First regular session of 1984

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 6 to 9, in accordance with the first stage of the programme established by the Economic and Social Council in its resolution 1988 (LX)

Addendum

HUNGARY*

[17 January 1984]

1. The Government of the Hungarian People's Republic continues to attach particular importance to the International Covenant on Economic, Social and Cultural Rights and to full compliance with its provisions. This posture was already reflected in the fact that it actively participated in the elaboration of the Covenant and warmly welcomed its adoption. It has duly submitted reports to the Secretary-General on the status of implementation of the Covenant and has taken part in their consideration.

2. The principles and measures required by the Covenant were laid down in Hungarian legislation and were applied in practice before the Covenant entered into force.

* The initial report submitted by the Government of Hungary concerning rights covered by articles 6 to 9 of the Covenant (E/1978/8/Add.7) was considered by the Sessional Working Group of Governmental Experts at its 1980 session (see E/1980/WG.1/SR.7).
I. GENERAL REMARKS ON PARTS I AND II OF THE COVENANT

3. The right to self-determination in the Hungarian People's Republic is respected and given full effect in accordance with article 1 of the Covenant.

4. Discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status is alien to the social system of Hungary and is incompatible with its legal order, as spelled out in articles 61 and 62 of the Hungarian Constitution. Violations of constitutional provisions entail the application of the penal, civil or administrative sanctions defined by separate laws.

5. In respect of articles 6 to 9 of the Covenant, there is no difference in legal status between Hungarian citizens and non-nationals living in Hungary. In labour law and social insurance, no distinction is made between nationals and non-nationals. In labour proceedings, a non-national living in Hungary may use his or her mother tongue even if he or she has a good command of Hungarian.

6. Also in respect of articles 6 to 9 of the Covenant, the enjoyment of equal rights by men and women is an important principle of socialist society and is specifically spelled out in legislative provisions, including the Constitution (art. 61), the fundamental law of the Hungarian People's Republic. Furthermore, the Hungarian Government is convinced that the exercise of the rights in question is a common cause of society.

7. The other rights recognized in articles 6 to 9 of the Covenant are similarly subject to no restriction or derogation in the Hungarian People's Republic.

8. The constitutional provisions relating to parts I and II of the Covenant include:

"Article 61. (1) The citizens of the Hungarian People's Republic are equal before the law and enjoy equal rights.

(2) Any discrimination of citizens on grounds of sex, religion or nationality is a severely punishable offence.

(3) The Hungarian People's Republic guarantees for all nationalities living in its territory the equality of rights, the use of their mother tongue, education in their mother tongue, and the preservation and cultivation of their own culture.

"Article 62. (1) In the Hungarian People's Republic women enjoy equal rights with men.

(2) The equal rights of women are implemented by provision of appropriate employment opportunities and working conditions, maternity leave with pay in the event of pregnancy and child-birth, and increased legal protection of mother and child as well as by a system of maternity and child welfare institutions."
II. ARTICLE 6: THE RIGHT TO WORK

9. One of the main objectives of a socialist system of society is to guarantee the right to work as a most important human right and to provide for its full realization.

10. This right of the individual is recognized and the creation and continuous improvement of social conditions for its exercise are provided for by the Constitution in the following terms:

"Article 55. (1) The Hungarian People's Republic guarantees the right of its citizens to work, as well as their remuneration according to the quantity and quality of work performed.

(2) The Hungarian People's Republic enforces this right by a planned development of the productive forces of the national economy and by labour force economy based on the national economic plan."

11. The practical implementation of this constitutional principle is ensured by Act II of 1967 on the Labour Code, as amended by Act II of 1975, as well as by Law-Decrees No. 29 of 1972, No. 3 of 1978, No. 13 of 1979 and No. 29 of 1979, Decree No. 48/1979 (XII.1) of the Council of Ministers on the Enforcement of the Labour Code, and other laws and regulations on manpower management (labour force economy) and vocational training.

12. Workers in the Hungarian People's Republic are free to choose or accept employment, while employers are empowered by legislation to employ workers as necessary for the performance of their tasks.

13. The Labour Code provides the following: "In establishing labour relations and defining the rights and duties arising from employment no discrimination shall be made against employees on account of sex, age, nationality, race or social origin" (art. 18, para. 3), this being a specific rule based on the relevant constitutional provision.

14. Economic, social and cultural development in the Hungarian People's Republic is ensured by a planned economy, by productive employment and by the creation of conditions enabling the individual to enjoy his fundamental civil, political and economic rights. Planned manpower management as a main guarantee of the right to work is also a safeguard for the freedom of employment. The socialist State continues to apply economic and material incentives in order to enable everyone to find appropriate employment while accommodating personal and social interests.

15. In respect of employment, Act III of 1980 on the Sixth Five-Year Plan of the National Economy, 1981-1986, provides, inter alia, the following:

"A main objective of employment policy is, in addition to maintaining full employment, to increase sharply the efficiency of live labour and to improve the balance of employment, this to be achieved primarily by creating interests and management conditions likely to encourage a more rational staffing policy, by streamlining the organization of work, by improving labour discipline, and by raising the levels of managerial skill and techniques."
16. Maintaining full and effective employment is facilitated by support for workers' retraining, as regulated by Decree No. 13/1983 (V.4) of the Deputy Chairman of the Council of Ministers; under this regulation, retraining is defined as including training for a job at the work-place and all specialized vocational training courses at the secondary and higher levels.

17. As of 1 January 1983, the situation with regard to employment and recruiting services is regulated by Decree No. 29/1980 (XII.29) of the Minister of Labour. Hungarian social policy seeks to promote, through employment and recruiting services, the placement of citizens in jobs and the satisfaction of employers' manpower requirements. To this end, employment agencies shall furnish to job seekers information on labour demand and information with concrete recommendations to employers on labour supply and shall, where mutually acceptable conditions exist, provide placement. The recruiting service is free of charge. A labour relationship thus established is based on mutual agreement; the employer is not required to employ a job seeker recruited in this way and the job seeker is under no obligation to accept the type of job offered.

18. Since there is full employment in Hungary, unemployment is an unknown problem.

19. The Hungarian Government wishes to recall that, as indicated in its initial report, it continues to be a party to the following ILO Conventions:

   (a) Convention No. 122, Employment Policy, 1964;
   (b) Convention No. 111, Discrimination (Employment and Occupation), 1958;
   (c) Convention No. 29, Forced Labour, 1930;
   (d) Convention No. 2, Unemployment, 1919;
   (e) Convention No. 142, Human Resources Development, 1975;

20. The Government's reports on the implementation of these Conventions have been submitted to the International Labour Office and furnish detailed information concerning the questions of employment.

21. The International Yearbook on Labour Statistics contains detailed figures for the level of employment in Hungary. A copy of the Pocket-book of Labour Statistics, which provides information about employment, is enclosed herewith. The statistical data requested are also supplied in this publication.

III. ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

22. The right to fair wages is guaranteed by the following legislative enactments and regulations:

   /.../
(a) Article 14 of the Constitution:

"...

"(4) The Hungarian People's Republic strives for the consistent realization of the socialist principle: from each according to his/her ability, to each according to his/her work" (see also arts. 61 and 62 in part I of the Constitution);

(b) The Labour Code and its Enforcement Decree referred to in the reply under section II above;

(c) The collective agreements for the period 1981-1986.

23. The system of remuneration in the Hungarian People's Republic shall have regard to the quantity and quality, as well as the social utility, of the work performed (art. 44 of the Labour Code). The basis of the social order of the Hungarian People's Republic is labour (Constitution, art. 14, para. 1), which means that work shall be the fundamental source of income for people to make a living for themselves and their families. This is why the principle of remuneration is laid down in the Labour Code, implying also that work without remuneration within the framework of employment relations is prohibited.

24. A significant role in the determination of wages is reserved for the collective agreements which, under article 59 (para. 2) of the Enforcement Decree, specify the applicable system and forms of wages, as well as the conditions of remuneration for work to be received by the various groups of workers.

25. The lowest wage-rate is fixed by legislative measures. Hourly wages shall be no less than 2,000 forint a month.

26. Workers are entitled to a basic wage fixed by the labour contract or to a remuneration according to their performance (art. 62, para. 1, of the Enforcement Decree).

27. Workers are accorded a wage supplement for special types of work and for work done in special environments or under special circumstances. The conditions for and the amounts of such supplements are specified by collective agreements except where supplementary pay is mandatory by virtue of legislation.

28. For achieving specific results, workers may be accorded, in addition to the remuneration fixed by article 62, paragraph 1, of the Enforcement Decree, a premium or bonus that is to be fixed in advance.

29. A separate regulation entitles the workers in enterprises operated on profit-sharing schemes to an end-of-year share in profits, depending on the economic performance of the enterprise.

30. The range of workers employed on a (multiple) shift system and entitled to wage supplements for shift-work was widened to include workers driving vehicles...
during their performance of work (Decree No. 7/1980, IV.4 of the Minister of Labour and the Minister of Transport and Communication).

31. Government Decision No. 1013/1970 (V.10), which provides that "the heads of enterprises, institutes and co-operatives shall be responsible for ensuring the observance, at the organization under their management, of the constitutional principle that women shall enjoy equal pay with men for work of equal value", is still in effect.

B. Safe and healthy working conditions

32. The governmental organs, enterprises and institutions of Hungary devote special care to creating and constantly improving safe and healthy working conditions. The fundamental legislative provisions of relevance (arts. 51-54 of the Labour Code) were cited in the Government's initial report.

33. During the reporting period, the Government has adopted new measures (Decree No. 47/1979 (XI.30) of the Council of Ministers, issued jointly with the Central Council of the Hungarian Trade Unions) specifically governing labour safety, an area in which the trade unions continue to have a determining role to play by exercising functions of control and supervision.

34. Labour safety regulations are applicable to all work-related activities performed within the framework of employment, co-operative and other labour relations, including apprenticeship and other vocational training, as well as in connection with private retail trade activities, organized voluntary work, and reformatory and educative labour.

35. By virtue of its powers conferred by art. 17 of the Labour Code, the Central Council of the Hungarian Trade Unions exercises the functions of directing, co-ordinating and controlling labour safety on the national economic scale. Its powers include, in particular:

(a) Requesting all managers and chief executive officials to render an account of the labour safety situation and of the measures taken in the respective areas under their management and initiating the adoption of such measures as may be necessary;

(b) Issuing guidelines for the development of labour safety at the national economic level;

(c) Operating the system of labour safety inspection by trade unions.

36. The tasks of economic organizations and the rights and duties of their workers in connection with labour safety, as well as the requirements for safe and healthy working conditions at places of work, are specified by legislation (arts. 13-27 of Decree No. 47/1979 (XI.30) of the Council of Ministers).
37. Safe and healthy working conditions in the industrial and health-care fields are covered by separate regulations (Decree No. 1/1982 (I.I) of the Minister of Industry and Decree No. 2/1981 (II.7) of the Minister of Health).

38. Pre-employment medical aptitude tests in certain spheres of work are regulated by Decree No. 4/1981 (III.31) of the Minister of Health.

39. The observance of regulations for safe and healthy working conditions is ensured by full-time and voluntary trade-union inspectors and by the state supervisory organs (National Mining Inspectorate and National Energy Inspectorate). Inspectors have broad powers to suspend the operation of plants and to impose fines or to initiate penal proceedings for non-compliance with regulations.

40. In Hungary all categories and sections of workers are covered by labour safety regulations and protective or precautionary measures.

41. Figures for industrial accidents are to be found the Pocket-book of Labour Statistics enclosed herewith.

42. The Government wishes to note that it continues to be a party to the following ILO Conventions concerning safe and healthy conditions of work:

(a) No. 13, White Lead (Painting) Convention, 1921;

(b) No. 18, Workmen's Compensation (Occupational Diseases) Convention, 1925, and No. 42, Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934;

(c) No. 27, Marking of Weight (Packages Transported by Vessels) Convention, 1929;

(d) No. 17, Workmen's Compensation (Accidents) Convention, 1925;

(e) No. 45, Underground Work (Women) Convention, 1935;

(f) No. 62, Safety Provisions (Building) Convention, 1937;

(g) No. 77, Medical Examination of Young Persons (Industry) Convention, 1946, and Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946;

(h) No. 115, Radiation Protection Convention, 1960;

(i) No. 124, Medical Examination of Young Persons (Underground Work) Convention, 1965;

(j) No. 123, Minimum Age (Underground Work) Convention, 1965;

(k) No. 136, Benzene Convention, 1971;

(l) No. 139, Occupational Cancer Convention, 1974.

/...
43. The Government's periodic reports on the implementation of these Conventions are duly submitted to the International Labour Office.

44. It is to be noted in this respect that, by prohibiting persons under 18 years of age from night work and by raising the minimum age for admission to employment, Hungarian legislation was brought into full harmony with ILO Conventions No. 6 and No. 138 which have been ratified by the Government of Hungary, while accident prevention and precautionary measures are fully in line with the provisions of ILO Convention No. 155 which has been adopted in the meantime by the International Labour Organisation.

C. Equal opportunity for promotion

45. The information given in the initial report is still valid, no change having been effected in this regard during the reporting period.

D. Rest, leisure, limitation of working hours, and holidays with pay

46. The most important change in this area took place in 1981, with the introduction, as of 1 July 1981, of the five-day working week by Decision No. 1013/1981 (IV.27) of the Council of Ministers.

47. The position, in law and practice, in the various sectors of activity as regards weekly rest, normal hours of work and overtime, holidays with pay and remuneration for public holidays is as follows:

(a) The working week is normally of five days, with one day off and one rest day;

(b) The statutory weekly hours of work are 40 and, in types of work harmful to health, between 36 and 40 as of 1 January 1984 and 40 hours of work in the administrative sector as of 5 March 1984;

(c) The newly introduced measures, in accordance with ILO Convention No. 132, fix the minimum duration of annual holidays at three weeks and the maximum duration of ordinary holidays at five weeks short of one day;

(d) Workers are entitled to eight non-working days (public holidays) with pay every year (Law-Decrees No. 4 and No. 32 of 1981).

48. The duration of holidays for workers doing continuous work is subject to the above regulations.

49. Better organization of work, fuller utilization of leisure time and economical use of the total labour potential are enhanced by the staggering of working hours and of classes at school.
IV. ARTICLE 8: TRADE UNION RIGHTS

50. The Statute of trade unions was amended by their 24th Congress (December 1980) to enable other than wage- and salary-earning workers (members of agricultural and other co-operatives etc.) to join a trade union.

51. The role of trade unions in the field of shop-floor (or work-place) democracy was further strengthened. Joint Decision No. 1001/1980 (I.30) of the Council of Ministers and the Presidium of the Central Council of the Hungarian Trade Unions on the Further Development of Shop-Floor Democracy spelled out the requirement for the heads of ministries, national authorities, councils and other organs operating on a non-enterprise system (henceforward referred to as institutions) to rely on workers' collectives in their directive work, while applying the following methods to create the conditions for workers' participation in decision-making and in the process of implementation.

   (a) The direct and full participation of workers shall be ensured through meetings and conferences in the organizational units of the respective institution; such conferences are to be entitled to decide on local work drives and on the principles governing the utilization of funds available for the moral and material appreciation of participating workers, as well as to give their views on the draft plan of work of the particular organizational unit, the accounts of work performed and the draft labour regulations where the institution is required by law to issue such regulations;

   (b) The participation of workers' representatives with respect to the institution as a whole shall be ensured through the body of shop stewards or their delegates, that body to be entitled:

      (i) To decide on the acceptance of the labour regulations, provided that the institution is under an obligation to issue such regulations;

      (ii) To state their position on proposals relating to the improvement of working conditions and to the social and cultural situation of workers, as well as on the principles governing wage adjustments and rewards where labour regulations are not issued;

      (iii) To give their views on the accounts of workers' performance and of the annual activities of the head of the institution and of his deputies;

   (c) Where all workers can be assembled at a designated point of time, the role of representative forums is to be fulfilled by a single meeting of the trade union membership.

52. The Hungarian People's Republic, being party to the relevant ILO Conventions, submits regular reports to the International Labour Office on the implementation of the Conventions concerning trade union rights. Those reports, the latest having been submitted in 1983, are to be found at the International Labour Office.
53. It is further noted that in 1982 an ILO mission visited Hungary for several weeks to discuss the situation of trade unions and labour relations in the country. The mission was assisted in every way in gaining an objective picture.

54. No further observations to supplement the initial report are deemed necessary.

V. ARTICLE 9: RIGHT TO SOCIAL SECURITY

55. The social insurance system of the Hungarian People's Republic is currently governed by Act II of 1975 and its enforcement regulations which were amply covered in the Government's initial report. During the reporting period, insurance coverage was extended to additional categories of people, such as performing artists and self-employed art teachers, lawyers, artisans and private dealers, in respect of eligibility for health and maternity care, family allowances, pensions and injury benefits, with students in day-time courses of higher educational institutions also qualifying for the maternity grant and family allowances. Persons doing voluntary work likewise became entitled to injury benefits (Law-Decree No. 17 of 1981).

56. The minimum old-age and disability pensions were increased in 1981 and 1983.

57. In 1982, new measures were introduced in respect of the child-care allowance scheme: a mother or a father bringing up her or his child alone is entitled to a child-care allowance until the child reaches three years of age or, in the case of continuing illness or a serious handicap, six years of age, provided that, within two years immediately prior to childbirth, the parent:

(a) has been in employment working at least four hours a day; or

(b) has been covered by insurance as an outside worker; or

(c) has been a member of an industrial co-operative, working at least four hours a day.

58. After the child reaches one year of age, the father is also entitled to avail himself, instead of the mother, of the benefit of the child-care allowance (Decree No. 10/1982 (IV.16) of the Council of Ministers).

59. Similarly, the entitlement to a family allowance was modified by several new measures which, while maintaining the general rule that this benefit shall accrue to an insured person who has two or more children in his or her household, extended the entitlement to an insured (i.e., having social security) person having only one child in his or her household, provided that he or she is single or the child suffers from a lasting illness or is physically or mentally infirm (Law-Decree No. 16 of 1983). Accordingly, the Government decreed that, until the child reaches six years of age, the insured person shall be entitled to a family allowance also for one child living in his or her household, and concurrently increased by 15 to 20 per cent the amounts of family allowance for two or more children.
60. In conclusion, the Government of the Hungarian People's Republic wishes to point out that the socialist society is engaged in the noble pursuit of ensuring the full implementation of the right to work, promoting by all available means the full development of workers' creative personality, making an efficient use of manpower, raising the standard of living within the limits of possibility and constantly improving the system of social insurance. The Government is convinced that the relevant provisions of the International Covenant on Economic, Social and Cultural Rights are given effect on a broad scale in the Hungarian People's Republic.
Annex I

STATISTICS

A. Employment

1. On 1 January 1982, Hungary had 10,711,000 inhabitants. The number of active earners was 5,002,000, representing 46.7 per cent of the population. Including 242,000 mothers on temporary leave under the child-care allowance scheme, this proportion was 49 per cent.

2. At present, 80 per cent of the total population of working age (age groups 14 to 59 for males and 14 to 54 for females) numbering some 6.3 million are gainfully employed. (Here again, including mothers on temporary leave under the child-care allowance scheme, this proportion amounts to 84 per cent.)

3. About 50 per cent of active earners (2.3 million people) are females, whose ratio to all manual workers is 39 per cent and to all intellectual workers 60 per cent.

4. At the beginning of 1982, 40 per cent of all active earners were employed in industry and the building industry, 21 per cent in agriculture and forestry and 39 per cent in the tertiary sector.

B. Wages and salaries

5. In 1982, the socialist sector of the national economy had an average work force of 4,812,000. The monthly average wage per employee was 4,396 forint, an amount which rose to 4,914 forint with premiums, rewards, profit shares and wage supplements in partial compensation for price increases. There are but slight differences in average wages by economic sector in relation to the national economic average: 9.2 per cent higher in transport, 7.4 per cent higher in the building industry, 1.5 per cent higher in industry, 6.2 per cent lower in agriculture, 10.7 per cent lower in trade and commerce.

6. In 1982, the average monthly wages and salaries of the work force in the socialist sector showed the following pattern:

(a) 5.8 per cent earned 2,500 forint or less;
(b) 19.1 per cent earned 2,501 to 3,500 forint;
(c) 24.4 per cent earned 3,501 to 4,500 forint;
(d) 20.9 per cent earned 4,501 to 5,500 forint;
(e) 17.9 per cent earned 5,501 to 7,000 forint;
(f) 8.2 per cent earned 7,001 to 9,000 forint;
(g) 3.7 per cent earned 9,001 forint or more.
7. In recent years, average wages increased faster for females than for males. The lag still experienced in the average wages for females is accounted for by several factors, such as a lower level of qualifications, shorter periods of employment and shorter working hours, differences in the composition by occupation and profession.

C. Working conditions

8. The changeover to a five-day working week was completed in 1982. Some 82 per cent of full-time workers work 42 hours a week, 3 per cent more than 42 and 15 per cent less than 42. In 1982, the annual basic leave was increased to 15 working days (3 weeks), and it is lengthened with supplementary holidays due on account of seniority, position, or types of work trying to health.

9. As regards arrangements for shift-work in state industry, 71 per cent of manual workers work in one shift, 19 per cent in two, and the rest in three shifts. More than one third of workers in state industry work with machines and an additional 10 per cent on a belt-system of production. In agriculture, the harvesting of cereals and sugar-beet, for example, is almost entirely mechanized (98-99 per cent), while other working processes are motorized to a large degree.

10. In 1981, reported cases of occupational disease numbered 2,804, that is 55.3 per 100,000 active earners with 28 per cent of all cases resulting in incapacity to work. Some 80 per cent of cases were caused by dermatosis, silicosis, occupation-related infectious diseases and noise.

11. In 1982, there were 124,004 industrial accidents reported, of which 548 were fatal. The ratio of accidents per 1,000 manual workers was 40.5. The greatest proportion (26 per cent) of accidents resulted from workers' lack of skill and experience and 22 per cent could be attributed to flaws in the organization of work.

12. According to the latest census data (early 1980), one fifth of active earners (1.2 million) were commuters and an additional 91,000 lived in workers' hostels far from their places of residence (this figure is much higher in summer).

13. In the late 1970s, one third of workers took advantage of low-cost canteen meals and, in 1981, some 1.3 million workers used subsidized recreational facilities.

D. Social benefits

14. All inhabitants of Hungary are entitled to free medical care in their own right as citizens. At the end of 1982, the number of physicians was 32,500 and that of hospital beds 98,500, the respective ratios per 10,000 inhabitants being 30.4 for physicians and 92.1 for hospital beds.

15. The total sick-pay bill was 9.7 billion forint in 1982, 5.9 per cent of all workers and employees (248,000 on a daily average) being incapable of earning for shorter or longer periods. This ratio has been virtually stagnant for years.
16. The State contributes in various ways to the costs of bringing up children:

   (a) The duration of maternity leave with full pay is 20 weeks;

   (b) The amount of maternity grant is 2,500 forint for each live birth;

   (c) A working mother is entitled to a sick-pay for the purpose of nursing her ill child. The sick-pay is due for the duration of the contingency if the child is under one year of age, for 60 days a year if the child is over one year but under three years of age, and for 30 days a year if the child is over three but under six years of age. During the past years, 7 to 8 per cent of all workers on sick-pay availed themselves of this benefit. The amount of sick-pay is about 75 per cent of the monthly wage;

   (d) In June 1982, the family allowance was granted to 1.1 million families for 2.1 million children. The average amount of family allowance was 1,048 forint per family;

   (e) After the expiry of 20 weeks of maternity leave, a working mother attending to her child at home is entitled to a child-care allowance until the child completes his third year. In December 1982, 233,000 mothers were covered by this scheme. The per capita amount of child-care allowance was 1,228 forint on a monthly average.

17. The number of pensioners is 2.2 million, every fifth inhabitant being on the retired list and 17 per cent of all pensioners drawing invalid pensions, 14 per cent widow's (consort's) pension, and the rest old-age pensions.

18. In 1982, the monthly amount of pensions was 2,541 forint on average, representing nearly 50 per cent of monthly average wages. The average of readjusted pensions is well above this figure.
Annex II

LIST OF REFERENCE MATERIAL a/


**Notes**

a/ The reference material is available for consultation in the files of the Secretariat in the original language as received from the Government of Hungary.