



## EUROPEAN PARLIAMENT

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DIRECTORATE-GENERAL FOR RESEARCH  
DIRECTORATE A  
DIVISION FOR INTERNATIONAL AND CONSTITUTIONAL AFFAIRS

### FACTSHEET

Estonia

Chapter 13 - Employment and social policy

#### 1. The *acquis* <sup>1</sup>

The *acquis* covers areas where there is already a substantial body of secondary legislation such as health and safety, labour law and equality of treatment, as well as other areas such as social dialogue, employment and social protection, where convergent policies are being developed on the basis of the EC Treaty.

- Labour law: Directives exist in the field of collective redundancies, safeguarding employment rights in case of transfer of an undertaking, obligation on employers to inform workers of the conditions applicable to employment contracts, guarantee for employees in the event of the insolvency of the employer, posting of workers and organisation of working time.
- Equal treatment: The Amsterdam Treaty added equality between men and women to the list of EC objectives. New Article 141 EC is particularly important in this context. The practical implementation of gender mainstreaming is spelt out in the Community Framework Strategy on Gender Equality 2001-2005. Legislation is also used to achieve equality, in particular in the fields of equal treatment in employment and occupation, social security, occupational social security schemes, parental leave, protection of pregnant women, women who have recently given birth and women who are breastfeeding.
- Anti-discrimination: Under new Article 13 EC, the Community has the power to combat discrimination on a wider range of grounds in the employment context and in other areas. Two recent directives prohibit discrimination on grounds of race, ethnicity, religion, disability, age and sexual orientation.
- Health and safety: The Single European Act gave impetus to social policy in this field. The *acquis* includes directives fixing minimum standards for working conditions. Timely and complete transposition of the legislation must be backed up by the effective operation of the relevant inspectorates.

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<sup>1</sup> Information largely drawn from the European Commission, DG Enlargement  
<http://europa.eu.int/comm/enlargement/negotiations/index.htm>

- Social protection: The funding and organisation of social protection systems is a matter for the Member States, but the EC requires that these systems are able to develop and operate sustainable and universally applicable social protection standards in line with the Treaty objectives.
- Social dialogue: The Treaty requires that social dialogue be promoted and gives the social partners additional powers. The candidates are invited to confirm that they accord the importance required to social dialogue and that social partners are sufficiently developed to discharge their responsibilities, and to indicate that they are consulted on the relevant legislation.
- Employment: The candidate countries are required to cooperate with the EU on the follow-up to the employment policy review.
- Public health: Article 152 EC stipulates that a high level of health protection shall be ensured in all Community policies and activities. There are also several specific directives in the area of tobacco production and advertising.
- Institutions: The candidate countries are requested to effectively enforce the *acquis* through national judicial and administrative systems similar to those of the existing Member States.

The *acquis* also covers the European Social Fund, public health programmes, ECSC measures, the Council regulation on the European Monitoring Centre on racism and xenophobia and measures concerning the European Foundation for the improvement of living and working conditions.

## 2. The negotiations

The chapter has been closed with ten countries and provisionally closed with Bulgaria and Romania. Four countries (Latvia, Malta, Poland and Slovenia) asked for transitional periods in the field of health and safety, one in the area of working time (Malta) and one in respect of maximum tar yield of cigarettes (Bulgaria), which were accepted.

Some legislative work remains to be done by all countries in the areas of labour law, equality of treatment and major efforts are needed to comply with health and safety rules. Candidate countries have been asked to provide detailed timetables for adoption and implementation of all measures. In general this has been done. They have also been asked to provide more details on enforcement and implementation, particularly regarding the role of the various inspectorates and systems of redress for aggrieved persons. All candidates also participate in employment reviews with the Commission.

**Chapter opened**      September 1999

**Status**                Closed December 2002 (provisionally closed in October 2000)

**Transitional arrangements:** none

## 3. Position of the European Parliament

In its resolution of 5 September 2001<sup>1</sup>, Parliament welcomes the recent decision of the Estonian Parliament to repeal several provisions of the old penal code (Kriminalkoodeks) that discriminated against homosexual men and lesbian women by adopting the new penal code (Karistusseadustik).

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<sup>1</sup> Resolution on the state of negotiations with Estonia, § 6: [A5-0251/2001](#)

In its resolution of 13 June 2002<sup>1</sup>, Parliament:

- notes with satisfaction that the legal and attitudinal environment, in which the relationship between ethnic minorities and Estonian society at large takes place, continues to develop in a positive way; ...is convinced that the current positive trends in Estonian society as regards the integration of minorities must be sustained for a number of years and supported by adequate funds and arrangements for Estonian language training and other measures; encourages Estonia to proceed with the development of effective non-discrimination legislation in cooperation with relevant NGOs; encourages Estonia to indicate its intentions for the years after the expiry in 2007 of the current State programme 'Integration in Estonian Society 2000-2001';
- is aware of the differences between regions, in terms of economic development, levels of education and the standard of living; notes the persisting long-term unemployment problem, especially for ethnic minorities, women, the disabled and elderly people; points out that there are no vast geographical distances in Estonia, and that the capital Tallinn functions as an engine for Estonia and is vital to the provision of job opportunities and growth for the whole country.

In its resolution of 20 November 2002<sup>2</sup>, Parliament notes the Riigikogu's awareness that the adoption of the *acquis* has recently been slower than expected in some areas, such as social policy, and invites the government to accelerate its preparation of bills.

#### **4. Latest Assessment by the European Commission <sup>3</sup>**

In its 1997 Opinion, the Commission concluded that if Estonia pursued its efforts in the field of public health, social dialogue, health and safety, labour law and equal opportunities and continued to develop the structures to ensure effective implementation of legislation, it should be possible to take on the obligations of EU membership in the medium term.

Since the Opinion, Estonia has made good overall progress in aligning with the *acquis* in all areas, especially over the last two years. In particular, good progress has been made in the spheres of labour law, health and safety and the adoption of a public health programme. Overall, Estonia is approaching alignment with the *acquis* and the necessary administrative structures are in place.

Negotiations on this chapter have been provisionally closed. Estonia has not requested any transitional arrangements in this area. Estonia is generally meeting the commitments it made in the accession negotiations in this field.

In order to complete preparations for membership, Estonia's efforts should now focus on completing transposition in the field of labour law, gender equality and anti-discrimination legislation, effectively implementing the *acquis* in the areas of public health and health and safety at work, and developing social dialogue in line with EU practice.

January 2003

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<sup>1</sup> Resolution on the state of the enlargement negotiations, § 63 & 65: [A5-0190/2002](#)

<sup>2</sup> Resolution on the progress of the candidate countries towards accession, § 67: [A5-0371/2002](#)

<sup>3</sup> European Commission, Regular Report on Estonia 2002, p. 79:  
[http://www.europa.eu.int/comm/enlargement/report2002/ee\\_en.pdf](http://www.europa.eu.int/comm/enlargement/report2002/ee_en.pdf)