

# EXTENDED CONTENTS

<i>Foreword by Manfred Nowak</i>	xiv
<i>Foreword by Giuseppe Palmisano</i>	xvii
<i>Acknowledgements</i>	xix
<i>List of abbreviations</i>	xx
<i>Table of cases</i>	xxiii
<i>Introduction</i>	xxxii
PART I GENERAL ISSUES REGARDING THE EUROPEAN SOCIAL CHARTER	
1. THE EUROPEAN SOCIAL CHARTER – ITS HISTORY, APPLICATION, PROCEDURES AND IMPACT	
1.1 Introduction	1
1.2 History and development of the Charter	3
1.3 Characteristics of the Charter	5
1.3.1 À la carte ratification of the Charter	5
1.3.2 Overlapping provisions	6
1.3.3 Personal scope of the Charter	7
1.3.4 Scope in view of states parties' obligations regarding immediate application and progressive realisation	11
1.4 The Supervisory Procedures of the European Social Charter	14
1.4.1 The Charter's supervisory body: the European Committee of Social Rights	14
1.4.2 The reporting procedure	15
1.4.3 The collective complaints procedure	20
1.5 Implementation and de facto impact of the European Social Charter	28
2. METHODOLOGY OF THE COMMENTARY	35
2.1 Methods	35
2.2 Rules of Interpretation	36
PART II – SUBSTANTIVE PROVISIONS OF THE REVISED EUROPEAN SOCIAL CHARTER	
PREAMBLE OF THE REVISED EUROPEAN SOCIAL CHARTER	
ARTICLE 1 THE RIGHT TO WORK	
A. Introduction	1.01
B. Other relevant international and European standards	1.03
C. Drafting history	1.06
D. Interpretation by the European Committee of Social Rights	1.09
1. Article 1(1)	1.09
2. Article 1(2)	1.15
3. Article 1(3)	1.38
4. Article 1(4)	1.42
E. Conclusions and trends	1.50
ARTICLE 2 THE RIGHT TO JUST CONDITIONS OF WORK	
A. Introduction	2.01
B. Other relevant international and European standards	2.03
C. Drafting history	2.06
D. Interpretation by the European Committee of Social Rights	2.09
1. Article 2(1)	2.09

2. Article 2(2)	2.15
3. Article 2(3)	2.20
4. Article 2(4)	2.23
5. Article 2(5)	2.31
6. Article 2(6)	2.35
7. Article 2(7)	2.39
E. Conclusions and trends	2.42
ARTICLE 3 THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS	
A. Introduction	3.01
B. Other relevant international and European standards	3.03
C. Drafting history	3.05
D. Interpretation by the European Committee of Social Rights	3.09
1. Article 3(1)	3.09
2. Article 3(2)	3.17
3. Article 3(3)	3.26
4. Article 3(4)	3.36
E. Conclusions and trends	3.42
ARTICLE 4 THE RIGHT TO A FAIR REMUNERATION	
A. Introduction	4.01
B. Other relevant international and European standards	4.03
C. Drafting history	4.06
D. Interpretation by the European Committee of Social Rights	4.09
1. Article 4(1)	4.09
2. Article 4(2)	4.16
3. Article 4(3)	4.26
4. Article 4(4)	4.38
5. Article 4(5)	4.48
E. Conclusions and trends	4.52
ARTICLE 5 THE RIGHT TO ORGANISE	
A. Introduction	5.01
B. Other relevant international and European standards	5.03
C. Drafting history	5.07
D. Interpretation by the European Committee of Social Rights	5.09
E. Conclusions and trends	5.29
ARTICLE 6 THE RIGHT TO BARGAIN COLLECTIVELY	
A. Introduction	6.01
B. Other relevant international and European standards	6.03
C. Drafting history	6.06
D. Interpretation by the European Committee of Social Rights	6.08
1. Article 6(1)	6.08
2. Article 6(2)	6.13
3. Article 6(3)	6.19
4. Article 6(4)	6.24
E. Conclusions and trends	6.56
ARTICLE 7 THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION	
A. Introduction	7.01
B. Other relevant international and European standards	7.03
C. Drafting history	7.06
D. Interpretation by the European Committee of Social Rights	7.11
1. Article 7(1)	7.11
2. Article 7(2)	7.15
3. Article 7(3)	7.18
4. Article 7(4)	7.25
5. Article 7(5)	7.27
6. Article 7(6)	7.31
7. Article 7(7)	7.33

8. Article 7(8)	7.35
9. Article 7(9)	7.38
10. Article 7(10)	7.41
E. Conclusions and trends	7.50
<b>ARTICLE 8 THE RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY</b>	
A. Introduction	8.01
B. Other relevant international and European standards	8.03
C. Drafting history	8.05
D. Interpretation by the European Committee of Social Rights	8.10
1. Article 8(1)	8.10
2. Article 8(2)	8.14
3. Article 8(3)	8.19
4. Article 8(4)	8.22
5. Article 8(5)	8.24
E. Conclusions and trends	8.28
<b>ARTICLE 9 THE RIGHT TO VOCATIONAL GUIDANCE</b>	
A. Introduction	9.01
B. Other relevant international and European standards	9.03
C. Drafting history	9.05
D. Interpretation by the European Committee of Social Rights	9.07
E. Conclusions and trends	9.14
<b>ARTICLE 10 THE RIGHT TO VOCATIONAL TRAINING</b>	
A. Introduction	10.01
B. Other relevant international and European standards	10.03
C. Drafting history	10.06
D. Interpretation by the European Committee of Social Rights	10.09
1. Article 10(1)	10.09
2. Article 10(2)	10.17
3. Article 10(3)	10.21
4. Article 10(4)	10.26
5. Article 10(5)	10.29
E. Conclusions and trends	10.34
<b>ARTICLE 11 THE RIGHT TO PROTECTION OF HEALTH</b>	
A. Introduction	11.01
B. Other relevant international and European standards	11.03
C. Drafting history	11.06
D. Interpretation by the European Committee of Social Rights	11.08
1. Article 11(1)	11.08
2. Article 11(2)	11.19
3. Article 11(3)	11.28
E. Conclusions and trends	11.43
<b>ARTICLE 12 THE RIGHT TO SOCIAL SECURITY</b>	
A. Introduction	12.01
B. Other relevant international and European standards	12.03
C. Drafting history	12.06
D. Interpretation by the European Committee of Social Rights	12.09
1. Article 12(1)	12.09
2. Article 12(2)	12.15
3. Article 12(3)	12.18
4. Article 12(4)	12.23
E. Conclusions and trends	12.35
<b>ARTICLE 13 THE RIGHT TO SOCIAL AND MEDICAL ASSISTANCE</b>	
A. Introduction	13.01
B. Other relevant international and European standards	13.03
C. Drafting history	13.05
D. Interpretation by the European Committee of Social Rights	13.07

1. Article 13(1)	13.07
2. Article 13(2)	13.31
3. Article 13(3)	13.35
4. Article 13(4)	13.42
E. Conclusions and trends	13.46
<b>ARTICLE 14 THE RIGHT TO BENEFIT FROM SOCIAL WELFARE SERVICES</b>	
A. Introduction	14.01
B. Other relevant international and European standards	14.03
C. Drafting history	14.05
D. Interpretation by the European Committee of Social Rights	14.07
1. Article 14(1)	14.07
2. Article 14(2)	14.12
E. Conclusions and trends	14.15
<b>ARTICLE 15 THE RIGHT OF PERSONS WITH DISABILITIES TO INDEPENDENCE, SOCIAL INTEGRATION AND PARTICIPATION IN THE LIFE OF THE COMMUNITY</b>	
A. Introduction	15.01
B. Other relevant international and European standards	15.03
C. Drafting history	15.05
D. Interpretation by the European Committee of Social Rights	15.08
1. Article 15(1)	15.08
2. Article 15(2)	15.12
3. Article 15(3)	15.18
E. Conclusions and trends	15.24
<b>ARTICLE 16 THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION</b>	
A. Introduction	16.01
B. Other relevant international and European standards	16.03
C. Drafting history	16.05
D. Interpretation by the European Committee of Social Rights	16.07
E. Conclusions and trends	16.35
<b>ARTICLE 17 THE RIGHT OF CHILDREN AND YOUNG PERSONS TO SOCIAL, LEGAL AND ECONOMIC PROTECTION</b>	
A. Introduction	17.01
B. Other relevant international and European standards	17.02
C. Drafting history	17.04
D. Interpretation by the European Committee of Social Rights	17.07
1. Article 17(1)	17.07
2. Article 17(2)	17.32
E. Conclusions and trends	17.40
<b>ARTICLE 18 THE RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER PARTIES</b>	
A. Introduction	18.01
B. Other relevant international and European standards	18.02
C. Drafting history	18.04
D. Interpretation by the European Committee of Social Rights	18.06
1. Article 18(1)	18.07
2. Article 18(2)	18.11
3. Article 18(3)	18.13
4. Article 18(4)	18.18
E. Conclusions and trends	18.19
<b>ARTICLE 19 THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE</b>	
A. Introduction	19.01
B. Other relevant international and European standards	19.03
C. Drafting history	19.05
D. Interpretation by the European Committee of Social Rights	19.07
1. Article 19(1)	19.07

2. Article 19(2)	19.10
3. Article 19(3)	19.13
4. Article 19(4)	19.15
5. Article 19(5)	19.22
6. Article 19(6)	19.25
7. Article 19(7)	19.37
8. Article 19(8)	19.39
9. Article 19(9)	19.46
10. Article 19(10)	19.48
11. Article 19(11)	19.51
12. Article 19(12)	19.55
E. Conclusions and trends	19.58
<b>ARTICLE 20 THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX</b>	
A. Introduction	20.01
B. Other relevant international and European standards	20.02
C. Drafting history	20.04
D. Interpretation by the European Committee of Social Rights	20.08
E. Conclusions and trends	20.34
<b>ARTICLE 21 THE RIGHT TO INFORMATION AND CONSULTATION</b>	
A. Introduction	21.01
B. Other relevant international and European standards	21.02
C. Drafting history	21.04
D. Interpretation by the European Committee of Social Rights	21.07
E. Conclusions and trends	21.14
<b>ARTICLE 22 THE RIGHT TO TAKE PART IN THE DETERMINATION AND IMPROVEMENT OF THE WORKING CONDITIONS AND WORKING ENVIRONMENT</b>	
A. Introduction	22.01
B. Other relevant international and European standards	22.02
C. Drafting history	22.04
D. Interpretation by the European Committee of Social Rights	22.05
E. Conclusions and trends	22.11
<b>ARTICLE 23 THE RIGHT OF ELDERLY PERSONS TO SOCIAL, LEGAL AND ECONOMIC PROTECTION</b>	
A. Introduction	23.01
B. Other relevant international and European standards	23.03
C. Drafting history	23.05
D. Interpretation by the European Committee of Social Rights	23.08
E. Conclusions and trends	23.25
<b>ARTICLE 24 THE RIGHT TO PROTECTION IN CASES OF TERMINATION OF EMPLOYMENT</b>	
A. Introduction	24.01
B. Other relevant international and European standards	24.03
C. Drafting history	24.05
D. Interpretation by the European Committee of Social Rights	24.08
E. Conclusions and trends	24.25
<b>ARTICLE 25 THE RIGHT OF WORKERS TO THE PROTECTION OF THEIR CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER</b>	
A. Introduction	25.01
B. Other relevant international and European standards	25.02
C. Drafting history	25.04
D. Interpretation by the European Committee of Social Rights	25.06
E. Conclusions and trends	25.12

ARTICLE 26	THE RIGHT TO DIGNITY AT WORK	
A.	Introduction	26.01
B.	Other relevant international and European standards	26.02
C.	Drafting history	26.04
D.	Interpretation by the European Committee of Social Rights	26.08
	1. Article 26(1)	26.08
	2. Article 26(2)	26.17
E.	Conclusions and trends	26.21
ARTICLE 27	THE RIGHT OF WORKERS WITH FAMILY RESPONSIBILITIES TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT	
A.	Introduction	27.01
B.	Other relevant international and European standards	27.02
C.	Drafting history	27.04
D.	Interpretation by the European Committee of Social Rights	27.07
	1. Article 27(1)	27.07
	2. Article 27(2)	27.15
	3. Article 27(3)	27.19
E.	Conclusions and trends	27.22
ARTICLE 28	THE RIGHT OF WORKERS' REPRESENTATIVES TO PROTECTION IN THE UNDERTAKING AND FACILITIES TO BE ACCORDED TO THEM	
A.	Introduction	28.01
B.	Other relevant international and European standards	28.02
C.	Drafting history	28.04
D.	Interpretation by the European Committee of Social Rights	28.06
E.	Conclusions and trends	28.12
ARTICLE 29	THE RIGHT TO INFORMATION AND CONSULTATION IN COLLECTIVE REDUNDANCY PROCEDURES	
A.	Introduction	29.01
B.	Other relevant international and European standards	29.02
C.	Drafting history	29.04
D.	Interpretation by the European Committee of Social Rights	29.06
E.	Conclusions and trends	29.15
ARTICLE 30	THE RIGHT TO PROTECTION AGAINST POVERTY AND SOCIAL EXCLUSION	
A.	Introduction	30.01
B.	Other relevant international and European standards	30.02
C.	Drafting history	30.04
D.	Interpretation by the European Committee of Social Rights	30.07
E.	Conclusions and trends	30.15
ARTICLE 31	THE RIGHT TO HOUSING	
A.	Introduction	31.01
B.	Other relevant international and European standards	31.02
C.	Drafting history	31.04
D.	Interpretation by the European Committee of Social Rights	31.06
	1. Article 31(1)	31.11
	2. Article 31(2)	31.19
	3. Article 31(3)	31.29
E.	Conclusions and trends	31.34
PART III	SELECTED PROCEDURAL PROVISIONS OF THE REVISED EUROPEAN SOCIAL CHARTER	
ARTICLE E	NON-DISCRIMINATION	
A.	Introduction	32.01
B.	Other relevant international and European standards	32.02
C.	Drafting history	32.04
D.	Interpretation by the European Committee of Social Rights	32.06
E.	Conclusions and trends	32.14

ARTICLE G RESTRICTIONS	
A. Introduction	33.01
B. Other relevant international and European standards	33.02
C. Drafting history	33.04
D. Interpretation by the European Committee of Social Rights	33.05
E. Conclusions and trends	33.12
APPENDIX TO THE REVISED EUROPEAN SOCIAL CHARTER	
A. Introduction	34.01
B. Other relevant international and European standards	34.02
C. Drafting history	34.03
D. Interpretation by the European Committee of Social Rights	34.04
1. Foreigners without the nationality of a state party	34.09
2. Foreigners unlawfully present in the territory of a state party	34.10
E. Conclusions and trends	34.23
<i>Bibliography</i>	366
<i>Index</i>	379