

THE RIGHT TO A FAIR REMUNERATION AND FAIR INCOME REPLACEMENT IN THE EUROPEAN SOCIAL CHARTER: A MULTIDIMENSIONAL APPROACH

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The right to fair remuneration constitutes a fundamental employment-related entitlement and a cornerstone of the adequate standard of living. Closely linked to various provisions of the Revised (1996) European Social Charter – such as the right to social security – it not only ensures individuals can meet basic subsistence needs but also empowers them to autonomously pursue their life plans within market-based democracies. Its adequate protection is essential to preventing poverty, promoting social inclusion, and safeguarding equal opportunities in the labour market as well as in society. The European Committee of Social Rights plays a crucial role in this regard by monitoring compliance with the Charter, interpreting its provisions, and assessing whether national laws and practices align with the standards of fair remuneration set out in international law. The contribution examines the right to fair remuneration from different perspectives within as well as outside the European Social Charter, indicating its global importance and the sometimes-overlooked link to a number of other (social and economic) rights which together allow for persons'

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development and execution of life plans in market democracies. Since only a handful of countries, Members of the Council of Europe have not yet ratified the Revised European Social Charter, the article primarily focuses on the latter and not on the initial European Social Charter from 1961.

Key words: fair remuneration; social security; European Social Charter; equal opportunities; European Committee of Social Rights

1. INTRODUCTION ***

The right to fair remuneration is a central employment-related right and a cornerstone of the right to an adequate standard of living.¹ According to Article 4 of the Revised European Social Charter (hereinafter: ESC)², it encompasses decent remuneration for the individual and their family, increased remuneration for overtime work, equal pay for equal work of men and women, a reasonable notice period for termination of employment, and limits on wage deductions.³

It is connected to several other articles of the ESC, such as the right to protection against poverty and social exclusion (Article 30), equal treatment of men and women in matters of employment and occupation (Article 20), the right to just working conditions (Article 2), or the right to social security for workers (Article 12). It is also connected to the right to a peaceful enjoyment of possessions, stipulated in Article 1 of Protocol No. 1 to the European Convention on Human Rights (ECHR)⁴ and other international law and European Union (hereinafter: EU) law documents, such as the Treaty on the Functioning of the European Union (TFEU)⁵ and its Article 157, the EU Charter of Fundamental

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¹ Lukas, K., *The revised European social charter: an article by article commentary*, Edward Elgar Publishing, Cheltenham, 2021, p. 75.

² Council of Europe, European Social Charter (Revised), ETS No. 163 from 1996. The wording of Article 4 revised ECS remained the same as in Article 4 initial ESC. European Committee of Social Rights perceives both documents as a whole, hence, only the revised ECS is referred to in the present paper.

³ Lukas, *op. cit.* (fn. 1), p.75.

⁴ Council of Europe, Convention for the Protection of Human Rights and Fundamental Freedoms, ETS No. 5 from 1950.

⁵ OJ C 326/47.

Rights⁶ or International Labour Organization (ILO) conventions on minimum wages and equal treatment⁷, alongside Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁸. Although it belongs to the second generation of human rights, i.e., positive or economic, social, and cultural rights, it remains a crucial factor in relation to civil and political rights and liberties, which are part of the first generation of human rights, enabling democratic participation in society. Different forms of fair remuneration are key to providing individuals with a decent standard of living. Still, they also allow them to pursue their rational life plans in market-based societies, participate actively in democratic processes and thus limit the power of public authorities.

Building on the existing state of the art⁹, the article adopts a multidimensional approach to the right to fair remuneration and adequate income replacement – i.e., the right to social security – under the ESC. It integrates traditional concepts of social security law and employment law, examining the issue through the lens of individuals' equal market opportunities, autonomy in pursuing life plans, and the protection of democratic standards in society. Inadequate pay creates poverty traps, which can affect not only individuals and their families but also entire communities. It serves as an obstacle to full social participation, marking social exclusion.¹⁰ The article examines the right to fair remuneration, emphasising the concepts of a decent standard of living and the principle of equal treatment between men and women, also from the perspective of EU law. It also explores workers' right to social security, building on the preceding analysis of the right to fair remuneration, particularly regarding the concept of equal market opportunities during contingencies. Common methods of legal

⁶ OJ C 326/391.

⁷ ILO Protection of Wages Convention, 1949 (No. 95); ILO Minimum Wage Fixing Convention, 1970 (No. 131); ILO Remuneration Convention, 1951 (No. 100).

⁸ International Covenant on Economic, Social and Cultural Rights. 993 UNTS 3 from 1966. See, for example, Arabadjieva, K.; Kotsoni, M., *Mind the Gap: Emerging Standards of Protection of the Right to Equal Pay Under the European Social Charter and EU Law*, European Papers, vol. 7, no. 3, 2023, pp. 1549 – 1552 or Lukas, *op. cit.* (fn. 1), pp. 76 – 77. For an in-depth discussion on the placement of the ESC in international law see articles gathered in Part 4 of Angeleri, S.; Nivard, C. (eds.), *The European Social Charter: A Commentary. Vol. 1. Cross-cutting Themes*, Brill, Nijhoff, Leiden, Boston, 2022.

⁹ See Miné, M., *Article 4. Right to a Fair Remuneration*, in: Nivard, S. (ed.), *The European Social Charter: A Commentary. Vol. 2. Preamble, Part I and Part II*, Brill, Nijhoff, Leiden, Boston, 2023, pp. 141 – 169; Lukas, *op. cit.* (fn. 1), pp. 75 ff. or Angeleri, S.; Nivard, C. (eds.), *The European Social Charter: A Commentary. Vol. 1. Cross-cutting Themes*, Brill, Nijhoff, Leiden, Boston, 2022.

¹⁰ Miné, *op. cit.* (fn. 9), p. 142.

research (e.g. grammatical interpretation, purpose-oriented interpretation, systemic interpretation), are accompanied by some of the key concepts of political philosophy, like the above-mentioned equal (market) opportunities and private autonomy.

2. THE RIGHT TO FAIR REMUNERATION

Article 4 of the ESC reads as follows:

“With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

1. to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living;
2. to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;¹¹
3. to recognise the right of men and women workers to equal pay for work of equal value;
4. to recognise the right of all workers to a reasonable period of notice for termination of employment;
5. to 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.

The exercise of these rights shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions.”

2.1. Decent Standard of Living

Article 4(1) ESC, whereby the entire Article 4 follows the wording of the initial European Social Charter from 1961, affirms the right to fair remuneration to ensure a decent standard of living for workers and their families. The definition of a family might vary and should be interpreted according to the perceptions of those living together in each State Party. Additionally, considering the social aspect of pay, its adequacy should also be assessed in relation to spe-

¹¹ For an in-depth discussion of articles 4(2) see, for example, Świątkowski, A. M., *Decent wages – The right to fair remuneration. The Council of Europe perspective*, Hungarian Labour Law E-Journal, vol. 2, 2024, pp. 39 ff.

cific social security benefits (such as parental or family benefits, or healthcare) that are funded from persons' gross salaries. A lower net wage may actually be more advantageous than a higher one if the difference between gross and net pay covers accessible, quality public services, thereby reducing out-of-pocket expenses and private consumption.

Article 4(1) ESC applies universally to all categories of workers, including civil servants and contractual staff in the public sector, those in industries or occupations not covered by collective agreements, individuals engaged in non-standard forms of employment, and workers under all employment regimes and statuses, such as migrant workers.¹² It is linked to Article 4(5) ESC, which guarantees workers the right to receive their earned remuneration in full.¹³ This provision secures workers' right to their wages, which can only be deducted under specific circumstances. Such circumstances must be clearly defined within the legal framework, whether by law, regulation, collective agreement, or arbitration award.¹⁴ The provision also relates to social security, as benefits are financed through wage deductions, typically in the form of social security contributions. It is vital that a worker's disposable income – the income remaining after all deductions – is sufficient to support their own subsistence and that of their dependents.¹⁵ This is especially important for those earning minimum wage, as it supports their ability to develop and pursue their life plans without undue financial hardship. As Świątkowski observed¹⁶, the European Committee of Social Rights (hereinafter: The Committee)¹⁷ argued that various financial obligations, including taxes, social security contributions, trade union fees, civil obligations (such as alimony), deposits paid by employers, and damages owed by workers, should be regulated under domestic labour law. Furthermore, it stressed that, when determining wage deductions, states should prioritise protecting workers' remuneration, ensuring it complies with the standards set in Article 4(1) ESC.

During the 2022 monitoring cycle, the Committee posed targeted questions concerning non-standard forms of organising employment and the COVID-19

¹² Lukas, *op. cit.* (fn. 1), p. 79.

¹³ Świątkowski, *op. cit.* (fn. 11), p. 49.

¹⁴ Lukas, *op. cit.* (fn. 1), p. 91.

¹⁵ ECSR Statement of interpretation of Article 4(5). Conclusions 2022 (available at: https://hudoc.esc.coe.int/eng?i=2022_163_02/EN). See also Lukas, *op. cit.* (fn. 1), p. 80.

¹⁶ Świątkowski, *op. cit.* (fn. 11), pp. 49 – 50.

¹⁷ On the (non)binding nature of its decisions see Spagnolo, A., *They Are Not Enforceable, But States Must Respect Them: An Attempt to Explain the Legal Value of Decisions of the European Committee of Social Rights*, European Papers, vol. 7, no. 3, 2022.

epidemic. It sought information on measures to ensure fair remuneration for a decent standard of living for workers in non-standard jobs, including those in the gig or platform economy, as well as workers on zero-hours contracts. The Committee also requested details on enforcement activities, such as those conducted by labour inspectorates or other relevant bodies, to address the circumvention of minimum wage requirements. This includes practices such as subcontracting, service contracts (including cross-border ones), platform-managed work arrangements, and false self-employment. Special attention was given to sectors where workers are particularly vulnerable to exploitation, such as agriculture, hospitality, domestic and care work, and temporary employment.¹⁸ New forms of work and work organisation require immediate political attention, alongside a differentiated legislative approach that addresses both fair remuneration and the right to social security. On one hand, such work arrangements may constitute a person's sole, and often precarious, source of income; on the other hand, they may provide only supplementary or marginal earnings (e.g. mini jobs, student work), which may not necessarily warrant inclusion in social security frameworks. Likewise, these forms of work may serve as the primary income for low-skilled workers or individuals from vulnerable groups, such as migrants or older people, or as one of multiple income sources for highly skilled and highly mobile professionals. According to the European Commission, structural trends reshaping labour markets – such as globalisation, digitalisation, and the growth of non-standard forms of employment, particularly in the service sector – have contributed to increased job polarisation. This has resulted in a growing share of low-paid and low-skilled occupations, weakening traditional collective bargaining structures. Consequently, in-work poverty and wage inequality have risen. The importance of minimum wages becomes even more pronounced during economic downturns. The COVID-19 crisis, for instance, disproportionately affected sectors with a high concentration of low-wage workers, such as retail and tourism, and had a particularly severe impact on already disadvantaged groups.¹⁹

As mentioned, the committee's targeted questions also centred on furlough schemes during the recent pandemic. It emphasised the importance of state parties ensuring fair remuneration, including increased pay for workers exposed to COVID-19 risks. The Committee also highlighted the need to compensate for

¹⁸ See, for example, ESCR Conclusion 2022 – Belgium – Article 4-1 (available at: <https://rm.coe.int/conclusions-2022-belgium-e/1680aa9865>). See also European Youth Forum (YFJ) v. Belgium. Complaint No. 150/2017 from 8 September 2021 on unpaid internships.

¹⁹ Proposal for a Directive of the European Parliament and of the Council on adequate minimum wages in the European Union, COM(2020) 682 from 28 October 2020, p. 1.

income losses during lockdowns and cover additional costs incurred by workers due to teleworking and work-from-home arrangements.²⁰ Like new forms of work and work organisation, health crises, housing crises, extreme weather events, and geopolitical conflicts can significantly impact the right to fair remuneration. These disruptions raise critical issues regarding the adequacy of income, the provision of income-replacement benefits under the right to social security, the personal scope of entitlement, the boundaries of solidarity mechanisms, and the extent of state obligations in ensuring protection within these domains. From this perspective, the Committee's targeted questions from the 2022 monitoring cycle demonstrate a dynamic approach to the ESC.

According to the Committee, the notion of a decent standard of living, as outlined in Article 4(1) ESC, extends beyond the mere fulfilment of basic material needs – such as food, clothing, and housing – and encompasses access to the resources necessary for participation in cultural, educational, and social life.²¹ Guaranteeing a decent standard of living means ensuring a minimum wage (and supplemented by any additional benefits where applicable), which should be sufficient to meet these needs.²² The ESC and the Committee's decisions are grounded in the distributional principle of need. However, the Committee goes beyond the traditional notion of need, typically associated with the satisfaction of necessities, by implicitly supporting a more liberal understanding of well-being that encompasses pursuing a freely chosen lifestyle, in which an individual may shape wants, preferences, or rational aspirations.²³ This means that they may also actively participate in democratic processes within society, thereby contributing to the oversight of public authorities and reinforcing their political accountability. The same principle applies to income replacement benefits provided through social insurance schemes. Their purpose is not merely to ensure minimum subsistence, but to allow individuals to maintain a standard of living comparable to what they enjoyed before a contingency, such as old age or unemployment.

For the assessment under Article 4(1) ESC, pay is defined as the net amount, less social security contributions and taxes.²⁴ Social transfers (for example, social

²⁰ ESCR Conclusion 2022 – Belgium – Article 4-1.

²¹ Lukas, *op. cit.* (fn. 1), p. 79.

²² ESCR Statement of interpretation of Article 4(1). Conclusions 2010 (available at: https://hudoc.esc.coe.int/fr/?i=2010_163_02/Ob/EN).

²³ On need, want, wish or desire, see Mišič, L., *Theories of Political Philosophy as Guiding Principles in Social Security*, Studies on Labour Law and Social Policy, vol. 25, no. 3, 2018.

²⁴ Miné, *op. cit.* (fn. 9), p. 142.

security benefits) are considered by the Committee only when directly linked to the salary. It defines remuneration as monetary or in-kind compensation paid by an employer to an employee for time worked or work done. It covers, where applicable, extraordinary bonuses and gratuities.²⁵

On the one hand, this means that alternative forms of payment must be recognised as remuneration under Article 4(1) ESC, especially to adapt effectively to non-standard forms of employment. On the other hand, in-work bonuses, for example, and other non-standard forms of remuneration may undermine the contributory base for social protection or the amount of taxable income. They may also negatively affect the amount of social security benefits, restrict workers' autonomy in managing their monthly disposable income, and lack the stability typically associated with regular wages. In market-based democracies, individuals often express and fulfil their life choices through consumer preferences. Restricting their monthly disposable income can constrain their economic freedoms and, by extension, their personal autonomy. Conversely, alternative forms of remuneration – such as company bicycles, cars, or housing – may reduce taxable income, effectively increasing an individual's net income while simultaneously limiting the portion subject to the redistribution of societal wealth.

Initially, the Committee believed that remuneration closely aligned with the average wage could be considered fair (or decent). However, this approach to defining fair remuneration proved insufficiently precise, as it did not establish a clear percentage-based relationship between the wage paid for a specific job and the average remuneration for that type of work within a given country.²⁶ According to its now well-established case-law, dating back to 1998, for remuneration to be considered fair under Article 4(1) ESC, the labour market's minimum or lowest net wage must not fall below 60% of the net average national wage.²⁷ As observed by Lukas, this average is typically calculated based on the entire labour market, or, when that is not feasible, on a representative sector such as manufacturing. If a statutory national minimum wage exists, its net value is used for comparison; otherwise, the relevant figure is the lowest wage set by collective agreements or the lowest wage paid in practice. When the lowest wage falls between 50% and 60% of the average wage, the state must provide detailed evidence that the wage is sufficient to ensure a decent standard of living, considering essential expenses such as healthcare, education, and mobility. If the wage is below 50% of the average, the situation is automatically

²⁵ Lukas, *op. cit.* (fn. 1), p. 79.

²⁶ Świątkowski, *op. cit.* (fn. 11), p. 34.

²⁷ Lukas, *op. cit.* (fn. 1), p. 80.

deemed a violation of the ESC, as it fails to ensure a decent standard of living in real terms. Regardless of the percentage, the wage must be clearly above the national poverty line.²⁸

On the one hand, the Committee thoughtfully considers essential expenses like healthcare, education, and mobility;²⁹ on the other hand, it generally disregards potentially significant differences in living costs (e.g. housing costs, costs of services) in different parts of the reporting countries, as well as adequate geographic, timely or economic access to quality public services in various regions. These are important since they do not operate on market principles alone and thus offer a means of saving people's disposable income. As noted in the preceding paragraph, the Committee bases its assessments on national-level indicators, evaluating compliance with Article 4(1) of the ESC by comparing minimum wages to the national average salary. While this method provides a general measure of wage adequacy, it does not consider regional variations in living costs within individual countries. In this sense, it disregards the unequal market opportunities available to persons from different municipalities or regions.

However, the Committee has found that setting a lower minimum wage for workers under 25 may be compatible with the ESC, provided it serves a legitimate employment policy objective. It remains proportionate to the needs of the workers.³⁰ Under certain conditions, paying a lower minimum wage to young workers is acceptable, particularly when participating in apprenticeships or vocational training. Such reductions may facilitate their entry into the labour market and can be justified by their typically lower average living costs. However, the reduced wage must not fall below the national poverty threshold.³¹ Even when pursuing a legitimate aim and meeting the criterion of proportionality, a lower minimum wage for younger workers restricts their earning potential relative to older workers, potentially hindering their ability to achieve key financial milestones, such as purchasing their first home or renting their first apartment and beginning to truly develop a lifestyle in line with their conception of the good life. It reinforces the role of the family as a social buffer – that is, a closely interconnected unit of micro-level exchanges that substitutes for state-organized

²⁸ *Ibid.*

²⁹ See Świątkowski, *op. cit.* (fn. 11), p. 37.

³⁰ Lukas, *op. cit.* (fn. 1), p. 80.

³¹ General Federation of employees of the national electric power corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece. Complaint No. 66/2011 from 23 May 2021.

social security systems.³² It also reduces the perceived necessity of public housing, housing market regulation, and publicly provided services, limiting the state's positive obligations in the field.

2.2. Decent Standard of Living in the EU

In the context of the EU, national statutory minimum wages were lower than 60% of the gross median wage and/or 50% of the gross average wage in almost all Member States in 2020. In 2018, the statutory minimum wage did not provide sufficient income for a single minimum-wage earner to reach the at-risk-of-poverty threshold in nine Member States.³³ It is unsurprising that in recent years, several proposals have been advanced for an EU initiative on minimum wages. These were driven by normative arguments – emphasising the intrinsic value of adequate minimum wages, the goal of upward social convergence, and the enhancement of living standards – and by functional considerations, such as the need to reduce significant disparities between Member States.³⁴ Reducing inequalities is essential to mitigate the negative consequences for EU citizens who, by circumstance³⁵, belong either to socially and economically highly developed or underdeveloped Member States. Moreover, narrowing earnings gaps can help address challenges linked to postings, cross-border (frontier) employ-

³² On the role of the family in social security see, for example, Mišič, L., *Should Singlehood Become a New Social Risk*, in: Schoukens, P.; De Becker, E.; Keersmaekers, T. (eds.), *Living and Working Tomorrow (2035). Challenges for Social Security (Administrations)*, KU Leuven, EISS, Leuven, 2024, pp. 79 ff.

³³ Proposal for a Directive of the European Parliament and of the Council on adequate minimum wages in the European Union, COM(2020) 682 from 28 October 2020, p. 2.

³⁴ Marchal, S., *An EU minimum wage target for adequate in-work incomes?*, European Journal of Social Security, vol. 22, no. 4., 2020, p. 453. For a directive on minimum income protection see Aranguiz, A., *Securing decent incomes at a crossroads: On the legal feasibility of a Framework Directive on Minimum Income*, European Journal of Social Security, vol. 22, no. 4, 2020, pp. 467 – 485.

³⁵ On the notion of *lottery* behind affording EU citizenship and the associated concept of transnational social justice in the European Union see Mišič, L., *Equality of Opportunity in the EU: Rethinking the European Pillar of Social Rights in Light of Free Movement as a Supranational Principle of Justice*, Zbornik znanstvenih razprav, vol. 80, 2020, pp. 46 ff.

ment, the export of unemployment benefits³⁶ and family benefits³⁷, and, more broadly, various forms of social dumping and welfare tourism, increasing the social cohesiveness of the EU. In 2022, the Directive (EU) 2022/2041 of the European Parliament and of the Council on adequate minimum wages in the European Union³⁸ was passed, building on principle 6 of the European Pillar of Social Rights (EPSR). However, its compatibility with EU law is currently under review by the Court of Justice of the European Union in an action brought by the Kingdom of Denmark against the European Parliament and the Council³⁹, which is alleged to infringe the principle of the conferral of powers and to act in breach of Article 153(5) TFEU. The Attorney General proposed to the CJEU the annulment of the directive in January of 2025.⁴⁰ This highlights the delicate balance between the EU's social policy objectives, the division of competences between the EU and its Member States, and the need to safeguard national welfare states as internally cohesive, community-based systems. As noted by Miné, the right to fair remuneration is more than a simple workers' right; it aims at a global societal ideal of social justice.⁴¹

2.3. Equal Pay for Men and Women

Article 4(3) ESC is crucial to achieving equal earnings and market opportunities for men and women. The Committee has developed extensive case law on the right to equal pay under Article 4(3) ESC.⁴² According to Lukas, its assessments regularly focus on explicit legislation guaranteeing equal pay for equal work or work of equal value, the effective enforcement of this principle,

³⁶ Mišič, L.; Strban, G., *Atypical work and residence in cross-border situations: The coordination of unemployment benefits*, European Journal of Social Security, vol. 26, no. 2, 2024.

³⁷ On the negative indexation of family benefits and the (non)exportation of unemployment benefits under the ESC see Lukas, *op. cit.* (fn. 1), pp. 182 – 183. In EU law, the negative indexation of family benefits is prohibited, since it breaches the principle of equal treatment, whilst unemployment benefits are exportable, even if under stricter conditions than other cash benefits, e.g. pensions.

³⁸ OJ L 275/33.

³⁹ Kingdom of Denmark v European Parliament and Council of the European Union, Case C-19/23, ECLI:EU:C2025:865.

⁴⁰ See, for example, Kilpatrick, C.; Steiert, M., *A little learning is a dangerous thing: AG Emiliou on the Adequate Minimum Wages Directive (C-19/23, Opinion of 14 January 2025)*, LAW Working Paper 2025/2, EUI, Department of Law, Florence, 2025.

⁴¹ Miné, *op. cit.* (fn. 9), p. 142.

⁴² Lukas, *op. cit.* (fn. 1), p. 83.

and protection against retaliatory dismissal. Since equal pay is also a core element of the right to equal opportunities in employment under Article 20 of the Revised European Social Charter, the Committee applies the case law of Article 20 to Article 4(3) ESC by analogy. Aspects related explicitly to equal pay are addressed under Article 4(3) ESC, and the Committee reviews this issue every two years, either under Article 20 or Article 4(3) ESC. Importantly, Article 4(3) ESC guarantees equal pay for equal work and different types of work of equal value.⁴³ The principle of equal pay requires that all elements of remuneration – whether paid in cash or in kind, directly or indirectly – apply equally to full-time and part-time workers. While States are free to determine wage-setting methods (via legislation or collective bargaining), they must ensure that discriminatory pay practices are prohibited and enforceable by law. If, as noted by Lukas⁴⁴, collective bargaining fails to deliver equal pay, the State must intervene. Pay comparisons between men and women may extend beyond the individual company, particularly in female-dominated sectors, when necessary. States must provide both adjusted and unadjusted gender pay gap data and outline the steps taken to address the gap, including efforts to tackle gender segregation in the labour market. Effective legal remedies must be available, including access to courts, reversal of the burden of proof, and proportionate and dissuasive compensation. Workers must also be protected against retaliatory dismissal, as mentioned, with reinstatement or adequate compensation required.⁴⁵ Following the Committee's conclusions, the Committee of Ministers adopted a Declaration on equal pay and equal opportunities for women and men in employment in 2021⁴⁶, affirming that gender equality is a fundamental human right and a cornerstone for the protection of human rights, the rule of law, and the functioning of democracy. All Council of Europe member States are bound to uphold this principle, which is part of the European Convention on Human Rights and its Protocols.⁴⁷ In the context of social rights, the ESC prohibits discrimination based on sex and requires States Parties to ensure equal pay for work of equal value, as outlined in Article 4(3). According to the Committee of Ministers, this commitment is reinforced through Article 20 of the ESC, which promotes equal opportunities and treatment in employment, and Article 27, which protects workers' rights with family responsibilities.⁴⁸

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*, pp. 84 – 86.

⁴⁶ Declaration I from 17 March 2021.

⁴⁷ Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

⁴⁸ Declaration I from 17 March 2021.

2.4. Equal Pay of Men and Women in the EU

One of the main reasons behind differences in employment patterns for women and men is the gendered division of care responsibilities, particularly for children.⁴⁹ According to the EU Commission's report on gender equality, in most EU Member States, parenthood significantly affects female employment, with women experiencing lower employment rates and a higher prevalence of part-time work compared to men. In 2022, the employment rate for women aged 25–54 with children was 73.7%, while for men with children it was 91.0%, revealing a gender employment gap of 17.3 percentage points – substantially larger than the 3.8-point gap among those without children. Furthermore, 31.5% of employed mothers worked part-time, compared to 4.9% of fathers. The number of children and educational attainment influence women's employment rates: women with three or more children had an average employment rate of 59.5%, compared to 77% for those with fewer children. Higher education levels correlate with increased employment: tertiary-educated mothers with one child had an employment rate of 87.1%. In contrast, those with primary education and three or more children had a rate as low as 30.8%.⁵⁰

These disparities in employment and working conditions significantly affect women's market and earnings opportunities, reinforcing structural gender inequality and limiting women's economic autonomy. The lower employment rates and higher incidence of part-time work among mothers – particularly those with more children or lower educational attainment – result in reduced income, fewer career advancement prospects, and limited access to social security benefits, including pensions. This is confirmed by the EU Commission, which considers the gender pay gap a key driver of gender differences in old age poverty.⁵¹ From this perspective, limited earnings opportunities are related to limited savings and market opportunities in old age, hindering the fulfilment of economic preferences of older women and their freely chosen life plans in old age. As mentioned, the purpose of social security benefits, such as pensions, is not merely to ensure a minimum subsistence, but to allow individuals to maintain a standard of living comparable to what they enjoyed before a contingency. However, suppose a household's standard of living depends heavily on the primary earner's income. In that case, providing income-sensitive social insurance benefits that exceed the secondary earner's relatively low taxable income levels may not always be

⁴⁹ Commission SWD 2024 Report on gender equality in the EU, SWD(2024) 54 final, from 7 March 2024.

⁵⁰ *Ibid.*, p. 23.

⁵¹ *Ibid.*, p. 30.

legitimate. On the one hand, positive measures targeting vulnerable groups of insured persons, e.g. informal or non-professional caregivers, and the principle of solidarity support the provision of disproportionately higher income-replacement benefits. On the other hand, the insurance principle – based on mutual rights and obligations between the insured individual and the insurance provider or collective of insured persons – argues in favour of proportionally lower cash benefits.

Additionally, limited career opportunities for women affect their wages and income-replacement benefits, such as during periods of unemployment or old age, and restrict their participation in political decision-making and their access to leadership roles in society. In terms of power and influence, achieving gender parity in decision-making across the EU remains a distant goal.⁵² Nevertheless, the EU's equal pay framework reflects elements of the Committee's interpretation of the right to equal pay, including some long-established under the ESC before the 2019 decisions.⁵³ Generally, the principle of equal pay between men and women is found in various EU legal sources and the EPSR.⁵⁴ According to Arabadijeva and Kostoni, the *Gender Equality Directive*⁵⁵ consolidates key aspects of the EU acquis on equal pay and sex-based discrimination, incorporating principles from earlier CJEU case law, such as the shift in the burden of proof. A substantial body of jurisprudence further develops concepts such as *pay, same work* and *work of equal value*, the notion of *indirect discrimination*, and the requirement for effective remedies. The authors, however, highlight that significant obstacles to the effectiveness of the equal pay framework remain. These include the lack of clarity around fundamental concepts such as *work of equal value* and the objective criteria used to assess the value of work. Additional challenges arise in sectors, occupations, or workplaces that are highly gender-segregated, where identifying opposite-gender comparators is difficult. These issues are further compounded by limited access to relevant information and a lack of transparency in pay structures.⁵⁶ In 2023, the Directive (EU) 2023/970 of the European Parliament and of the Council was passed to strengthen the application of the

⁵² *Ibid.*, p. 35.

⁵³ Arabadijeva, Kostoni, *op. cit.* (fn. 8), p. 1550.

⁵⁴ *Ibid.*, p. 1552.

⁵⁵ Directive 2006/54/EC of The European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), OJ L 204/23 from 26 July 2006.

⁵⁶ Arabadijeva, Kostoni, *op. cit.* (fn. 8), p. 1552.

principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms.

2.5. Notice Period

Article 4(4) of the ESC aims to ensure workers are provided with a reasonable notice period before the termination of their employment, allowing them time to seek alternative employment while still receiving wages. This provision applies universally to all categories of workers, including those in fixed-term, temporary, part-time, seasonal, and complementary employment, as well as civil servants and manual workers. It covers all sectors and extends to probationary periods and early termination of fixed-term contracts.⁵⁷ The broad application is crucial concerning new forms of work and work organisation, particularly for low-skilled or low-paid workers who face challenges in securing stable employment and those employed in precarious sectors. While less relevant for highly skilled and highly mobile workers, they, too, require a degree of foreseeability in their daily lives. As observed by Lukas⁵⁸, the provision is not limited to dismissals but includes all forms of employment termination, such as those resulting from bankruptcy, invalidity, or the employer's death. While the term reasonable notice is not explicitly defined in the ESC, it is evaluated by the Committee on a case-by-case basis, with the length of service being a key criterion for determining reasonableness.⁵⁹

As noted by Świątkowski⁶⁰, the ESC does not prevent employers from terminating employment without notice in cases of serious violations. The appendix to the ESC clarifies that the obligation to provide a notice period does not apply in such instances; however, the definition of a serious violation is not provided. The Committee assesses individual cases to determine if immediate termination was justified.⁶¹ A notice period in employment is crucial for individuals' ability to plan their life choices, expenditures, savings, and investments. When workers are provided with a reasonable notice period before termination, it allows them time to adjust and make informed decisions about their financial and personal future. This is confirmed by the ILO Convention No. 158 on the termination

⁵⁷ Lukas, *op. cit.* (fn. 1), p. 87.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ Świątkowski, *op. cit.* (fn. 11), pp. 48 – 49.

⁶¹ *Ibid.*

of employment.⁶² According to Article 11, a worker whose employment is to be terminated shall be entitled to a reasonable period of notice or compensation in lieu thereof, unless he is guilty of serious misconduct, that is, misconduct of such a nature that it would be unreasonable to require the employer to continue his employment during the notice period. This also applies, for example, to the imposition of mandatory retirement, which exists in some EU countries, or the introduction of reduced labour protections for workers who have reached retirement age, from the perspective of safeguarding individuals' legitimate expectations.⁶³

3. THE RIGHT TO SOCIAL SECURITY

According to Part 1 of the ESC, all workers and their dependents are entitled to social security. Article 12 of the ESC, however, introduces a broader personal scope of coverage and reads as follows:

“With a view to ensuring the effective exercise of the right to social security, the 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 necessary for the ratification of the European Code of Social Security;
3. to endeavour to raise progressively the system of social security to a higher level;
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, in order to ensure:
 - a. equal treatment with the nationals of other Parties in respect of social security rights, including the retention of benefits arising out of social security legislation, whatever movements the persons protected may undertake between the territories of the Parties;

⁶² ILO Termination of Employment Convention, 1982 (No. 158).

⁶³ For the case of Slovenia and the (failed) introduction of *de facto* mandatory retirement with emergency legislation during the COVID-19 epidemic see Bagari, S.; Strban, G., *Delovno- in socialnopravna vprašanja “prisilne upokojitve”*, *Delavci in delodajalci*, vol. 21, no. 1, 2021, pp. 9 – 29.

- 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 Parties.”

The remaining part of this article primarily discusses the right to social security in the close context of the right to fair remuneration, as outlined in Article 4(1) ESC, focusing on the amount, duration, and aim of cash benefits. The questions regarding the personal and material scope of coverage, i.e., the type of social risks covered, the population covered, or the obligation to continuously improve, both in respect to contingencies and persons covered, as well as national social security systems, are also briefly discussed. Interestingly, the document from 1961 refers to the International Labour Convention (No. 102) Concerning Minimum Standards of Social Security⁶⁴, whilst the revised document from 1996 refers to the European Code of Social Security.⁶⁵ Although, there is not much substantive difference between the two.

As observed by Lukas⁶⁶, the income-replacement benefits should be in reasonable proportion to the previous income.⁶⁷ It should not fall below the poverty threshold, defined as 50% of the median equivalised income, calculated based on the Eurostat at-risk-of-poverty threshold value, corresponding to the Committee’s assessment of the minimum wage under Article 4(1) ESC. The value is relatively low and rightfully criticised.⁶⁸ The amount of specific types of benefits, such as maternity and family benefits, is considered by the Committee under Articles 8 and 16 of the ESC, which address the right of employed women to protection during maternity and the right to social, legal, and economic security of the family.⁶⁹

Importantly, according to the Committee, to be considered as adequate, the level of benefit should, in cases of wage substitution, whether temporary or permanent, always stand in a reasonable relation, as mentioned, to the wage in question and should, in any event, exceed the minimum subsistence level. In particular, the income of older people should not be limited to a minimum

⁶⁴ ILO Social Security (Minimum Standards) Convention, 1952 (No. 102.)

⁶⁵ Council of Europe, European Code of Social Security, 1964, revised 1990.

⁶⁶ Lukas, *op. cit.* (fn. 1), pp. 177 – 178.

⁶⁷ See also ECSR review on Social Rights and the Cost of Living Crisis. A review of States Parties’ ad hoc reports (2025).

⁶⁸ See, for example, Gilman, J., *The rights to social security and social assistance in the European Social Charter: Towards a positive content...but what sort of content?*, European Journal of Social Security, vol. 26, no. 4, 2024, pp. 411 – 433.

⁶⁹ Lukas, *op. cit.* (fn. 1), pp. 178 – 179.

subsistence level.⁷⁰ As discussed, unlike social assistance (see Articles 13 and 14 of the ESC), which seeks not only to prevent but to relieve poverty and social exclusion and is thus based on the redistributive principle of need, characterised by targeted, means-tested benefits, social security benefits function within a standardised framework grounded in a reciprocal relationship between the insured and the system. Their aim is not solely to ensure minimum subsistence but to enable individuals to maintain a standard of living comparable to that they experienced before the emergence of a social risk or contingency. Unlike minimum income benefits, these are calculated as a fixed percentage of the taxable income of insured persons and are thus standardised. They can be used at the beneficiary's discretion according to their economic preferences. Like personal income, income-replacement benefits enable recipients to maintain, as far as possible, a self-determined and fulfilling lifestyle during periods of illness, injury, unemployment, or similar circumstances.

3.1. The Right to Social Security and the Right to Possessions

Not surprisingly, the European Court of Human Rights (ECtHR) and national constitutional courts have recognised and extended proprietary protection to (insurance-based) social security rights.⁷¹ This is also reflected in EU law, where old-age and other insurance-based cash benefits are, on the one hand, exported to the territories of other EU Member States. At the same time, insurance records and relevant periods from different Member States are aggregated to prevent the loss or reduction of individuals' social security benefits. Additionally, rules on social security coordination are commonly found in international social security agreements and even statutory legislation. Article 120 of the Slovenian Pension and Disability Insurance Act⁷², for example, stipulates the export of benefits anywhere in the world, protecting persons' free movement rights and private autonomy, the right to social security, including the right to an old-age pension, and, last but not least, the constitutional right to private property.

Nevertheless, similar to the ECHR before the adoption of Protocol No. 1, the ESC does not explicitly enshrine the right to private property or possessions.

⁷⁰ Statement of interpretation of Article 12(1), (2) and (3). Conclusions XVI-I 2002.

⁷¹ See, e.g., Strban, G.; Mišič, L., *Property Protection of Social Rights: Perspectives of the European Court of Human Rights and the Slovenian Constitutional Court*, *Iustinianus Primus Law Review*, vol. 11, 2020, pp. 1 – 17.

⁷² Zakon o pokojninskem in invalidskem zavarovanju (ZPIZ-2), Official Gazette of the RS, No. 48/22 to 133/23.

This absence is particularly striking given that, as Golay and Cismas note, the Western liberal tradition typically includes the right to property among fundamental freedoms, even though its characteristics often align more closely with economic, social, and cultural rights. In this light, the omission of property rights from the ESC and the International Covenants – despite their later inclusion in the ECHR – appears somewhat anomalous. However, this exclusion should not be interpreted as rejecting the right itself. Instead, it reflects historical ideological tensions between East and West, as well as between the Global North and South⁷³, which in turn mirror the enduring philosophical divide between liberal and communitarian thought: the former centred on an autonomous, self-determining individual, and the latter on a self inherently shaped by community membership.⁷⁴ The ECtHR has also developed substantial case-law concerning the proprietary protection of social rights, even if enshrined in the ESC and not the ECHR.⁷⁵

3.2. Social Security as a Dynamic Concept and Its Safeguards

Articles 12(2) and 12(3) of the ESC reflect a nuanced understanding of social security as a dynamic and evolving concept. This interpretation is especially significant in light of ever-changing crises and emerging socio-economic phenomena, such as new forms of work and work organisation – including zero-hour contracts, on-demand labour, crowdsourcing, and freelancing – as well as innovative modes of income generation, such as short-term property rentals or day trading. Furthermore, this dynamic nature is essential in addressing the population's changing needs, particularly in long-term care and health care, as well as in relation to old-age benefits.

However, as the right to social security is a classic second-generation right entailing positive obligations on the part of the state, the competencies of international organisations in this area remain limited. National legislatures retain a wide margin of discretion when designing and implementing statutory frameworks governing social security, including the personal and material scope of coverage, insurance and other periods, periods of entitlement, and amounts of benefits. These are closely tied to states' historic, cultural and socio-economic

⁷³ Golay, C.; Cismas, I., *Legal Opinion: The Right to Property from a Human Rights Perspective*, International Centre for Human Rights and Democratic Development, Genève, 2010, p. 2.

⁷⁴ See Strban, Mišič, *op. cit.* (fn. 71), p. 6.

⁷⁵ See *ibid.*, pp. 7 ff.

characteristics. As observed by Lukas⁷⁶, the Committee adopts a holistic approach when assessing compliance with Article 12(3) of the ESC. A state may be deemed in conformity with this provision even if it has not accepted, or does not fully meet, the requirements of Articles 12(1) and 12(2). A restrictive shift in the social security system does not in itself constitute a violation of Article 12(3). Instead, the Committee evaluates the overall context and effects of the changes, considering factors such as the nature and extent of the reforms (e.g., eligibility conditions, benefit levels), their justification within the broader social and economic policy framework, the categories and number of individuals affected, the necessity of the reforms, the availability of social assistance for those adversely impacted, and the actual outcomes of the modifications.⁷⁷

However, even if individual restrictive measures conform with the ESC, their combined cumulative effect may violate the right to social protection as determined by the Committee.⁷⁸ Importantly, measures taken to consolidate public finances may be considered necessary to ensure the sustainability of the overall social security system. However, budgetary cuts should not compromise the adequate social protection of all members of society and should not render the social security system a basic social assistance system.⁷⁹ This is crucial given the rising expenditures on old-age benefits, healthcare, and long-term care across Europe – exacerbated by demographic ageing – and a dwindling contribution base due to non-standard employment, increased labour mobility, and the rise of passive income, which puts social protection systems under significant structural pressures.

Even more so, the ESC represents an essential safeguard against privatising social security. Generally, public income protection schemes, particularly those based on social insurance, are more heavily influenced by the ratio of economically active individuals to those who are inactive than private schemes. This is because they are primarily financed through social security contributions paid by employers, employees, and the self-employed, with co-financing from the general state budget often mandated by (indirect) constitutional or international legal obligations. Moreover, these schemes exert considerable pressure on the principle of intra-generational solidarity. The principle of horizontal solidarity, which takes precedence over the principle of reciprocity and the fundamental civil law concept of equivalency, also known as the insurance principle, necessitates a continuous redistribution of income (through primary funding) or

⁷⁶ Lukas, *op. cit.* (fn. 1), p. 180.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

wealth (through secondary tax-based funding) from one generational cohort to another. This, in turn, leads to diminishing legitimate expectations of future financial returns for younger generations. In other words, the increasing proportion of individuals over 65 and the sharp decline in the number of those under 15 disrupts the balance between younger and older populations, thereby jeopardising the sustainability of social security systems, which fundamentally rely on this demographic ratio.⁸⁰

Without additional sources of (co-)funding, this imbalance may result in (a) a reduced material scope of coverage, (b) less generous benefits – such as lower amounts, shorter entitlement periods, and diminished service quality – along with increased co-payments and additional above-standard payments, or (c) stricter entitlement conditions, such as longer required insurance periods or age thresholds. Additionally, (d) the personal scope of application may become more restrictive, mainly if the exclusion of specific previously insured individuals generates financial benefits for public authorities within the social security system. Conversely, private insurance schemes generally experience less financial pressure, as the benefits provided are directly linked to contractual rights and obligations, which are determined actuarially based on the premium, the principle of reciprocity, and the concept of equivalency. These schemes also offer greater flexibility in addressing the individualised needs and preferences of insured individuals who function as consumers within the insurance market. However, under certain conditions, private insurance companies may refuse to conclude an insurance contract. This may occur if the level of risk or an already-occurred insured event would defeat the purpose of the insurance for the insurance company, e.g., concluding life insurance in old age.

Given the ESC's provisions and the Committee's interpretation, a disproportionate deterioration of the right to social security or its privatisation would constitute a breach of international law and, consequently, the principle of legality within national constitutional orders according to the hierarchy of legal norms, even if national legislators, as mentioned, enjoy a wide margin of discretion in the field of social security. As discussed, Article 12 of the ESC affirms the right to social security as a fundamental social right, requiring its provision, as well as the adequacy, effectiveness, and continuous improvement of benefits. Similarly, ILO Convention No. 102 mandates state responsibility for securing sufficient financing and conducting regular actuarial reviews.⁸¹

⁸⁰ Mali, J., *The Sources of Intergenerational Collaboration within Social Work*, Teorija in praksa, vol. 47, n. 6, 2010, p. 1239.

⁸¹ Katrougalos, G. S., *Constitutional Limitations of Social Security Privatisation: A Human Rights Approach*, European Journal of Social Security, vol. 12, no. 1, 2010, pp. 31 – 32.

Central to the Social State principle (Germ. *Sozialstaatsprinzip*) is, as discussed by Katrougalos⁸², the guarantee of a basic minimum standard of living (Germ. *Existenzminimum*), linked to human dignity. This precludes the state's complete withdrawal from social security and the gradual erosion of public services through *de facto* privatisation. Therefore, a public social security system must ensure universal coverage, adequacy, availability, and affordability to meet essential human needs.⁸³ In addition to the social state principle and the previously mentioned principle of legality, which is connected to the adherence to international law provisions in the area of social security, national legislators must also take into account the rule of law principle, as well as the protection of acquired rights and rights in the process of acquisition, or, in other words, the legitimate expectations of insured persons.

4. CONCLUSION

The rights to fair remuneration and adequate social security are closely interconnected and decent standard of living must be guaranteed by their combined effect. Although traditionally regarded as second-generation human rights, both are essential in allowing individuals to pursue independent life plans and lead meaningful, self-fulfilling lives within market democracies. They are not solely about the bare minimum, but should be considerably higher. They enable individuals to satisfy their economic needs by providing sufficient personal income or income-replacement benefits. These rights are also closely linked to first-generation rights and constitutional safeguards, which protect individuals from interference by others and ensure their meaningful participation in democratic processes. At the same time, both are especially vulnerable to socio-economic crises or significant developments, which can heavily influence their realisation. Therefore, these rights should be enshrined in the ESC, which functions as one of the key international legal instruments for safeguarding social rights.

The ESC, which, as mentioned, remains unsigned or unratified by only a handful of countries⁸⁴, functions both as a standard-setting mechanism and as a source of positive obligations for states, which the Committee oversees. These rights serve as safeguards under international law. On the one hand, they limit the

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ Croatia, for example, has been intensifying its activities leading to ratification just recently. See: <https://mrosp.gov.hr/vijesti/drzavni-tajnik-ivan-vidis-odrzao-radni-sastanak-s-predsjednicom-europskog-odbora-za-socijalna-prava/13848>.

broad discretion traditionally afforded to national legislators in employment and social security law. On the other hand, their violation constitutes a breach of the principle of legality – a fundamental tenet of modern democratic legal systems. They supplement national constitutional provisions and enhance the legal protection available to wage earners, insured persons, and social security beneficiaries before (the highest) national courts or under the controlling or collective complaint procedure, as well as, in specific cases, under the protection of the ECtHR.

Furthermore, Article 3 of the Council of Europe Statute⁸⁵ requires Member States to respect human rights, without specifying a particular human rights instrument. Since all human rights belong to all individuals, a condition of membership in the Council of Europe should not be solely respect for civil and political human rights under the ECHR, but also for social human rights under the ESC.⁸⁶

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⁸⁵ Council of Europe, Statute of the Council of Europe, 1949.

⁸⁶ Strban, G., *Human Right to Social Security under the European Social Charter and its supervision by the European Committee of Social Rights*, in: Jongste, S.; Klosse, S.; Montebovi, S.; Mei, A. P. van der; Vonk, G. (eds.), *The Right to Social Security: Towards a New Dawn*, WJS Uitgivers, Maastricht, 2025, p. 67.

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Sažetak

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PRAVO NA PRAVIČNU PLAĆU I PRAVIČAN ZAMJENSKI
PRIMITAK U EUROPSKOJ SOCIJALNOJ POVELJI:
VIŠEDIMENZIONALNI PRISTUP

Pravo na pravičnu plaću predstavlja temeljno pravo vezano uza zapošljavanje i temeljni je kamen primjerenoga životnog standarda. Usko povezano s raznim odredbama Revidirane Europske socijalne povelje iz 1996. – poput prava na socijalno osiguranje – ono ne samo da osigurava zadovoljenje osnovnih egzistencijalnih potreba pojedincima već ih i osnažuje da samostalno ostvare svoje životne planove unutar tržišno utemeljenih demokracija. Njegova odgovarajuća zaštita važna je za sprječavanje siromaštva, promicanje socijalne uključenosti i zaštitu jednakih mogućnosti na tržištu rada kao i u društvu. Europski odbor za socijalna prava u tom pogledu ima ključnu ulogu praćenjem usklađenosti s Poveljom, tumačenjem njezinih odredbi i procjenom jesu li nacionalni zakoni i prakse usklađeni sa standardima pravične plaće utvrđenima u međunarodnom pravu. U ovom se radu propituje pravo na pravičnu plaću iz različitih perspektiva zajamčeno primarno Europskom socijalnom poveljom, ali i drugim izvorima međunarodnoga prava, skrećući pozornost na njegovu globalnu važnost i ponekad zanemarenu vezu s nizom drugih (socijalnih i ekonomskih) prava koja zajedno omogućuju osobni razvoj i provedbu životnih planova u tržišnim demokracijama.

S obzirom na to da samo nekoliko zemalja članica Vijeća Europe još nije ratificiralo Revidiranu Europsku socijalnu povelju, ovaj se rad usredotočuje ponajprije na nju, a ne na izvornu Europsku socijalnu povelju iz 1961. godine.

Ključne riječi: pravična plaća, socijalna sigurnost, Europska socijalna povelja, jednake mogućnosti, Europski odbor za socijalna prava

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