

Violations of social rights by the UK under the 1961 European Social Charter (31)

Violated Right (Article, paragraph)	Ground for Violation (year of conclusion)
The right to just conditions of work (Article 2)	
Public holidays with pay (2.2)	Not guaranteed for all workers (2019) ^a
Additional paid holidays or reduced working hours if engaged in dangerous or unhealthy prescribed occupations (2.4)	Workers exposed to residual occupational health risks, despite the existing risk elimination policy, are not entitled to appropriate compensatory measures. Legislative principles to reduce occupational exposure do not nullify the right (2019) ^a
A weekly rest period (2.5)	Inadequate safeguards to prevent workers from working for more than twelve consecutive days without a rest period (2019) ^a
The right to safe and healthy working conditions (Article 3)	
Issue safety and health regulations (3.1)	All self-employed and domestic workers are not covered by the occupational health and safety regulations (2017) ^b
The right to a fair remuneration (Article 4)	
The right of workers to a remuneration such as will give them and their families a decent standard of living (4.1)	The minimum wage does not ensure a decent standard of living (2019) ^a
The right to an increased rate of remuneration for overtime work, subject to exceptions in particular cases (4.2)	Workers have no adequate legal guarantees to ensure them increased remuneration for overtime (2019) ^a
The right of all workers to a reasonable period of notice for termination of employment (4.4)	Notice periods are not reasonable for employees with less than three years of service (2019) ^a
Permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards (4.5)	The absence of adequate limits on deductions from wages equivalent to the National Minimum Wage may result in depriving workers who are paid the lowest

wage and their dependents of their means of subsistence ([2019](#))^a

The right to organise (Article 5)

National law shall not impair, nor be applied as to impair, the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations...

Legislation which makes it unlawful for a trade union to indemnify an individual union member for a penalty imposed for an offence or contempt of court, and which severely restricts the grounds on which a trade union may lawfully discipline members, represent an unjustified incursion into the autonomy of trade unions ([2019](#))^a

The right to bargain collectively (Article 6)

Promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements (6.2)

Workers and trade unions do not have the right to bring legal proceedings in the event that employers offer financial incentives to induce workers to exclude themselves from collective bargaining ([2019](#))^a

the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into (6.4)

* the scope for workers to defend their interests through lawful collective action is excessively circumscribed; lawful collective action is limited to disputes between workers and their employer, thus preventing a union from taking action against a de facto employer if this was not the immediate employer;

* the requirement to give notice to an employer of a ballot on industrial action, in addition to the strike notice that must be issued before taking action, is excessive;

* the protection of workers against dismissal when taking industrial action is insufficient ([2019](#))^a

The right of children and young persons to protection (Article 7)

Provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive

The daily and weekly duration of light work for children who are still subject to

them of the full benefit of their education (7.3)

compulsory education during school holidays is excessive (2015)^c

Recognise the right of young workers and apprentices to a fair wage or other appropriate allowances (7.5)

The minimum wage of young workers is not fair (2015)^c

Ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work (7.10)

Legislation permits treating children involved in prostitution as offenders (2015)^c

The right of employed women to protection (Article 8)

Provide either by paid leave, by adequate social security benefits or by benefits from public funds for women to take leave before and after childbirth up to a total of at least 12 weeks (8.1)

The standard rates of statutory maternity pay, after six weeks, and maternity allowance are inadequate (2015)^c

The right to social security (Article 12)

Establish or maintain a system of social security (12.1)

* The level of the statutory sick pay is inadequate

* The minimum levels of the employment support allowance are inadequate

* The level of long-term incapacity benefits is inadequate

* The level of unemployment benefits is inadequate (2017)^b

The right of the family to social, legal and economic protection (Article 16)

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means.

* The right of Roma/Traveller families to housing is not effectively guaranteed

* Associations representing families are not consulted when family policies are drawn up (2015)^c

The right of mothers and children to social and economic protection (Article 17)

With a view to ensuring the effective exercise of the right of mothers and children to social and economic protection, the Contracting Parties will take all appropriate and necessary measures to that end, including the establishment or maintenance of appropriate institutions or services.

* Not all forms of corporal punishment are prohibited in the home

* The age of criminal responsibility is manifestly too low (2015)^c

The right to engage in a gainful occupation in the territory of other Contracting Parties (Article 18)

Simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers (18.2)

Fees charged for work permits for migrant workers are excessive (2016)^d

The right of migrant workers and their families to protection and assistance (Article 19)

Promote cooperation, as appropriate, between social services, public and private, in emigration and immigration countries (19.3)

Appropriate co-operation between UK social services and emigration and immigration states is not sufficiently promoted (2015)^d

Facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory (19.6)

* Family members of migrant workers may be expelled following the deportation of their sponsor, without proof that they are a threat to national security, or offend against public interest or morals

* The language requirements imposed on the family members of migrant workers are likely to hinder family reunion

* The income requirement for migrants who wish their families to join them is too high and is likely to hinder family reunion (2015)^d

Extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply (19.10)

The violations of Article 19.3 and 19.6 apply also to self-employed migrant workers (2015)^d

Sources: left hand column – the 1961 [European Social Charter](#); right hand column – Conclusions of the European Committee of Social Rights, as below:

a European Committee of Social Rights. Conclusions XXI-3 (2018) - United Kingdom. March 2019; reference period 2013-16

b European Committee of Social Rights. Conclusions XXI-2 (2017) - United Kingdom. January 2018; reference period 2012-15;

c European Committee of Social Rights. Conclusions XX-4 (2015) - United Kingdom. January 2016; reference period 2010-13;

d European Committee of Social Rights. Conclusions XXI-1 (2016) - United Kingdom. January 2017; reference period 2011-14.

PR, 12/4/19