

Ο περί του Αναθεωρημένου Ευρωπαϊκού Κοινωνικού Χάρτη του 1996 (Κυρωτικός) Νόμος του 2000 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 27(ΙΙΙ) του 2000

**ΝΟΜΟΣ ΚΥΡΩΤΙΚΟΣ ΤΟΥ ΑΝΑΘΕΩΡΗΜΕΝΟΥ ΕΥΡΩΠΑΪΚΟΥ
ΚΟΙΝΩΝΙΚΟΥ ΧΑΡΤΗ ΤΟΥ 1996**

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί του Αναθεωρημένου Ευρωπαϊκού Κοινωνικού Χάρτη του 1996 (Κυρωτικός) Νόμος του 2000. Συνοπτικός
τίτλος.

2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετική έννοια— Ερμηνεία.

«Δημοκρατία» σημαίνει την Κυπριακή Δημοκρατία.

«Χάρτης» σημαίνει τον Αναθεωρημένο Ευρωπαϊκό Κοινωνικό Χάρτη του 1996, του οποίου το πρωτότυπο κείμενο εκτίθεται στην αγγλική στο Μέρος Α του Πίνακα και η ελληνική μετάφραση στο Μέρος Β του Πίνακα:

Πίνακας.
Μέρος Α.
Μέρος Β.

Νοείται ότι σε περίπτωση αντίθεσης μεταξύ του εκτιθέμενου στο Μέρος Α του Πίνακα πρωτότυπου κειμένου και της εκτιθέμενης στο Μέρος Β αυτού ελληνικής μετάφρασης θα υπερχύει το εκτιθέμενο στο Μέρος Α του Πίνακα κείμενο.

3. Με τον παρόντα Νόμο κυρώνεται ο Χάρτης, του οποίου η επικύρωση από την Κυπριακή Δημοκρατία εγκρίθηκε από το Υπουργικό Συμβούλιο με την Απόφασή του με Αρ. 49.597 και ημερομηνία 5 Μαΐου 1999. Κύρωση.
Χάρτη.

4. Για τους σκοπούς του Μέρους ΙΙΙ, Άρθρο Α του Χάρτη, η Δημοκρατία θεωρεί το Μέρος Ι του Χάρτη ως δήλωση των στόχων τους οποίους θα επιδιώξει με όλα τα κατάλληλα μέσα και αναγνωρίζει ότι δεσμεύεται από τα άρθρα 1, 5, 6, 9, 10, 11, 12, 14, 15, 19, 20, 24, 28, καθώς και από τις παραγράφους 1, 2, 5 και 7 του άρθρου 2, τις παραγράφους 1, 2 και 3 του άρθρου 3, τις παραγράφους 1, 2, 3, 4, 6, 8 και 10 του άρθρου 7, τις παραγράφους 1, 2 και 3 του άρθρου 8, τις παραγράφους 2 και 3 του άρθρου 13, την παράγραφο 4 του άρθρου 18 και την παράγραφο 3 του άρθρου 27. Αναγνώριση
δέσμευσης.

ΠΙΝΑΚΑΣ
(άρθρο 2)

ΜΕΡΟΣ Α
EUROPEAN SOCIAL CHARTER
(REVISED)

Preamble

The governments signatory hereto, being members of the Council of Europe,

Considering that the 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;

Considering that in the European Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950, and the Protocols thereto, the member States of the Council of Europe agreed to secure to their populations the civil and political rights and freedoms therein specified;

Considering that in the European Social Charter opened for signature in Turin on 18 October 1961 and the Protocols thereto, the member States of the Council of Europe agreed to secure to their populations the social rights specified therein in order to improve their standard of living and their social well-being;

Recalling that the Ministerial Conference on Human Rights held in Rome on 5 November 1990 stressed the need, on the one hand, to preserve the indivisible nature of all human rights, be they civil, political, economic, social or cultural and, on the other hand, to give the European Social Charter fresh impetus;

Resolved, as was decided during the Ministerial Conference held in Turin on 21 and 22 October 1991, to update and adapt the substantive contents of the Charter in order to take account in particular of the fundamental social changes which have occurred since the text was adopted;

Recognising the advantage of embodying in a Revised Charter, designed progressively to take the place of the European Social Charter, the rights guaranteed by the Charter as amended, the rights guaranteed by the Additional Protocol of 1988 and to add new rights,

Have agreed as follows:

Part I

The Parties accept as the aim of their 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 safe and healthy working conditions.
- 4 All workers have the right to a fair remuneration 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 the physical and moral hazards to which they are exposed.
- 8 Employed women, in case of maternity, have the right to a special protection.
- 9 Everyone has the right to appropriate facilities for vocational guidance with a view to helping him choose an occupation suited to his personal aptitude and 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 All workers and their dependents have the right to social security.
- 13 Anyone without adequate resources has the right to social and medical assistance.
- 14 Everyone has the right to benefit from social welfare services.
- 15 Disabled persons have the right to independence, social integration and participation in the life of the community.
- 16 The family as a fundamental unit of society has the right to appropriate social, legal and economic protection to ensure its full development.
- 17 Children and young persons have the right to appropriate social, legal and economic protection.

- 18 The nationals of any one of the Parties have the right to engage in any gainful occupation in the territory of any one 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 Migrant workers who are nationals of a Party and their families have the right to protection and assistance in the territory of any other Party.
- 20 All workers have the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex.
- 21 Workers have the right to be informed and to be consulted within the undertaking.
- 22 Workers have the right to take part in the determination and improvement of the working conditions and working environment in the undertaking.
- 23 Every elderly person has the right to social protection.
- 24 All workers have the right to protection in cases of termination of employment.
- 25 All workers have the right to protection of their claims in the event of the insolvency of their employer.
- 26 All workers have the right to dignity at work.
- 27 All persons with family responsibilities and who are engaged or wish to engage in employment have a right to do so without being subject to discrimination and as far as possible without conflict between their employment and family responsibilities.
- 28 Workers' representatives in undertakings have the right to protection against acts prejudicial to them and should be afforded appropriate facilities to carry out their functions.
- 29 All workers have the right to be informed and consulted in collective redundancy procedures.
- 30 Everyone has the right to protection against poverty and social exclusion.
- 31 Everyone has the right to housing.

Part II

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

Article 1 – The right to work

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

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 to earn his living in an occupation freely entered upon;
- 3 to establish or maintain free employment services for all 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 Parties undertake:

- 1 to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;
- 2 to provide for public holidays with pay;
- 3 to provide for a minimum of four weeks' annual holiday with pay;
- 4 to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations;
- 5 to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest;
- 6 to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship;
- 7 to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

Article 3 — The right to safe and healthy working conditions

With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations:

- 1 to formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment. The primary aim of this policy shall be to improve occupational safety and health and to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, particularly by minimising the causes of hazards inherent in the working environment;
- 2 to issue safety and health regulations;