

INTERNATIONAL SOCIAL  
SECURITY STANDARDS  
IN THE EUROPEAN UNION

The Cases of the Czech Republic  
and Estonia

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*Can it be done? Why not?  
Treaties have been concluded between one country and another  
by which they have bound themselves to kill men;  
why should they not be concluded today for the purpose of  
preserving men's lives and making them happier?*

J. Blanqui, Cours d'économie industrielle, 1838–1839,  
cited by E. Mahaim 1934, p. 4.

## PREFACE

As a child, I had the ambition to become a missionary worker. Saving the poor and ignorant, not so much from going to hell, but first and foremost from their miserable lives on earth by bringing them food, medical care and education, seemed to me the only reasonable thing to do. During my early teens, I set myself the less ambitious goal of becoming a vet's assistant (nobody told me that I could become the vet as well...). Saving animals seemed good enough at the time. Growing up, my romantic ideas about the mission and the vet proved to be wrong, and I took another course. Yet, looking at the theme of my research, I have to acknowledge that remnants of the initial inner urge to save the worse-off are still there – a clear case of path dependency. Having left behind romantic views, pretensions and religious morality, the old ideal of social justice for all still remains. It was this ideal, in the end, that inspired me to take up the subject of international standards embodying the human right to social security.

This book will not save lives, nor will it bring much social justice to the many millions who are deprived of any form of social security. What it may do, however, is raise awareness in our rich Western welfare states of the fact that social justice is not a matter of course. On the contrary, our social welfare systems need to be carefully watched and preserved; all the more so in light of the recent economic recession, to which the Member States of the European Union have mainly responded by cutting social security budgets. How far can they go? To what extent is our social welfare guaranteed? It is precisely at this point that the international social security standards are at stake.

A PhD thesis is supposed to prove that the PhD candidate has research skills. To me, it rather seems to prove that the candidate has perseverance. Nevertheless, writing this thesis was not only a struggle; it was also a great challenge and an exciting new experience. I especially enjoyed working in the Czech Republic, Estonia and Canada, and I am very happy that I was given the opportunity to do so. Having completed the research, I would like to thank everyone who supported me one way or another. In this preface, I shall be able to mention only a significant few.

First, my thanks go to my supervisor, Frans Pennings, for his approachability and generosity, his steady support, and his natural focus on the leitmotiv. He helped me cross the finishing line, while giving me lots of space during the whole

research process. My colleagues at the Department of Social Law and Social Policy in Tilburg provided me with a comfortable academic environment that was conducive to thorough research. I have very warm feelings for Barbara Hofman, Maria Korda and Saskia Montebovi, with whom I shared the sweet and the bitter of doing a PhD, and much more. It was great working (and walking!) with them. And, of course, I am grateful to Kees Boos, who was always prepared to correct and improve my drafts, to give practical advice, and, last but not least, to put things into perspective.

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It would not have been possible to write the chapters about the Czech Republic and Estonia without the help of national experts. I had informative and inspiring meetings with, among others, civil servants, representatives of trade unions and employers organisations, with academics, judges, and members of parliament. I thank them all for sharing their knowledge and opinions with me. I would especially like to thank Kateřina Machová, Kristina Koldinská, and Gaabriel Tavits, for carefully reading and correcting the country chapters and giving me helpful suggestions. I thank Jonatan Tomeš for his quick translations of both Czech and Estonian texts, and for kindly letting me use his office in Prague. Thanks, also, to Fiona McGrath for her great editing work; an endless and extremely tedious job it seems to me, but she did it without even one complaint.

This is also a good opportunity to thank my parents for their continuing support throughout my life. My father did not live to see me receive my PhD – I wrote this preface at his sickbed – but he was proud to know that I would make it. As always, Margreet, my sweet sister and best friend, and Tomáš surrounded me with their humour and concern. Finally, my thanks go to Collin for simply being there and for reminding me that there is more to life. He helped me take my mind off the big issue of social justice for all by organising great trips and unexpectedly taking me to concerts and movies. I hope he will carry on doing so after 14 September 2011!

Tineke Dijkhoff  
June 2011

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## LIST OF ABBREVIATIONS

APPLIS	Database on the application of international labour standards, available on the ILO website
C102	ILO Social Security (Minimum Standards) Convention, 1952
C121	ILO Employment Injury Benefits Convention, 1964
C128	ILO Invalidity, Old-Age and Survivors' Benefits Convention, 1967
C130	ILO Medical Care and Sickness Benefits Convention, 1969
C168	ILO Employment Promotion and Protection against Unemployment Convention, 1988
C183	ILO Maternity Protection Convention, 2000
CCR	Constitution of the Czech Republic
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEE	Central and Eastern European
CESCR	UN Committee on Economic, Social and Cultural Rights
CFA	ILO Committee of Freedom of Association
CM/ResCSS	Resolution on the application of the European Code of Social Security by the Committee of Ministers of the Council of Europe
CoE	Council of Europe
Coll.	Body of Laws of the Czech Republic
Committee of Ministers	Committee of Ministers of the Council of Europe
CSSA	Czech Social Security Administration
Cz	Czech Republic
CZK	Czech Koruna
EAKL	Estonian Trade Union Confederation
EC	European Commission
ECHR	European Court of Human Rights
ECSS	European Code of Social Security
Ee	Estonia
EEK	Estonian Kroon
EHIF	Estonian Health Insurance Fund



EIROnline	European Industrial Relations Observatory On-line
ENSIB	Estonian National Social Insurance Board
ESC	European Social Charter
EU	European Union
Eurofound	European Foundation for the Improvement of Living and Working Conditions
Eurostat	Statistical office of the European Union
ILC	International Labour Conference
ILO	International Labour Organisation
IMF	International Monetary Fund
IOLEX	Database of International Labour Standards, available on the ILO website
MISSOC	Database of the European Commission, Comparative Tables on Social Protection
OECD	Organisation for Economic Cooperation and Development
Office	International Labour Office, Office of the International Labour Organisation
Pl. Ús	Judgment of the Constitutional Court of the Czech Republic
UN GA res.	Resolution of the General Assembly of the United Nations
UN GA	General Assembly of the United Nations
UN	United Nations
WB	World Bank
WHO	World Health Organisation