Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

**Doc. 1035**
12 September 1959

# Draft European Social

**Opinion**
Social, Health and Family Affairs Committee
Rapporteur: Mr Adolfus MOLTER, Belgium, Socialist Group

The Assembly,

Recalling Opinion No. 5 (1953) stating t h a t the European Social Charter should define the social aims of Member States and serve as a guide for all future activities of the Council in the social field, in which it should form a pendant to the Convention on Human Rights and Fundamental Freedoms;

Having regard to Recommendation 104 requesting the Committee of Ministers to take as a basic text the draft Convention appended to the Recommendation;

Recalling Resolution (56) 25 of the Committee of Ministers instructing the Governmental Social Committee to take into account the draft appended to Recommendation 104 of the Assembly and to " consider measures for the implementation of the Social Charter such as will enable employers' and trade union organisations to assist in supervising its implementation " ;

Having taken note, on 12th January 1959, of the draft Social Charter prepared by the Governmental Social Committee (Doc. 927) ;

Noting the Ministers' request to the Consultative Assembly in their Tenth Report of 13th April 1959 (Doc. 975, para. 38) for an opinion on the said draft;

Having considered the results of the Tripartite Conference (Doc. 976),

Expresses its opinion in the form of the following draft Charter and addendum.

## 1. Draft European Social Charter submitted by the Consultative Assembly [1]

*PREAMBLE*

The Governments signatory hereto, being Members of the Council of Europe,

Considering t h a t t h e aim of the Council of Europe is the achievement of greater unity between its Members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and of facilitating their economic and social progress, in particular by the maintenance and further realisation of human rights and fundamental freedoms;

1. (a) To facilitate comparison between the draft Social Charter prepared by the governmental experts (Doc. 927) and the Assembly's draft, all new words and clauses in the latter are printed in heavy type. (b) The omission of clauses and words is shown by printing the last preceding word in italics. (c) Each new paragraph or article is followed by the word, (new) in brackets.

Considering that in the European Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November 1950, and the Protocol thereto signed at Paris on 20th March 1952, the Member States of the Council of Europe agreed to secure to their peoples the civil and political rights and freedoms therein specified;

Being opposed to all forms of discrimination on grounds of sex, race, colour, language, religion, nationality, national or social origin, or political or other opinions (new) ;

Being resolved to make every effort in common to improve the standard of living and to promote the social well-being of both their urban and rural populations by means of appropriate institutions and practical action,

Have agreed as follows :

### *1.1. PART I*

The Contracting Parties accept as the initial aims of a policy to be pursued by all appropriate means, both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised :

1. Everyone shall have the opportunity to earn his living in an occupation freely entered upon.
2. All workers have the right to just conditions of work.
3. All workers have the right to physically and morally safe and healthy working conditions.
4. All workers have the right to a fair wage sufficient for a decent standard of living for themselves and their families.
5. All workers and employers have the right to freedom of association in national or international organisations for the protection of their economic and social interests.
6. All workers and employers have the right to bargain collectively.
7. Children and young persons have the right to a special protection against physical and moral hazards to which they may be exposed.
8. In case of maternity and in certain other cases, employed women have the right to appropriate special protection in their work.
9. Everyone has the right to appropriate facilities for vocational guidance with a view to helping him to choose an occupation suited to his personal aptitude and to his interests.
10. Everyone has the right to appropriate facilities for vocational training.
11. Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable.
12. Everyone has the right to social security.
13. Anyone without adequate resources has the right to social and medical assistance.
14. Disabled persons have the right to rehabilitation and resettlement, whatever the origin and nature of their disability.
15. Every person has the right to assistance from the social services (new).
16. (Former 15). The family as a fundamental unit of society has the right to appropriate social and economic protection.
17. (Former 16). Mothers and children, irrespective of marital status and family relations, have the right to appropriate social and economic protection.
18. (Former 17). The nationals of any of the Contracting Parties have the right to engage in any gainful occupation in the territory of any of the others on a footing of equality with the nationals of the latter, subject to restrictions based on cogent economic or social reasons.
19. (Former 18). Migrant workers and their families have the right to protection and assistance.

### *1.2. PART II*

The Contracting Parties undertake to consider themselves bound by the obligations laid down in the following Articles and paragraphs as provided for in Part III .

*ARTICLE 1 - The right to work*

With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake :

1. to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment ;
2. to protect effectively the right of the worker freely to choose any available employment or occupation, provided that this provision shall not be interpreted as prohibiting or authorising any union security clause or practice;
3. to establish or maintain free employment services for all categories of workers ;
4. to provide or promote appropriate vocational guidance, training and rehabilitation.

*ARTICLE 2 - The right to just conditions of work*

With a view to ensuring the effective exercise of the right to just conditions of work, the Contracting Parties undertake :

1. To provide for reasonable daily and weekly working hours, the working week to be progressively reduced to a maximum of forty hours ;
2. to provide for public holidays with pay ;
3. to provide for a minimum of three weeks' annual holiday with pay;
4. to provide for additional paid holidays or reduced working hours for workers engaged in dangerous or unhealthy occupations as prescribed ;
5. to provide a weekly rest period of at least 36 hours at a stretch ;
6. to ensure, by adapting the foregoing clauses to the conditions peculiar to agricultural work, t h a t the social advantages enjoyed by farm workers shall not be inferior to those of workers in other occupations (new) ;
7. to promote, as far as possible, working arrangements which will enable workers to perform their religious duties (new).

*ARTICLE 3 - The right to physically and morally safe and healthy working conditions*

With a view to ensuring the effective exercise of the right to physically and morally safe and healthy working conditions, the Contracting Parties undertake :

1. to issue regulations on physical and moral safety and health (new) ;
2. to provide for the enforcement of such regulations by measures of supervision (new) ;
3. to consult employers' and workers' organisations in the drawing up and implementing of measures intended to improve industrial safety, both physical and moral and health (new).

#### *1.2.1. ARTICLE 4 - The right to a fair income*

With a view to ensuring the effective exercise of t h e right to a fair income from work, the Contracting Parties undertake :

1. to recognise the right of workers to an income such as will give them and their families a decent standard of living; this shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions (new) ;
2. to recognise the right of workers to an increased rate of wages for overtime work (subject to the exception of particular classes of workers) ;
3. to recognise that there should be no discrimination based on sex in fixing wage rates for work of equal value 5

4. to recognise the right of all workers to a reasonable period of notice for termination of employment (new) ;

5. to permit deduction from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award (former paragraph 1).

*ARTICLE 5 - The right to organise*

With a view to ensuring or promoting 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 these organisations, the Contracting Parties undertake t h a t national law shall not be such as to impair nor shall it be so applied as to impair this freedom. The extent to which the guarantees provided for in this paragraph shall apply to the armed forces and the police shall be determined by national laws or regulations.

*ARTICLE 6 - The right to collective bargaining*

With a view to ensuring the effective exercise of the right to collective bargaining, the Contracting Parties undertake :

1. to promote joint consultation of workers and employers (former paragraph 3);

2. to promote, where necessary and appropriate, machinery for voluntary| negotiations between employers or employers' organisations and workers' organisations, with a view to t h e regulation of terms and conditions of employment by means of collective agreements (former paragraph 1);

3. to promote the establishment and use of appropriate machinery for conciliation or voluntarily accepted arbitration for the settlement of labour disputes (former paragraph 2); and recognise :

4. the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to the obligations arising out of collective agreements previously entered into [2].

*1.2.1.1. ARTICLE 7 - The right of children and young persons to protection*

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake :

1. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances (new) ;

2. to provide t h a t the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education (former paragraph 1);

3. to provide that a higher minimum age of admission to employment shall be fixed with regard to prescribed occupations (former paragraph 2);

4. to fix the minimum age for admission to employment in occupations regarded as dangerous or unhealthy at 18 years (new) ;

5. to provide that children who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education (former paragraph 3) ;

6. to ensure that rural working conditions are not such as to interfere with school attendance (new) ;

7. to provide that the working hours of persons under 16 years of age shall be limited in accordance with the needs of their development and particularly with their need for vocational training (former paragraph 4) ;

8. to regard time spent in vocational training as part of the normal working day (new) ;

9. to provide that employed persons of under 18 years of age shall be entitled to not less than four weeks' annual holiday with pay (former paragraph 5);

10. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national law or regulations (former paragraph 6);

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2. See Addendum

11. to provide t h a t all workers under 18 years of age shall, as from their entry into employment, be subject to regular medical examination, in order to ensure that their heaith is not endangered by their work (former paragraph 7);

12. to ensure special protection against any physical and moral dangers to which they may be exposed, and particularly against those resulting directly or indirectly from their work (new).

*ARTICLE 8 - The right of employed women to protection*

With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake :

1. to providé either by paid leave or by adequate social security benefits for women to take leave before and after childbirth up to a total of at least 12 weeks;

2. to prohibit dismissal from employment during or on account of maternity absence [3];

3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;

   *a.* to regulate the employment of women workers on night work;

   *b.* to prohibit the employment of women workers in underground mining and as appropriate on all other work which is unsuitable for them by reason of its dangerous, unhealthy, or arduous nature.

*ARTICLE 9 - The right to vocational guidance*

With a view to ensuring the effective exercise of the right to vocational guidance, the Contracting Parties undertake to provide or promote, as necessary, free of charge, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress with due regard for the individual's characteristics and their relation to occupational opportunity; such assistance to be available both to young persons, including school children, and to adults.

*ARTICLE 10 - The right to vocational training*

With a view to ensuring the effective exercise of the right to vocational training, the Contracting Parties undertake :

1. to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in collaboration with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, solely based on individual aptitude ;

2. to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls, in their various employments ;

3. to provide or promote, as necessary, adequate and readily available training facilities for adult workers and similarly to provide or promote special facilities for the retraining of adult workers where the need arises from such causes as technological development or dislocations of the employment market;

4. to encourage the full utilisation of the facilities provided, by appropriate measures such as :

   *a.* reducing or abolishing any fees or charges ;

   *b.* granting financial assistance in appropriate cases;

   *c.* including in the normal working hours time spent on supplementary training, taken by the workman with the consent of his employer, during employment;

   *d.* ensuring, through adequate supervision, in collaboration with the professional employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers and the adequate protection of young workers generally

*ARTICLE 11 - The right to protection of health*

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3. See Addendum

With a view to ensuring the effective exercise of t h e right to protection of physical and moral health, the Contracting Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia :

1. to remove as far as possible the causes of illhealth, including slums ;
2. to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
3. to prevent as far as possible epidemic, endemic and other diseases.

*ARTICLE 12 - The right to social security*

With a view to ensuring the effective exercise of the right to social security, the Contracting Parties undertake :

1. to establish or maintain a system of social security;
2. to maintain the social security system at a satisfactory level at least equal to that required for ratification of the European Code of Social Security [4]
3. to endeavour to raise progressively the level of social security norms ;
4. to take steps, by the conclusion of appropriate bilateral and multilateral agreements, or by other means, and subject to the conditions laid down in such agreements, to ensure :
   *a.* equal treatment with their own nationals of the nationals of other Contracting Parties in respect of social security rights, including the retention of benefits arising out of social securi ty legislation, whatever movements the persons protected may undertake between the territories of the Contracting Parties;
   *b.* the granting, maintenance and resumption of social security rights by such means as the accumulation of insurance or employment periods completed under the legislation of each of the Contracting Parties.

*ARTICLE 13 - The right to social and medical assistance*

With a view to ensuring the effective exercise of t h e right to social and medical assistance, the Contracting Parties undertake :

1. to ensure that any person who is without adequate resources, and who is unable to secure such resources by his own efforts or does not receive them from other sources, in particular by benefits under a social security scheme, be granted the necessary means of subsistence and, in case of sickness, the care necessitated by his condition;
2. to ensure that persons receiving such assistance shall not, for that reason, suffer a diminution of their political or social rights;
3. to provide that everyone may receive by appropriate public or private services such advice and personal help as may be required to prevent, to remove, or to alleviate want;
4. to apply the provisions referred to in paragraphs 1, 2 and 3 of this Article on an equal footing to nationals of other Contracting Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11th December 1953.

*ARTICLE 14 - The right of the disabled to rehabilitation and resettlement*

With a view to ensuring the effective exercise of the right of the disabled to rehabilitation and resettlement, the Contracting Parties undertake :

1. to take adequate measures for t h e provision of training facilities, including specialised institutions where necessary;

4. See Addendum.

2. to take adequate measures for the placing of disabled persons in employment, such as the provision of specialised employment bureaux, the reserving of certain types of employment for such persons and regulations providing for their engagement by employers, without prejudice to any special rights and priorities under national legislation for disabled ex-Service personnel and war victims.

*ARTICLE 15 (new) - The right to assistance from the social services*

To protect the individual and develop his personality within his group and community, particularly in cases where a change in social conditions may cause difficulties of adaptation, the Contracting Parties undertake :

1. to promote or set up the necessary social services ;
2. to encourage active participation by individuals and social welfare institutions in the setting up and improvement of such services.

*ARTICLE 16 (former 15) - The right of the family to social and economic protection*

The Contracting Parties, recognising the importance of t h e family as a fundamental unit of society, undertake to promote the economic and social protection of family life.

*ARTICLE 17 (former 16) - The right of mothers and children to social and economic protection*

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.

*ARTICLE 18 (former 17) - The right to engage in a gainful occupation in other member countries*

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in other member countries, the Contracting Parties undertake :

1. to apply existing regulations in a spirit of liberality;
2. to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;
3. to liberalise, individually or collectively, regulations governing the employment of foreign workers;
4. to grant foreign workers the right to be accompanied or joined by their families (spouse, dependent children or parents) and to facilitate the reunion of their families ( new );
5. to recognise the right of their nationals to leave the country to engage in an occupation in the territories of the other Contracting Parties (former paragraph 4).

*ARTICLE 19 (former 18) - The right of migrant workers and their families to protection and assistance*

With a view to ensuring the effective exercise of the right of migrant workers to protection and assistance, the Contracting Parties undertake :

1. to satisfy themselves that there exist in their territory?and if not, to promote the establishment of? adequate free services, either public or private, to assist such workers, in particular by supplying them with accurate information, or, if such services do not exist, to promote their establishment; it being the duty of all Contracting Parties to take the necessary measures against misleading propaganda relating to emigration or immigration (new) ;
2. to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;
3. to promote co-operation between social services, public and private, in both emigration and immigration countries (new) ;
4. to secure for such workers lawfully within their territories treatment not less favourable than that accorded to their own nationals in respect of the following matters :
    *a.* remuneration and other employment and working conditions;
    *b.* membership of trade unions and enjoyment of the benefits of collective bargaining;

*c.* accommodation (former paragraph 3) ;

*d.* to secure for such workers within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons (former paragraph 4);

*e.* to secure that such workers residing within their territories are not expelled unless they endanger national security or offend against public interest or morality (former paragraph 6) ;

*f.* to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as he may desire (former paragraph 7) ;

*g.* to extend the protection and assistance provided for in this Article to self-employed migrants insofar as such measures apply (former paragraph 8).

### *1.3. PART III*

*ARTICLE 20 (former 19) - Undertakings*

1. Each of t h e Contracting Parties undertakes :

1. to consider Part I of this Charter as a declaration of the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that Part;
2. to consider itself bound by Articles 1, 2, 5, 6 , 1 2 , 1 9 and at least four other Articles or by another nineteen of the number paragraphs of Part II of this Charter to be selected by it. The Articles or paragraphs selected shall be notified to the Secretary-General of the Council of Europe at the time when the instrument of ratification of t h e Contracting Party concerned is deposited.

2. Any Contracting Party may, a t a later date, declare by notification to the Secretary- General that it considers itself bound by any Articles or any numbered paragraphs of Part II of the Charter which it has not already accepted under the terms of paragraph 1 of this Article. Such undertakings subsequently given shall be deemed t o be an integral part of t he ratification and shall have the same effect as from the thirtieth day after the date of the notification.

3. The Secretary-General shall communicate to all the other Contracting Parties any notification which he shall have received pursuant to this Part of t h e Charter.

4. Within a period of not more than five years from the time when the Charter comes into force in its own country, each Contracting Party shall be obliged to accept all the provisions contained in Part II of the Charter (new).

5. Each Contracting Party shall, by means of an appropriate system of supervision and inspection, ensure the observance of the Articles contained in P a r t II regarding conditions of work and the protection of workers that it has already accepted (new).

### *1.4. PART IV*

*ARTICLE 21 (former 20) - Reports concerning accepted provisions*

The Contracting Parties shall send to the Secretary-General of t h e Council of Europe a report at two-yearly intervals, in a form to be determined by the Committee of Ministers, concerning the application of such provisions of Part II of t h e Charter as t h ey have accepted.

*ARTICLE 22 (former 21) - Reports concerning provisions which are not accepted*

The Contracting Parties shall send to the Secretary-General, at appropriate intervals as requested by the Committee of Ministers, reports relating to t h e provisions of Part II of the Charter which they did not accept at the time of their ratification or in a subsequent notification. The Committee of Ministers shall determine from time to time in respect of which provisions such reports shall be requested and t h e form of t h e reports to be provided.

*ARTICLE 23 (former 22) - Communication of copies*

1. Each Contracting Party shall communicate copies of its reports referred to in Articles 21 and 22 to such of its national organisations as are members of t h e international organisations of employers and trade unions in consultative status with t h e Council of Europe.

2. The Contracting Parties shall forward to the Secretary-General any comments on the said reports received from these national organisations, if so requested by them.

*ARTICLE 24 (former 23) - Examination of the reports*

The reports sent to the Secretary- General in accordance with Articles 21 and 22 shall be examined by a Committee of Experts, who shall have also before them any comments forwarded to the Secretary-General in accordance with paragraph 2 of Article 23.

*ARTICLE 25 (former 24) - Committee of Experts*

1. The Committee of Experts shall consist of not more than seven members appointed by the Committee of Ministers from a list of independent experts of the highest integrity and of recognised competence in social and international questions, nominated by the Contracting Parties. One at least of the members of the Committee shall be an expert on social problems in the agricultural field.

2. The members of the Committee shall be appointed for a period of six years. They may be reappointed. However, of the members first appointed, the terms of office of two members shall expire at the end of four years.

3. The members whose terms of office are to expire at the end of the initial period of four years shall be chosen by lot by the Committee of Ministers immediately after the first appointment has been made.

4. A member of the Committee of Experts appointed to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

*ARTICLE 26 (former 25) - Participation of the International Labour Organisation and the United Nations Food and Agriculture Organisation*

The International Labour Organisation and the Food and Agriculture Organisation (F. A. 0 . ) , shall each be invited to nominate a representative to participate in a consultative capacity in the deliberations of the Committee of Experts.

*ARTICLE 27 (former 26) - Sub-committee of the Governmental Social Committee*

1. The reports of t h e Contracting Parties and the conclusions of t h e Committee of Experts shall be submitted for examination to a Subcommittee of the Governmental Social Committee of the Council of Europe.

2. This Sub-committee shall be composed of one representative of each of the Contracting Parties and of one representative of each of the international employers' and trade union organisations possessing Consultative Status A with the Council of Europe.

3. The Sub-committee shall present to the Committee of Ministers a report containing its conclusions and appending the report of the Committee of Experts.

*ARTICLE 28 (new) - Consultative Assembl*

1. The Secretary-General shall transmit to the Consultative Assembly copies of the reports received by him in accordance with Articles 21 and 22, as well as copies of the comments on t h e said reports referred to in Article 23, paragraph 2.

2. The Conclusions of the Committee of Experts referred to in Article 27, paragraph 1, shall likewise be transmitted to the Consultative Assembly.

3. The Consultative Assembly shall communicate its views on these reports, comments and conclusions to t h e Committee of Ministers.

*ARTICLE 29 (former 27) - Committee of Ministers*

The Committee of Ministers may, on the basis of t h e report of the Sub-committee, and after consultation with the Consultative Assembly, make to each Contracting Party any necessary recommendations.

### *1.5. PART V*

*ARTICLE 30 (former 28) - Derogations in time of war or public emergency*

1. In time of war or other public emergency threatening the life of the nation any Contracting Party may take measures derogating from its obligations under this Charter to t h e extent strictly required by t h e exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

2. Any Contracting Party which has availed itself of this right of derogation shall, within a reasonable lapse of time, keep the Secretary-General of the Council of Europe fully informed of the measures taken and of t he reasons therefor. It shall likewise inform the Secretary-General when such measures have ceased to operate and the provisions of the Charter which it has accepted are again being fully executed.

3. The Secretary-General shall in turn inform the other Contracting Parties of all communications received in accordance with paragraph 2 of this Article.

*ARTICLE 31 (former 29) - Restrictions*

1. The rights and principles set forth in Part I when effectively realised, and their effective exercise as provided for in Part II, shall not be subject to any restrictions or limitations not specified in those Parts, except such as are prescribed by legal provision or are imposed constitutionally, and are compatible with the nature of these rights and principles or are necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health, or morals.

2. The restrictions permitted under this Charter to the rights and obligations set forth herein shall not be applied for any purpose other than that for which they have been prescribed.

*ARTICLE 32 (former 30) - Relations between the Charter and domestic latv or international agreements*

The provisions of this Charter shall not prejudice the provisions of domestic law or of any bilateral or multilateral conventions or agreements which are already in force, or may come into force, under which more favourable treatment would be accorded to the persons protected.

*ARTICLE 33 (former 31) - Implementation by collective agreements*

1. In Member States where the provisions of paragraphs 1, 2, 3, 4 and 5 of Article 2, paragraphs 4 and 5 of Article -7, paragraphs 1, 2 , 3 and 4 of Article 10 and paragraph 4 of Article 19 of Part II of this Charter are matters normally left to agreements between employers or employers' organisations and workers' organisations or are normally carried out otherwise than by law, the undertakings of those paragraphs may be given and compliance with them shall be treated as effective if their provisions are applied through such agreements or other means to the great majority of the workers concerned.

2. In Member States where these provisions are normally the subject of legislation, the undertakings concerned may likewise be given and compliance with them shall be treated as effective if the provisions are applied by law to the great majority of the workers concerned.

*ARTICLE 34 (former 32) - Territorial application*

1. This Charters shall apply to t h e metropolitan territory of each Contracting Party. Each Contracting Party may, a t the time of signature or of the deposit of its instrument of ratification, specify, by declaration. addressed to the Secretary-General of the Council of Europe, the territory which shall be considered to be its metropolitan territory for this purpose.

2. Any Contracting Party may, at the time of ratification of this Charter or at any time thereafter, declare by notification, addressed to the Secretary-General, that the Charter shall extend in whole or in part to a non-metropolitan territory or territories specified in the said declaration for whose international relations it is responsible. It shall specify in the declaration the Articles or paragraphs of Part II of the Charter which it accepts as binding in respect of the territories named in the declaration.

3 . The Charter shall extend to t h e territory or territories named in the aforesaid declaration as from the thirtieth day after the date on which the Secretary-General shall have received notification of such declaration.

4. Any Contracting Earty may declare at a later date by notification addressed to the Secretary-General that, in respect of one or more of:the territories to which the Charter has been extended in accordance with paragraph 2 of this Article, it accepts as binding any articles or any numbered paragraphs which it has not already accepted in respect of that territory or territories. Such undertakings subsequently given shall be deemed to be an integral part of the original declaration in respect of the territory concerned, and shall have the same effect as from the thirtieth day after the date of the notification.

5. The Secretary-General shall communicate to the other Contracting Parties any notification transmitted to him in accordance with this Article.

*ARTICLE 35 (former 33) - Signature, ratification and entry into force*

1. This Charter shall be open for signat u r e by t h e Members of t h e Council of Europe. It shall be ratified. Instruments of ratification shall be deposited with the Secretary-General of the Council of Europe;

2. This Charter shall come into force as from the thirtieth day after the date of deposit of the fifth instrument of ratification.

3. In respect of any Signatory Government ratifying subsequently, the Charter shall come into force as from the thirtieth day after the date of deposit of its instrument of ratification.

4. The Secretary-General shall notify all the Members of the Council of Europe of the entry into force of the Charter, the names of the Contracting Parties which have ratified it and the subsequent deposit of any instruments of ratification.

*ARTICLE 36 (former 34) Amendments1*

Any Signatory Government or the Consultative Assembly may propose amendments to this Charter in a communication addressed to the Secretary-General of the Council of Europe. The Secretary-General shall transmit to the other Signatory Governments any amendments so proposed, which shall then be considered by the Committee of Ministers and submitted to the Consultative Assembly for opinion. Any amendments approved by the Committee of Ministers shall enter into force as from the thirtieth day after all the Contracting Parties have informed the Secretary-General of their acceptance. The Secretary-General shall notify all t h e Members of the Council of Europe of t h e entry into force of such amendments.

*ARTICLE 37 (former 35) - Denunciation*

1. Any Contracting Party may denounce this Charter only at the end of a period of five years from the date on which the Charter entered into force for it or at the end of any successive period of two years, and, in each case, after giving six months, notice to the Secretary-General of the Council of Europe, who shall inform the other Parties accordingly. Such denunciation shall not affect the validity of the Charter in respect of the other Contracting Parties provided that at all times there are not less than five such Contracting Parties.

2. Any Contracting Party may, on the terms specified in the preceding paragraph, denounce any of t h e Articles or paragraphs of Part II of the Charter which it has accepted, provided that the number of Articles or paragraphs binding upon that Party shall at all times not be less than 10 or 45 respectively.

3. Any Contracting Party may denounce the present Charter or any of the Articles or paragraphs of Part II of the Charter, on the terms specified in paragraph I of this Article, in respect of any territory to which the said Charter is applicable by virtue of a declaration made in accordance with paragraph 2 of Article 34.

4. Any Contracting Party which ceases to be a Member of the Council of Europe shall also cease to be a Party to this Charter.

In witness whereof, the undersigned, being duly authorised thereto, have signed this Charter.

Done at this day of 19 in English and French, both texts being equally authoritative, in a single copy which shall be deposited within the archives of the Council of Europe. The Secretary-General shall transmit certified copies to each of the Signatories.

### *1.6. Addendum* [5]

#### *1.6.1. PART II*

*Article 6*

Paragraph 4

The employers agreed to accept this text on condition that the attention of the Committee of Ministers was drawn to their request :

*a.* for recognition of the right to impose a lock-out;

*b.* for the paragraph to include provision for measures regulating the right to strike based on Article 29.

*Article 3*

Paragraph 2

The Assembly wishes this paragraph to be interpreted in the light of Conventions Nos. 3, 103 and 110 of I. L. 0., which make it illegal for an employer to give a woman employee notice while absent on account of pregnancy or confinement, or as the result of an illness resulting from her pregnancy or confinement, or on such a date that the notice will expire during her absence for any of the above causes.

*Article 12*

Paragraph 2

As the Assembly is not yet acquainted with the definitive text of the European Social Security Code, it draws the attention of the Committee of Ministers to the proposal made by the workers' members at the Tripartite Conference that the words " and the International Labour Convention (No. 102) concerning minimum standards of social security", should be added to this paragraph.

### *1.7. PARTS IV AND V*

*Articles 29 and 36*

1. The Assembly hopes that when any questions concerning the Social Charter, especially in connection with Articles 29 and 36 are to be discussed by the Committee of Ministers the latter will, where necessary, arrange for the attendance of the Ministers from the Departments concerned or, as permitted by Article 14 of. the Council of Europe Statute, allow these to take their place on the Committee.

2.The Assembly, reminds the Committee of Ministers that, since Article 35 of the Charter provides that it shall enter into force after the fifth instrument* of ratification has been deposited; decisions relating to the Charter might be taken in Committee by a majority of States which had not yet ratified it. For this reason, the Assembly asks that, after the entry into force of the Charter, any decisions relating to it shall be subject to the procedure regarding partial agreements laid down in the Statutory Resolution adopted by the Ministers in 1951.

5. The Assembly took notice of the Appendix to the draft European Social Charter in Doc. 927.