agency work, an employment contract may be entered for a specified term if it is justified by the temporary characteristics of work in a user undertaking.

The maximum length of a single fixed term contract is five years. However, if the parties, on more than two consecutive occasions entered into a fixed term employment contract for the performance of similar work or extended the fixed term contract for more than once in five years, the employment relationship is deemed to have been indefinite/unspecified from the start.

Moreover, fixed term contract is deemed consecutive if the time between the expiry of one fixed term contract and the next contract does not exceed two months.

Renewal is allowed only once for fixed term contracts.

The maximum length of a single fixed term contract is five years and since fixed term contracts can be renewed once, the maximum length, including renewals, is 10 years.

Sources: §9 & 10 of Employment Contracts Act

### Probation Period

The provisions on probation period are found in the Employment Contracts Act.

The aim of a probationary period is to assess whether an employee's health, knowledge, skills, abilities and personal characteristics correspond to the level required for performance of the work. Maximum length of probationary period is 4 months (120 days). The parties to an employment contract may agree on the shortening of probationary period from four months or even the non-applicability of probation period.

For fixed term contracts of up to eight months, the probationary period may not be longer than half of the contract term.

Law does not differentiate between the job types and a single type of probationary period is applied for all types of work although parties have the option to shorten such period.

Sources: §6 & 86 of Employment Contracts Act

### Notice Requirement

Employment Contracts Act has relevant provisions on termination of an employment contract and required advance notice periods. Employment contracts are terminated either by agreement between the parties; on expiry of its term (for fixed term contracts); on cancellation of a contract by either of the parties on the bases provided under the law; and on the death of an employee.

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An employee may terminate an employment contract both ordinarily and extraordinarily however in the case of ordinary contract termination, worker has to give advance notice of at least 30 days. On the other hand, employer cannot terminate an employment on an ordinary basis. There must be extraordinary reasons leading to the termination of an employment contract. These reasons are either employee related reasons (related to a worker's conduct, worker's capacity) or economic reasons.

The employee related reasons include inability of worker to perform his work for a long time because of his state of health, resulting in the inability of the worker to continue an employment contract (a decrease in the employee's capacity to work because of his state of health); inability to perform his work duties for a long time because of insufficient work skills, non-suitability for the job or inadaptability, which prevents the employment contract from continuing (a decrease in the employee's capacity to work); disregard of the employer's reasonable instructions or breach of his duties; appearance at the workplace in a state of intoxication; commission of a theft, fraud or an act bringing about the loss of the employer's trust in the employee; bringing about a third party's distrust in the employer; damage to the employer's property and threat of such damage; and violation of an obligation to maintain confidentiality in trade secrets.

The economic reasons include a decrease in the volume of work, a reorganization of work or other cessation of work; a cessation of the employer's activities; and a declaration of the employer's insolvency.

An employee may also terminate an employment contract extraordinarily if taking into account all circumstances and mutual interests, further continuation in the employment related obligations are no longer desirable. An employee may terminate an employment contract if employer has breached a fundamental obligation especially if the employer has degraded the employee or threatened to do so or allowed employee's colleagues or third parties to do so; employer has delayed the payment of wages; and in cases where continuance of work is a real threat to the employee's life, health, morals or good name. An employee may also terminate an employment contract extraordinarily if employee's state of health or family responsibilities don't allow him to perform agreed work and employer does not provide the worker with other suitable work.

An employer however cannot terminate an employment contract in the following cases: if an employee is pregnant or has the right to pregnancy and maternity leave; if an employee is required to perform important family duties; if an employee does not, in the short term, cope with the performance of his or her duties as a result of his or her state of health; if an employee lawfully represents other employees; if a full-time employee does not want to work part time or if a part-time employee does not want to work full time; and if an employee is in military service or an alternative service, such as social care, rescue service or emergency service.

An employment contract may be terminated during the probationary period by giving at least 15 days of notice. In the event of extraordinary contract termination, an employer has to observe the following notice period: at least 15 calendar days for less than one year of employment; at least 30 calendar days for one to five years of employment; at least 60 calendar days for five to ten years of employment; and at least 90 calendar days for ten and more years of employment.

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An employer may not adhere to the notice period requirement if an employer considers that performance of contract has become impossible even until the expiry of notice (only in the event of employee related reasons). A collective agreement may set notice periods differently than what are provided above.

An employee may terminate an employment contract both ordinarily and extraordinarily however in the case of ordinary contract termination, worker has to give advance notice of at least 30 days.

Compensation in lieu of notice is allowed. If an employer or an employee gives advance notice of cancellation later than provided by law or a collective agreement, the employee or the employer has the right to receive compensation to the extent to which they would have had the right to obtain upon following the term of advance notice.

Sources: §79-100 of Employment Contracts Act

### Severance Pay

There is no general right to severance pay under Estonian Legislation. Employment Contracts Act has relevant provisions on the right to severance pay.

Severance pay is not allowed in the event of individual dismissals. The law provides for severance pay in the event of economic dismissals and an employee is entitled to one month's wages upon termination of employment contract due to a lay-off. In the case of lay-off, redundancy pay is one month's wages and it does not increase with increase in the length of service. If a fixed term contract is terminated for economic reasons (except in the case of employer's bankruptcy), employer is required to pay wages to the employee that he would have been entitled to until the expiry of contract term however no compensation is payable if contract is terminated due to force majeure. If an employee terminates an employment contract extraordinarily, employer is entitled to compensation to the extent of three months' average wages to the employee. A court or labour dispute committee may however change the amount of compensation considering the circumstances of contract termination and interests of both parties.

In the event of termination for economic reasons, the Estonian Unemployment Insurance Fund pays an additional compensation to the employee which varies according to the employee's length of service, in the following manner: One month's wages for five to ten years of service; and two months' wages for over ten years of service. There was third option of three months' wages for more than 20 years of service however it was applicable only until 31st December 2014.

Sources: §100 &139 of Employment Contracts Act; §14 of Unemployment Insurance Act

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## 05/13 Family Responsibilities

### **Regulations on family responsibilities:**

Regulations on employment conditions for Parents:

Employment Contracts Act

Parental Benefits Act

### **Paternity Leave**

The provisions on paternity leave are found in the Employment Contracts Act.

New fathers are entitled to paternity leave for 10 working days. All employed fathers with temporary or permanent contracts are eligible for paternity leave. There is flexibility in the use of this leave since employees can decide to take this leave during two months before or two months after the birth of a child.

The paternity leave is fully paid leave with a limit of three times average earnings. The paternity leave is funded from the general taxation.

Sources: §60 of Employment Contracts Act

### **Parental Leave**

Parental leave is provided under Employment Contracts Act and Parental Benefits Act.

Parental leave is available until a child reaches three years of age. However this is entitlement per family. Parental leave may be used in one part or in several parts at any time until a child is three years of age.

The parental leave is partially paid in the sense that parental benefit is paid at 100% of the average earnings for 435 days (62 weeks) from after the end of maternity leave. There is a ceiling of € 2,907.15 per month in 2017 and this is 3,089.55 in 2018, equivalent to three times the average earnings. The minimum benefit paid to the workers in 2017 is minimum wage, i.e., €470 per month. For those parents who are neither working nor on parental leave, parental benefit is paid from the birth of a child at the flat rate of €320 per month until the child reaches 18 months of age. There is also provision for a flat rate child care benefit (€38.36 per month) paid from the end of parental benefit until the child reaches three years of age.

The parental benefit and child care benefit are funded from general taxation and are thus paid by the employer.

Sources: §62 of Employment Contracts Act; §1-4 of Parental Benefits Act

### **Flexible Work Option for Parents / Work-Life Balance**

There is no clear provision in the law on flexible working time for parents of minor children.



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06/13      **Maternity & Work****Regulations on maternity and work:**

Employment Contracts Act

2009 Regulation on Occupational health and safety requirements for work of pregnant and breastfeeding women as amended in 2015

Health Insurance Act

Occupational Safety and Health Act

**Free Medical Care**

Medical care is provided under the national health care system.

Pregnant women have the right to health care from the moment pregnancy is medically determined without having to pay social tax. There is no qualifying period for employees although the duration of employment contract must exceed one month.

Patient has to do the cost-sharing and pay some nominal fees for availing some services however pre-natal care, confinement and post-natal care is totally free for all women in Estonia.

**No Harmful Work**

Provisions with regard to occupational safety and health of pregnant and breastfeeding workers are found in Employment Contracts Act and special Regulation issued under the Occupational Safety and Health Act.

In accordance with Regulation on Occupational health and safety requirements for work of pregnant and breastfeeding women, an employer is obliged to assess the risks to the health and safety of a female worker (pregnant and breastfeeding worker) in a workplace. An employer may take following measures to ensure safety of a pregnant and breastfeeding worker by temporary facilitation of working conditions; change in the work organization including shortening of work time and enabling of suitable breaks; temporary transfer to easier, other or day time job.

A pregnant employee has the right to demand from the employer to temporarily provide her with the work corresponding to her state of health if the employee's state of health does not allow for performance of duties agreed in the employment contract. If the employer is unable to provide suitable alternative work, an employee may temporarily refuse to perform the duties. In such cases, employee is paid compensation in accordance with the conditions under Health Insurance Act.

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An employee may also submit a medical certificate from a doctor or a midwife indicating the restrictions on work due to her state of health and any proposals regarding duties and working conditions corresponding to her state of health. Pregnant workers may not be involved in work involving high air pressure conditions, lead and its components and underground work.

Sources: §18 of Employment Contracts Act; 2009 Regulation on Occupational health and safety requirements for work of pregnant and breastfeeding women as amended in 2015; §10 of the Occupational Health and Safety Act 1999, last amended in 2017

### Maternity Leave

Maternity leave is provided under the Employment Contracts Act.

Maternity leave is 140 calendar days (20 weeks). Between 30 to 70 days of leave can be taken before birth and remaining leave can be taken after birth. If less than 30 days of leave is taken before birth, maternity leave is shortened accordingly.

There is some flexibility in the use of maternity leave since workers can take either half of the maternity leave (70 days) before birth or at least 30 days before birth and remaining 110 days after birth. However, if a worker takes less than 30 days before birth (say 20 days), her post-natal leave won't be 120 days. Rather it will be 110 days and she will lose ten days of her leave.

The parents who adopt a child under 10 years of age also have the right to adoptive parent leave of 70 calendar days. There is no extension in maternity leave in the event of multiple births or in the case of ill health.

Sources: §59 of Employment Contracts Act

### Income

Women workers have the right to receive compensation for maternity leave under the Health Insurance Act.

Workers are paid their full wages (100%) while they are on maternity leave or adoptive parent leave. The maternity benefit and adoption benefit are part of the temporary incapacity for work benefit. The compensation is paid for the full term of maternity leave, i.e., 140 days and adoption leave, i.e., 70 days.

Both the maternity benefit and adoption benefit are paid under the Health Insurance Act and paid through Health Insurance Fund funded through health insurance contributions of employers although managed by the government.

Sources: §59 & 61 of Employment Contracts Act; §50, 54 & 58 of Health Insurance Act

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## Protection from Dismissals

Protection from dismissals during pregnancy and maternity leave is guaranteed under Employment Contracts Act. Employers are prohibited from terminating employment contract of a worker who is pregnant or has the right to pregnancy and maternity leave. If an employer terminates an employee who is pregnant or raising a child under three years of age, it is deemed that the employment contract is terminated unfairly unless the employer proves that it cancelled the employment contract on a basis allowed under the Act.

Employers are required not to terminate an employee who is pregnant or women who has the right to maternity leave or a person on child care leave or adoptive parent leave due to lay-off except upon cessation of business activities by the employer or declaration of employer's bankruptcy. A pregnant employee or a person who has right to maternity leave cannot be terminated due to a decreased capacity for work.

Sources: §92 & 93 of Employment Contracts Act

## Right to Return to Same Position

A worker's right to return after availing maternity leave is guaranteed under the Employment Contracts Act. The law prohibits an employer from dismissing an employee who is pregnant or on maternity leave. Similarly, at the end of maternity leave, women workers have the right to improved working conditions (increase in wages, better provisions under a collective agreement) which she would be entitled to if she was not on leave.

Sources: § 18.5, 92 & 93 of Employment Contracts Act

## Breastfeeding/ Nursing Breaks

Breastfeeding breaks are provided under the Occupational Safety and Health Act.

Breastfeeding mothers with a child under 18 months can take either a 30-minute breastfeeding break every three hours or a 60-minute break per day. If there are two or more children, the breastfeeding break is at least one hour.

Nursing breaks are provided until a child reaches 18 months of age. The nursing breaks are paid breaks and paid through the state budget funds.

Sources: §10 of the Occupational Safety and Health Act

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## 07/13 Health &amp; Safety

**Regulations on health and safety:**

Occupational Safety and Health Act

Statutes of the Labour Inspectorate, Regulation No. 26

**Employer Cares**

An employer is required to protect the health and safety of workers at the workplace in accordance with the provisions of Occupational Safety and Health Act.

An employer and employees are required to co-operate in the name of a safe working environment. Employer is required to implement measures to prevent health risks arising from physical, chemical, biological, physiological and psychological hazards. Employers are required to ensure the conformity with the occupational health and safety requirements in every work related situation. Employers are further required to apply measures provided for in the employment contract and collective agreements to prevent damage to the health and safety of employees and neutralize the effect of above mentioned hazards.

Sources: §3, 6-9, 12 & 13 of the Occupational Safety and Health Act

**Free Protection**

The right to personal protective equipment (PPE) is guaranteed under the Occupational Safety and Health Act. If the risk of an accident or illness cannot be avoided or if a working environment hazard cannot be brought into conformity by applying technical means of collective protection or work related organizational measure, employer is required to provide employees with personal protective equipment. Employers are under obligation to provide, at the their own expense, an employee with personal protective equipment, special work clothes, and cleaning and washing means if the nature of work so requires, and arrange training for the employee in the use of personal protective equipment. Employees have the right to demand that an employer provides working conditions and collective and personal protective equipment conforming to the occupational health and safety requirements. Employees are also under obligation to make correct use of the prescribed personal protective equipment and keep it in working order.

Sources: §3, 13 & 14 of the Occupational Safety and Health Act

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## Training

Occupational Safety and Health Act requires employers to provide training to the workers on OSH related issues. An employer is under obligation to arrange for the employee to receive occupational health and safety instructions and training corresponding to the employee's position and occupation before an employee commences work or changes jobs. Such instruction or training is repeated if the work equipment or technology is changed or upgraded. Employers are also required to prepare and approve safety instructions for the work to be carried out and for the work equipment used, and give instructions to an employee to prevent contamination of the environment.

If a workplace contains danger areas where there is a risk of an accident or damage to health, the said areas are marked and appropriate measures are taken to prevent employees who have not received special instruction or special training or other persons from entering those areas. However, if it is necessary to enter a danger area, it may be done only in the presence of an employee who has received special instruction or training. Employer is required to ensure that only an employee who has received appropriate special instruction or special training works in a danger area or that work is performed under the supervision of such employee.

Employees are also under obligation to ensure in accordance with his training and the employer's instructions that his work is not harmful to his or her own life or health or that of other persons, and does not contaminate the environment.

Sources: §4,13 & 14 of the Occupational Safety and Health Act

## Labour Inspection System

Labour inspection system is provided under the Statutes of the Labour Inspectorate, Regulation No. 26.

Ministry of Social Affairs in the competent authority in the labour and employment related matters. The Labour Inspectorate is the government agency responsible for enforcing labour legislation. The other laws related to the organization and functional composition of labour inspection is Occupational Safety and Health Act and Employment Contracts Act.

The main functions entrusted to the Labour Inspectorate are the supervision of compliance with legislation regulating occupational health and safety and labour relations, informing general public, workers and employers of the dangers in the work environment and resolving of individual labour disputes.

Sources: Statutes of the Labour Inspectorate, Regulation No. 26

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## 08/13 Sick Leave &amp; Employment Injury Benefits

**Regulations on sick leave & Employment Injury Benefits:**

Health Insurance Act  
Employment Contracts Act  
State Pension Insurance Act

**Income**

Paid sick leave is provided under the Health Insurance Act. In case of temporary incapacity for work, the medical doctor issues to the person a sick leave certificate. The sick leave certificate allows the worker to be free from executing the work and service obligations.

The sick leave certificate is presented to the employer, who presents this with other relevant documents to the Estonian Health Insurance Fund.

The first three days of sick leave are not compensated by the Health Insurance Fund or by the employer. From the fourth to the eighth day of sick leave, employer is obligated to pay 70% of the worker's salary. From the ninth day onward, employee receives compensation from the Estonian Health Insurance Fund. The cash benefit (100% in the case of occupational disease or injury) is paid until the end of the sick leave, as indicated on the medical certificate, but for not more than 182 consecutive calendar days per illness. In the case of tuberculosis, the benefit may be paid for up to 240 consecutive calendar days.

In view of the above, it can be concluded that paid sick is 182 calendar days in Estonia.

Sources: §50-57 of the Health Insurance Act

**Medical Care**

Medical care is provided under the national health care system.

Workers and self-employed have to pay social tax in order to avail health care facilities. There is no qualifying period for employees although the duration of employment contract must exceed one month. Patient has to do the cost-sharing and pay some nominal fees for availing some services.

Services include consultations with general practitioners and specialists; laboratory tests; preventive check-ups; outpatient and inpatient tests and procedures; and hospital care (including nursing care and medication). The health insurance system also covers the prescribed medication which is available at reduced prices.

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## Job Security

The Employment Contracts Act has provisions on employment security for sick workers. Employers are prohibited from terminating the employment contract of a worker who is unable, in short term, to perform his duties due to his state of health. The limit to this "short term" is four months. And an employer is allowed to extraordinarily terminate an employment contract of a worker who is unable to perform his duties for a long time due to his state of health. This is also referred to as decrease in the worker's capacity due to state of health. This decrease in capacity is assumed if the employee's state of health does not allow for performance of duties over four months.

It can be safely concluded that employment of a worker is not secure during the first six months of illness. Rather it is secure only during the first four months. Sickness benefit may be paid for 182 days (six months) however employment of a worker is secure only for 120 days.

Source: §88 & 92 of Employment Contracts Act

## Disability / Work Injury Benefit

Work Injury/Temporary Incapacity for work benefits in Estonia are guaranteed under Health Insurance Act and State Pension Insurance Act.

The benefit rate in the case of an accident at work or occupational disease is 100% of reference earnings. However, the Health Insurance Fund is entitled to claim the difference from the liable employer. Apart from this, the same rules apply as for other sickness benefits in cash.

In the event of permanent work incapacity as a result of a workplace accident or occupational disease, a work incapacity pension (similar to invalidity pension) is granted and paid under the State pension insurance scheme. No qualification period is applicable.

In the event of death, the employer is obliged to meet the cost of the funeral. The survivors 'benefits are equal to Dependents' / Survivors' Benefit explained under a different section.

Please refer to the sections on invalidity benefit and dependents' / survivors' benefit.

Sources: §50-57 of the Health Insurance Act; §14-19 of State Pension Insurance Act

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09/13 Social Security

**Regulations on social security:**

State Pension Insurance Act

Unemployment Insurance Act

Labour Market Services and Benefits Act

**Pension Rights**

Pension rights in Estonia are guaranteed under "Old-Age Pensions under Unfavourable Conditions Act, Superannuation Pension Act, State Pension Insurance Act, and Funded Pensions Act".

Normal Retirement age (pension eligibility age) is 63 years for men and will reach 63 years for women from 2016. Worker must have at least 15 calendar years of contributions to earn a pension. The retirement age for men and women will rise gradually from 2017 to 2026 until it reaches the age of 65 years.

The permanent residents of Estonia as well as the foreigners with temporary residence permits are eligible for an old-age pension.

There is provision for both early retirement and late retirement. The pensionable age for early retirement is 60 years with the condition that individual retires and 15-year qualification period is met. Pension is reduced by 4.8% for each year that a worker retires early. Old age pension can be deferred however no age limit for deferred pension is provided under the law. By deferring pension after the normal pension age, worker earns an increment of 10.8% per year.

The Old-age pension consists of three components: the basic flat rate amount of €161.9038; a component calculated on the basis of years of pensionable service, the amount of which equals the number of years of pensionable service multiplied by the value of a year of pensionable service (€5.767); and an insurance component, the amount of which equals the sum of the annual factors of an insured person multiplied by the value of a year of pensionable service.

There is also provision for a National Pension which is available to those 63 years old who do not qualify for a social insurance old-age pension. However they must have resided in Estonia for at least five years before applying for benefits and must not be receiving pension from any other country. The rate of national pension is €175.94.

Source: §7-13 of State Pension Insurance Act



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## Dependents' / Survivors' Benefit

Dependents' / Survivors' Benefiting Estonia are guaranteed under State Pension Insurance Act.

Upon the death of a provider, family members who were maintained by the person have the right to receive a survivor's pension. Survivor's pension is granted to the children, parents and the widow or widower irrespective of whether they were maintained by the provider or not.

The survivor pension can be calculated on the basis of the greater of the following two pensions: old-age pension calculated on the basis of the provider's accumulation period and insurance components; or old-age pension if the person has completed thirty years of pensionable service.

The actual amount of survivor's pension depends on the number of family members eligible for survivors' benefit. It is 100% of the old-age pension for three or more eligible family members; 80% for two family members; and 50% in the case of one family member.

Source: §20 & 21 of State Pension Insurance Act

## Unemployment Benefits

Unemployment benefits are guaranteed under the Unemployment Insurance Act.

In the event of unemployment, two kinds of benefits are provided. Unemployment Insurance Benefit, provided under the Unemployment Insurance Act, is earnings related and is financed through contributions to a compulsory insurance scheme. Those who don't meet the conditions of unemployment insurance benefit or have already exhausted their right to the benefit are eligible for flat rate Unemployment Allowance provided under the Labour Market Services and Benefits Act and funded through the general state budget.

An applicant for unemployment insurance benefit must have paid unemployment contributions for at least 12 of the last 36 months. A claimant for unemployment insurance benefit must be involuntarily unemployed; not actively working; be available for full time work; be aged between 16 years and pensionable age; be registered as unemployed; and be actively seeking employment.

Unemployment insurance benefit is 50% of the previous earnings (average earnings of first 9 months in the last one year) up to a maximum of three times the national average during the first 100 days of unemployment and 40% of the reference earnings in the later days. The maximum limit is €43.47 for the first 100 days and €34.78 for the remaining days.

The duration of benefit is expressed as a number of days during which an unemployed person can receive the unemployment insurance benefit. This number of days depends on a person's "insurance period", which takes into account all the months during which unemployment insurance contributions have been paid.

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An insured person has the right to receive an unemployment insurance benefit during the whole period when he or she is registered as unemployed, but not longer than 180 calendar days if the insurance period is shorter than 5 years; 270 calendar days if the insurance period is 5–10 years; and 360 calendar days if the insurance period is 10 years or longer.

The unemployment allowance is paid to the unemployed persons who do not qualify for unemployment insurance benefit, who actively seek work, who have worked during the last 180 days or have finished full time studies (there are many other exceptions) or whose income is less support for the unemployed 31-fold daily rate (150.66 euros). The involuntary unemployment requirement also does not apply. The Unemployment Allowance is paid for 210 to 270 days. It is paid for 210 days if an employee is extraordinarily dismissed for reasons related to insubordination, fraud, damage to the property, and violation of confidentiality agreement (section 89.1.3-8 of Employment Contract Act). In other cases, unemployment allowance is paid for a period of 270 days. The daily unemployment allowance rate for 2017 is 4.86 euros, and 31 times the daily rate of 150.66 euros (for a month).

Source: §6-14 of Unemployment Insurance Act; §26-33 of Labour Market Services and Benefits Act

### Invalidity Benefits

Invalidity Benefits in Estonia are guaranteed under State Pension Insurance Act. All permanent residents of Estonia as well as foreigners with temporary residence are eligible for invalidity benefits.

There are two kinds of invalidity pension: the work-incapacity pension and the national pension based on incapacity to work. A work-incapacity pension is payable to residents of Estonia aged from 16 years to retirement age who have a degree of permanent work incapacity of at least 40%. To be eligible, persons aged between 25 and 62 must have accrued at least one to fourteen years of pensionable employment by the date on which the pension is granted.

Persons who have a degree of permanent work incapacity of at least 40% and who have not accrued the number of years of pensionable employment (as required above), are entitled to a national pension.

For the persons declared permanently incapacitated for work, invalidity pension is granted for the entire period of incapacity for work but not for longer than until attaining pensionable age (of 63 years). A work incapacity/invalidity pension is calculated on the basis of the higher of the following two amounts: the amount of an old-age pension calculated on the basis of the individual's actually accrued pensionable employment and pension insurance coefficients; or the amount of an old-age pension of a person who has accrued 30 years of pensionable employment. The amount of the work-incapacity pension is based on the percentage loss of work capacity, but cannot be less than the national pension rate which is now €175.94.

Sources: §14-19 of State Pension Insurance Act

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## 10/13 Fair Treatment

**Regulations on fair treatment:**

Regulations on fair treatment at work:

Gender Equality Act

Equal Treatment Act

Constitution of Estonia 1992, revised in 2003

Penal Code

Employment Contracts Act

**Equal Pay**

The Law on Gender Equality and the Law on Equal Treatment guarantee equal pay for work of equal value. An employer's activities are considered discriminatory if an employer establishes remuneration (or its conditions) and conditions for the provision or receipt of other benefits which are less favorable for employees of one sex compared with employees of other sex doing the same work or work of equal value.

According to the Law on Equal Treatment, discrimination of persons on the grounds of ethnic origin, race, colour, religion or other beliefs, age, disability or sexual orientation is prohibited in all employment related matters including remuneration.

Source: §6.2 of the Gender Equality Act; §2.2 of the Equal Treatment Act

**Sexual Harassment**

Harassment and Sexual harassment are dealt with under the Gender Equality Act and Equal Treatment Act.

The Gender Equality Act prohibits sexual harassment and harassment based on the sex of a person. Sexual harassment takes place where any form of unwanted verbal, non-verbal or physical conduct or activity of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating a disturbing, intimidating, hostile, degrading, humiliating or offensive environment. Harassment based on the sex of a person occurs where unwanted conduct or activity related to the sex of a person occurs with the purpose or effect of violating the dignity of a person and of creating a disturbing, intimidating, hostile, degrading, humiliating or offensive environment.

Under the Equal Treatment Act, direct discrimination includes harassment which occurs when unwanted conduct on any of the grounds mentioned in the Act takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

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Article 13 of the Gender Equality Act stipulates that if the rights of a person are violated due to discrimination, he or she may demand, from the person who violates the rights, the termination of the harmful activity and compensation for the damage on the basis of and pursuant to the procedure provided by law. It further provides that an injured party may demand that, in addition to above provisions, a reasonable amount of money be paid to the party as compensation for non-patrimonial damage caused by the violation. Upon determination of the amount of compensation, a court or a labour dispute committee may take into account, inter alia, the scope, duration and nature of the discrimination.

Under a 2017 amendment in the Penal Code, sexual harassment is defined as ‘an intentional physical act of sexual nature committed against somebody’s will with the degrading objectives or consequences’. The act is punishable by a fine of up to three hundred fine units or detention. A legal person can be held accountable for sexual harassment and may be punished with a fine of up to EUR 2000.

Source: §3.1.5 & 3.1.6 of the Gender Equality Act; §3.3 of the Equal Treatment Act; §153(1) of Penal Code

### Non-Discrimination

Non-discrimination is guaranteed under the Constitution, Gender Equality Act and the Law on Equal Treatment. In accordance with article 12 of the Constitution, "everyone is equal before the law. No one shall be discriminated against on the basis of ethnic origin, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds. The incitement of ethnic, racial, religious or political hatred, violence or discrimination shall, by law, be prohibited and punishable. The incitement of hatred, violence or discrimination between social strata shall, by law, also be prohibited and punishable".

The Equal Treatment Act ensures the protection of persons against discrimination on the grounds of ethnic origin, race, colour, religion or other beliefs, age, disability or sexual orientation. The Equal Treatment Act “does not preclude the requirements of equal treatment in labour relations on the basis of attributes mentioned above, in particular due to family-related duties, social status, representation the interests of employees or membership in an organisation of employees, level of language proficiency or duty to serve in defence forces”. The Gender Equality Act prohibits discrimination on the ground of sex. The Equal Treatment Act also prohibits direct and indirect discrimination.

Direct discrimination based on sex also means less favourable treatment of a person in connection with pregnancy and child-birth, parenting, performance of family obligations or other circumstances related to gender, as well as gender-based harassment and sexual harassment and less favourable treatment of a person due to rejection of or submission to harassment.

In accordance with the Penal Code, unlawful restriction of the rights of a person or granting of unlawful preferences to a person on the basis of his or her nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion, financial or social status and genetic risks is punishable by a fine of up to 300 fine units or by detention.

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In accordance with Employment Contracts Act, an employer has to ensure the protection of employees against discrimination, follow the principle of equal treatment and promote equality in accordance with the Equal Treatment Act and Gender Equality Act.

Source: §12 of the Constitution of Estonia 1992, revised in 2003; §1.1 of the Gender Equality Act; §1.1, 2.3&3 of the Equal Treatment Act; §151-153 of Penal Code; §3 of the Employment Contracts Act

### Equal Choice of Profession

Women workers can be employed in the same jobs as men. Employers are prohibited from establishing such conditions, upon hiring, which put persons of one sex at a particular disadvantage compared with Persons of the other sex.

In accordance with the provisions of the Constitution, every citizen has the right to freely choose his or her area of activity, profession and place of work. Conditions and procedure for the exercise of this right may be provided by law. Citizens of foreign states and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by law.

A court may deprive a convicted offender of the right to work in a certain position or operate in a certain area of activity for up to three years if the person is convicted of a criminal offence relating to abuse of professional or official status or violation of official duties.

Source: §29 of the Constitution of Estonia 1992, revised in 2003; §6.2 of the Gender Equality Act; §49 of the Penal Code

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## 11/13 Minors &amp; Youth

**Regulations on minors and youth:**

Employment Contracts Act

Occupational Safety and Health Act

Penal Code

**Minimum Age for Employment**

Employment of Children is governed under Employment Contracts Act.

Minimum age for entry into employment is 15 years. The minimum age for employment is higher for children who have not completed compulsory schooling. An employer may enter into an employment contract with a minor of 13-14 years or a minor of 15-16 years subject to obligation to attend school and engage him only in light work. Minors of age 7-12 years can also be engaged in the light work in the field of art, sports, culture or advertising. Light work prescribed for minors aged 13-16 years and 7-12 years is provided in a Regulation (No. 93) issued in 2009. An employer may enter into an employment contract with a minor of 13-14 years of age for the performance of agricultural work; ancillary work performed in trade or service establishments; ancillary work performed in catering or accommodation establishments; and other work that meets the requirements provided by the law.

Employers are prohibited from allowing a minor to work without the consent or approval of a legal representative. An employer may not enter into employment contract or allow a minor to work if the work is beyond minor's physical or psychological capacity; is likely to harm the moral development; is likely to harm the minor's health due to the nature of work or the working environment; is likely to hinder the minor's social development or the acquisition of his or her education; or involves risks which the minor cannot recognize or avoid owing to the lack of experience or training.

Employers are required to create suitable working and rest conditions for employees who are minors and disabled. Upon assigning work to minors, an employer should observe the restrictions provided by legislation for ensuring their safety. While employing a minor under 15 years, employers have to notify minor and his/her legal representative of the risks related to the work of the minor and the measures implemented for the protection of his/her health and safety.

Unless parties to the contract have agreed on a shorter working time, full time work (shortened full time work) is: 2 hours a day and 12 hours a week during school year while 3 hours a day and 15 hours over a period of seven days during school vacations (for employees with 7-12 years of age); 2 hours a day and 12 hours a week during school year while 7 hours a day and 35 hours over a period of seven days during school vacations (for employees with 13-14 years of age or subject to obligation to attend school); 6 hours a day and 30 hours over a period of seven days (for employees with 15 years of age and not subject to the obligation to attend school); and 7 hours a day and 35 hours over a period of seven days (for employees with 16 years of age and not subject to the obligation to attend school, and an employee who is 17 years of age). The school leaving age is 15 years in Estonia. The maximum school leaving age is 17 years.

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An employer enters into an employment contract with a minor without the consent of a legal representative and allowing a minor to work without the consent of a labour inspector is punishable by a fine of up to 100 fine units. If a legal person commits this act, he is punishable by a fine of up to 1,300 euros.

Sources: §7, 8, 43 & 119 of Employment Contracts Act; §10 & 13(5) of the Occupational Safety and Health Act

### Minimum Age for Hazardous Work

Employment of children is governed under Employment Contracts Act. The minimum age for hazardous work is 18 years.

Overtime work is prohibited for minors and any overtime work agreement with a minor is void. Night work is also prohibited for minors. An agreement where a minor undertakes to perform work from 20:00 to 06:00 is void. However, this prohibition is not applicable if a minor is involved in light work in the field of culture, art, sports or advertising under the supervision of an adult from 20:00 to 24:00.

A person who influences a person under 18 years of age to work under unusual conditions is punishable by two to ten years' imprisonment.

In accordance with a Regulation Prohibiting Work involving Occupational Hazards (No. 94 issued in 2009), the hazardous works prohibited for minor workers include physical hazards, chemical and biological hazards, hazards in the production process and other works. Underground work, work on heights and work on repair or maintenance work on the elevator is prohibited for minor workers.

Sources: §44 & 49 of Employment Contracts Act; §175 of the Penal Code

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**12/13      Forced Labour****Regulations on forced labour:**

Constitution of Estonia 1992, revised in 2003

Penal Code

Employment Contracts Act

**Prohibition on Forced and Compulsory Labor**

Constitution and Penal Code prohibit forced labour. In accordance with article 29 of the Constitution, "no one shall be compelled to perform work or service against his or her free will, except service in the armed forces or alternative service, work to prevent the spread of an infectious disease, work in the case of a natural disaster or a catastrophe, and work which a convict must perform on the basis of and pursuant to procedure established by law".

In accordance with section 133 of the Penal Code, placing a person in a situation where he or she is forced to work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, or keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person, is punishable by 1 to 7 years' imprisonment. The punishment may be increased to 3 to 15 years imprisonment in certain cases.

A person who influences a person under 18 years of age to work under unusual conditions is punishable by two to ten years' imprisonment.

Source: §29 of the Constitution of Estonia 1992, revised in 2003; §133 & 175 of Penal Code

**Freedom to Change Jobs and Right to Quit**

Employment Contracts Act gives a worker freedom to change jobs and the right to quit.

In accordance with the provisions of the Constitution, every citizen has the right to freely choose his or her area of activity, profession and place of work. Conditions and procedure for the exercise of this right may be provided by law. Citizens of foreign states and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by law.

In the event of ordinary cancellation of employment contract, employee is required to give 30 days of notice to the employer. In the event of extraordinary contract termination, notice is not required.

Source: §98 of the Employment Contracts Act



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## Inhuman Working Conditions

Employment Contracts Act has provision on working time.

The general working hours in Estonia are 40 hours a week. The maximum working hours (including overtime) are 48 hours. Thus, overtime hours are 8 hours a week.

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## 13/13 Trade Unions

**Regulations on trade unions:**

Constitution of Estonia 1992, revised in 2003

Trade Union Act

Collective Agreements Act

Collective Labour Dispute Resolution Act

**Freedom to Join and Form a Union**

Freedom of Association is guaranteed under the Constitution of Estonia and Trade Union Act.

In accordance with article 29 of the Constitution, "everyone may freely belong to unions and federations of employees and employers. Unions and federations of employees and employers may uphold their rights and lawful interests by means which are not prohibited by law. The conditions and procedure for the exercise of the right to strike shall be provided by law. The procedure for resolution of labor disputes shall be provided by law."

Workers have the right to freely found and join, or not to join, trade unions without prior approval however members of the Defence Forces who are in active service are prohibited from founding or joining a union. Trade unions also have the right to form federations and confederations to represent the rights and interests of employees. Trade unions function independent of employer or state influence.

At least five members are needed to found a union. The same number of unions (five) is needed to found a federation as well as confederation. A trade union has to be registered and registration departments/registrars of country courts maintain a register of trade unions located in their jurisdiction.

Trade unions are competent to enter into collective agreements or other contracts pertaining to employment, service or social affairs with the employers and state authorities; submission of proposals to the government for amendment of legislation regulating social and employment issues; submission of proposals on draft legislation on issues of interest to the workers; co-operation with state employment services on training and skilling of workers; participation in informing and consulting employees; and representation and protection of trade union members in dispute resolution bodies.

The rights of an employee and an applicant for employment cannot be restricted on the ground of their membership or non-membership of a trade union. An employee's rights are restricted if, due to trade union membership or activities, if: an employee is not allowed to work; an employee is fired; the working conditions of an employee are impaired; remuneration or wages are reduced or not paid; or an employee is treated unequally.

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Trade union density is 10.7% in Estonia and there are two main federations for blue-collar and white-collar workers. The Estonian Trade Union Confederation (EAKL), the trade union organization for blue-collar workers, is the largest trade union confederation and is the main partner in national minimum wage negotiations. The Estonian Employees' Unions' Confederation (TALO), the trade union organization for white-collar workers, represents cultural workers and public servants. According to a 2009 survey, unions are present in nearly 6% of the enterprises employing five or more workers.

Source: Constitution of Estonia and Trade Union Act

### Freedom of Collective Bargaining

Right to collective bargaining is guaranteed under the Constitution of Estonia and Collective Agreements Act.

In accordance with article 29 of the Constitution, "unions and federations of employees and employers may uphold their rights and lawful interests by means which are not prohibited by law. The conditions and procedure for the exercise of the right to strike shall be provided by law. The procedure for resolution of labor disputes shall be provided by law."

A collective agreement is a voluntary agreement between employees/union and the employer or employer association. Collective agreements can be both bilateral and trilateral (tripartite). A collective agreement is applicable to the parties concluding it however it is extendable to others as well. The scope of extension is determined under the collective agreement. The Ministry of Social Affairs maintains a database of concluded agreements and all collective agreements are registered in the database. The procedure for the registration of collective agreements and amendment of data is established by a regulation of the minister responsible for the field.

Collective agreements are concluded in writing and are usually in force for one year unless the parties have agreed otherwise. During the term of the collective agreement, both the parties are under peace obligation not to declare a strike or lockout. A collective agreement may be concluded between the parties to determine wage conditions, working conditions, conditions of work and rest, terms relating to contract termination for workers, staff redundancy terms, vocational training and assistance for the unemployed, health and safety conditions and other necessary information.

The Estonian Economic and Social Council was established in 1999. It has 18 members with 6 members each from worker, employer and government side. Five of the government nominees are actually independent experts. The term of the Council is three years and is renewable.

Source: Constitution of Estonia and Collective Agreements Act; Government Arrangement Number 256 on Formation of Economic and Social Council 1999

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## Right to Strike

Right to strike is guaranteed under the Constitution of Estonia and Collective Labour Disputes Resolution Act. In accordance with article 29 of the Constitution, "the conditions and procedure for the exercise of the right to strike shall be provided by law. The procedure for resolution of labor disputes shall be provided by law."

The right of trade unions to organise a strike and the right of employers to lock out employees to resolve a labour dispute arises only if there is no prohibition against disruption of work in force, if conciliation procedures have failed in resolving the issue, if an agreement is not complied with, or if a court order is not executed. A decision to organise a strike is made by a general meeting of employees or a union or federation of employees. Organisers of a strike (or lock-out) are required to notify the other party, a conciliator and the local government of a planned strike or lock-out in writing at least two weeks in advance. Warning Strikes (for the maximum duration of one hour) and Support Strikes (for the maximum duration of three days in support of striking workers) are allowed under the Law. Participation in a strike is voluntary. It is prohibited to impede the performance of work by employees who do not want to participate in a strike.

Strikes are prohibited in government agencies and other state bodies and local governments, defence forces, other national defense organizations, courts, and firefighting and rescue services. Collective labour disputes have to be resolved in these organizations through the mediation of a conciliator or in court. In essential service (enterprises and agencies which satisfy the primary needs of the population and economy), a minimum level of service/production has to be maintained during collective labour dispute.

Source: Constitution of Estonia and Collective Labour Dispute Resolution Act

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## 01/13 Work &amp; Wages

**ILO Conventions on Work and Wages**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

***Estonia has not ratified the above mentioned Conventions.***

**Minimum wage**

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover it must relate reasonably to the general level of wages earned and the living standard of other social groups.

**Regular Pay**

Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## 02/13 Compensation

**ILO Conventions on Compensation**

Compensation overtime: Convention 01 (1919); Night work: Convention 171 (1990)

***Estonia has not ratified the Conventions 01 & 171.***

**Overtime Compensation**

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

**Night Work Compensation**

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

**Compensatory Holidays/Rest Days**

If you have to work on a national/religious holiday or a weekly rest day, you should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

**Weekend/Public Holiday work Compensation**

If you have to work during the weekend, you should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if you have to work on a public holiday, you must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take your right to a holiday/ rest.

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## 03/13 Annual Leave &amp; Holidays

**ILO Conventions on weekly rest days and paid annual leave**

Convention 132 (1970) on Holidays with Pay Convention Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

***Estonia has ratified the Convention 14 only.***

**Paid Vacation/Annual Leave**

An employee is entitled to at least 21 consecutive paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

**Pay on Public Holidays**

You should be entitled to paid leave during national and officially recognized public holidays.

**Weekly Rest Day**

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7 day period, i.e., a week

## 04/13 Employment Security

**ILO Conventions on employment termination**

Convention 158 (1982) on employment termination

***Estonia has not ratified the Convention 158.***

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

**Written Employment Particulars**

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

**Fixed Term Contracts**

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

**Probation Period**

A reasonable probation period must be provided to a worker to learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

**Notice Requirement**

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

**Severance Pay**

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

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## 05/13 Family Responsibilities

**ILO Conventions on family responsibilities**

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

***Estonia has not ratified the Conventions 156 & 165.***

**Paternity Leave**

This is for the new fathers around the time of child birth and is usually of shorter duration.

**Parental Leave**

The accompanying recommendation (No. 165) to ILO Convention on Family Responsibilities provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

**Flexible Work Option for Parents / Work-Life Balance**

Recommendation 165 asks for looking into measures for improving general working conditions through flexible work arrangements.

## 06/13 Maternity and Work

**ILO Conventions on maternity and work**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

***Estonia has not ratified the Conventions 103 & 183.***

**Free medical care**

During pregnancy and maternity leave, you should be entitled to medical and midwife care without any additional cost.

**No harmful work**

During pregnancy and while breastfeeding, you should be exempt from work that might bring harm to you or your baby.

**Maternity leave**

Your maternity leave should last at least 14 weeks.

**Income**

During maternity leave, your income should amount to at least two thirds of your preceding salary.

**Protection from Dismissals**

During pregnancy and maternity leave, you should be protected from dismissal or any other discriminatory treatment.

**Right to return to same position**

Workers have the right to return to same or equivalent position after availing maternity leave.

**Breastfeeding/Nursing Breaks**

After child birth and your rejoining your organization, you must be allowed paid nursing breaks for breastfeeding your child.

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## 07/13 Health &amp; Safety

**ILO Conventions on Health and Safety**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here. Labour Inspection Convention: 81 (1947)

***Estonia has ratified the Convention 81 only.***

**Employer cares**

Your employer, in all fairness, should make sure that the work process is safe.

**Free protection**

Your employer should provide protective clothing and other necessary safety precautions for free.

**Training**

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

**Labour Inspection System**

You and your colleagues should receive training in all work related safety and health aspects and you should have been shown the emergency exits.

## 08/13 Sick Leave &amp; Employment Injury Benefits

**ILO Conventions on Sickness and Employment Injury**

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

***Estonia has not ratified the above mentioned Conventions.***

**Income/Paid Sick Leave**

Your rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally you should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). You should be entitled to paid sick leave.

**Medical Care**

During illness, you should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

**Job security**

During the first 6 months of your illness, you should not be fired.

**Disability/Work Injury Benefit**

Whenever you are disabled due to an occupational disease or accident, you ought to receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.



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## 09/13 Social Security

**ILO Conventions on Social Security**

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

***Estonia has not ratified the above mentioned Conventions.***

**Pension Rights**

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

**Dependent's/Survivors' Benefit**

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

**Unemployment Benefit**

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

**Invalidity Benefits**

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

## 10/13 Fair Treatment

**ILO Conventions on Fair Treatment**

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

***Estonia has ratified both Conventions 100 & 111.***

**Equal Pay**

At workplaces equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

**Sexual Harassment**

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

**Non-Discrimination**

Your employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

**Equal Choice of Profession**

People have the right to work and there can't be occupational segregation on the basis of gender.

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## 11/13 Minors &amp; Youth

**ILO Conventions on Minors & Youth**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

***Estonia has ratified both Conventions 138 & 182.***

**Minimum Age for Employment**

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

**Minimum Age for Hazardous Work**

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

## 12/13 Forced Labour

**ILO Conventions on Forced/Bonded labour**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

***Estonia has ratified both Conventions 29 & 105.***

**Prohibition on Forced and Compulsory labour**

Except for certain exceptions, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

**Freedom to change jobs and Right to quit**

Employers have to allow you to look for work elsewhere. If you do, you should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

**Inhumane Working Conditions**

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

## 13/13 Trade Union

### ILO Conventions on Trade Union Rights

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

***Estonia has ratified both Conventions 87 & 98.***

### Freedom to join and form a union

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

### Freedom of Collective Bargaining

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

### Right to Strike

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

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## About Decent Work and Decent Work Check

Compare your own situation with the international labour standards and how they are applied in Estonia. At the end of the checklist you will see how things stand for you. You may be better off than what the international standards prescribe, but you should not be worse off. Behind every answer, you can find a short explanation of what your rights are; nationally and internationally. So you see right away if you can improve your situation.

The Decent Work Check makes the pretty abstract Conventions and legal texts tangible. Because, in the end, you want to know what your rights on the job mean in practice, what you may claim and what protection you are entitled to in case something unexpectedly does go wrong. The Decent Work Check employs double comparison system. It first compares national laws with international labour standards and gives a score to the national situation (happy or sad face). It allows workers to compare their real situation with national regulations in the country. Workers then compare their own score both at national and international levels. The Decent Work Check is based on de jure labour provisions, as found in the labour legislation. The real practice is informed by the employees themselves. This Check is different from other indices like World Bank's Doing Business Indicators or even ISSA's Social Security Programs throughout the World as it is not only descriptive in nature (bereft of any subjective opinions) but also that it covers a lot of different variables. The Revised Decent Work Check is also designed while taking into account upcoming Decent Work Indicators. While Decent Work Indicators focus more on statistics, our priority is informing workers about their rights through this Decent Work Check. Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work.

WageIndicator teams, around the world, have found out that workers, small employers and labour inspectors don't even know the labour law.

When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector). As soon as you complete the DecentWorkCheck, you see which issues need improvement in your work life.

This is exactly the strategy chosen in the debates in many WageIndicator countries. In the debates with roughly 20-30 people around the table from all sides, the decent Work Check has soon the effect of a mini social dialogue. The people who run the dialogue are equally well informed.

The international labour standards are laid down in ILO-Conventions. ILO is the specialised body of the United Nations working on labour issues and was founded in 1919. In the ILO, negotiations are always going on between governments of the member states, national trade unions and employers associations regarding work related issues like rights at work and social protection. These negotiations may take years, but eventually lead to so called Conventions or Recommendations. In Conventions, minimum standards are laid down. Conventions are not the law, but the intention is that member states subscribe to the standard in question. The proper way to do that is to have these Conventions ratified by parliament and then make national laws (Some countries may follow the system of self-executing treaties). National law can be enforced. ILO-Conventions are usually accompanied by Recommendations on how to implement the standards.

Since 1999, the ILO works according to the so called Decent Work Agenda. In the meantime, the Decent Work Agenda has been widely accepted as an important strategy to fight poverty and foster development. The Agenda has been incorporated in the Millennium Development Goals of the United Nations. In short, the idea behind Decent Work is first of all an income which allows the working individual a good life. Moreover, at work, everybody has an equal chance to develop themselves; working conditions are safe; there is no instance of child and forced/bonded labour; and discrimination does not occur. Trade unions are allowed a real say in work related matters and the state has created a social safety net for all especially for the sick, weak, elderly and expecting women.

**WageIndicator.org and Iftikhar Ahmad**

**22 August 2017.**