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SESSIONAL WORKING GROUP OF GOVERNMENTAL EXPERTS ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 17th MEETING

Held at Headquarters, New York,
on Thursday, 2 May 1985 at 3 p.m.

Chairman: Mr. KORDS (German Democratic Republic)

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The meeting was called to order at 3.30 p.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 6 TO 9 (continued)

Second periodic report of the United Kingdom of Great Britain and Northern Ireland (continued) (E/1984/7/Add.20)

1. At the invitation of the Chairman, Mr. Smart (United Kingdom) took a place at the table.

2. Mr. AZIZ (International Labour Organisation) drew attention to the comments on pages 38 to 41 of the seventh report by the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation on progress in achieving observance of the provisions of the International Covenant on Economic, Social and Cultural Rights (E/1985/63).

3. Mr. SMART (United Kingdom) said that he had noted the comments by the ILO representative.

4. Several experts had asked for more up-to-date statistics regarding the efforts of the United Kingdom to implement the Covenant. The expert from Denmark had asked about positive action with respect to race relations and sex discrimination. The rate of change could be illustrated by the fact that, when the report had been written some years previously, there had been 37 training bodies for women and that there were currently about 104. Those special training bodies could in principle include men, but thus far no men were involved. They covered a wide variety of institutions and occupations. The major concern in the past had been underrepresentation of women in the labour force and efforts had been made to remedy that situation. It would, however, still be a very long time before women caught up with men in various fields and, to that extent, positive action would continue to be needed for the foreseeable future. The expert from France had asked about positive action by employers. The United Kingdom welcomed such actions but would stress that it was limited by law to provision of training and encouragement. To discriminate in recruitment, except in the narrow range of occupations where sex was genuinely relevant, would defeat the very aim of removing discrimination.

5. The expert from of the German Democratic Republic had asked about traditional attitudes. There was a great problem with respect to stereotyping, and legislation was essential in that regard. However, legislation alone would be ineffective without a major long-term campaign to change attitudes. In that connection, a leading role was played by the Equal Opportunity Commission together with a similar body concerned with race relations. The Commission was appointed by the Government but functioned as an independent statutory body which on occasion had been publicly critical of the Government and had pressed for further measures.

(Mr. Smart, United Kingdom)

6. The expert from France had asked about the role of the judicial system in the implementation of the Covenant. There were industrial tribunals covering many branches of employment. Those tripartite bodies included employers and trade union members together with an independent chairman, normally someone with legal qualifications.

7. The expert from the Soviet Union had asked whether discrimination existed in the United Kingdom. It did, in the same manner that crime existed, and it was the policy of the Government to eliminate it. In 1983, there had been 134 cases of allegations of racial discimination and the industrial tribunals had found that discrimination did exist in 30 of them and had made awards in that connection. The comparable figure for sex discrimination had been 114 allegations, of which 61 had been upheld. With respect to equal pay, there had been 19 cases of which 6 had been upheld. In some circumstances, there was a right of appeal to a special tribunal. The Codes of Practice that he had mentioned at a previous meeting explained what steps could be taken by an employer to ensure effective equal opportunity.

8. A question had been asked about the effect of all those measures on the proportion of women in the higher grades of the civil service. The European Economic Community labour force survey showed that 11 per cent of people in the professions and 16 per cent of managers were women. In the higher echelons of the civil service, women represented only 5 per cent. However, vigorous steps were being taken to improve that situation and rapid change was taking place.

9. The expert from Denmark had asked about subsidies for women's training. In some areas, such training was supported by the Government or other public authorities. In general, such subsidies were effective but subject to the same criterion as any other publicly-funded training and should eventually lead to useful results in helping people to obtain relevant employment.

10. The expert from Spain had asked about the effects of membership in the European Economic Community. The United Kingdom had already possessed legislation on equal pay for equal work when it had joined EEC in January 1973. There had been pressure about sex discrimination and, as a result, the Sex Discrimination Act had been adopted in 1975. In short, the main reason for such legislation had been domestic pressure, especially from women's groups, though membership in EEC had also had an impact.

11. Several experts had asked about part-time work, which obviously had a bearing on employment opportunities for women. The experts from France and Denmark had asked whether the Government encouraged part-time work as a social measure to help women with domestic responsibilities or as an economic measure to relieve unemployment. The answer was both, and in practice the two aims were complementary. The Government believed that it was right to encourage more flexible patterns of working, provided that that could be done in ways that did not increase costs or impair competitiveness. It had therefore introduced the job-splitting scheme giving inducement to employers to split a full-time job into two part-time jobs in order to help unemployed people. While the Government

(Mr. Smart, United Kingdom)

believed that it had a responsibility to promote policies for full employment and free choice of employment, it did not believe that it was its responsibility to guarantee a job for everyone.

12. The experts from Denmark and the Soviet Union had raised important questions about the level of unemployment in the United Kingdom and the measures being taken to combat it. In April 1985, there had been over 3.25 million people registered as unemployed, i.e., 13.5 per cent of the economically active population. Unemployment had been on the rise for a long time. As in many comparable countries, the rise had been fairly gradual since the beginning of 1983 compared with the steep increase over the previous three years. In any event, the Government had taken a range of measures to stimulate and maintain employment, partly through policies of encouraging firms to relocate to regions of exceptionally high unemployment. In that regard, training was clearly of great importance, especially with respect to helping young people to enter the labour market. The Government had adopted a wide range of measures in the past year and had directly assisted nearly 700,000 people. There had also been the training opportunities scheme designed to enable people to start their own businesses and there was a growing interest in the scheme among women and ethnic minorities. Particularly affected were married women who had been out of employment for a period of years and immigrants who needed language training.

13. The experts from Denmark and France had raised questions about the youth training scheme and had stated that a very small number of women were involved. He wished to stress that, except for courses where single-sex training had been approved, all courses were open to both men and women. The expert from the German Democratic Republic had asked about the training opportunities scheme with respect to adults and had correctly stated that it had shown a decline during the period prior to the report. The view had been taken that training for skills would not be successful unless trainees had a reasonable chance of finding relevant employment and of practising their skills after training. The Government was studying plans for expansion of adult training, with more emphasis on meeting employers' specific requirements. Of course, the Government was attempting to reduce the level of unemployment and it had a policy of intervening in cases in which employers had to make a large number of workers redundant. However, the Government felt that it was the employers themselves that were best placed to judge what was needed to maintain the efficiency and competitiveness on which the entire economy ultimately depended.

14. The expert from France had asked how young people were guided into employment. The United Kingdom had a service of guidance and placement for new entrants into the labour market, run by local authorities. The Careers Service, which worked within broad guidelines laid down by the central Government, had the advantage of being run by the same local authorities, so that effective career guidance could be given to those about to leave school.

15. Concerning court decisions in support of article 6, the Employment Appeal Tribunal had, in its two judgements (para. 25 of the report), set an important precedent with regard to marital discrimination by ruling against sexual stereotyping: in the first case, it had rejected the assumption that only a husband could be considered a breadwinner and, in the other, that a woman with dependent children was less reliable as an employee.

(Mr. Smart, United Kingdom)

16. Regarding employee protection legislation, the legislation referred to in paragraph 118 on article 6 covered all employees with the exception of temporary workers with less than four weeks' service and reflected the general intention that an employee should get his normal pay during the period of notice. As to unfair dismissal on the ground of pregnancy, the only women not covered would be those who had not served a minimum qualifying period of employment. Such cases could be tested, like others, by the industrial tribunals.

17. With reference to article 7 of the Covenant, most questions raised had concerned health and safety. The schedule of visits to enterprises by health and safety inspectors (para. 15) was based on an inspection priority system which enabled the health and safety authority to allocate resources according to the level of risk. Premises were assessed according to various safety standards on a scale of zero to 100 and those with a mid-point risk rating were visited once a year, the more hazardous ones more frequently and the less hazardous ones less frequently.

18. Regarding the remedies being taken to reduce the fatal accident rate in industry, an Accident Prevention Advisory Unit analysed accident statistics and regularly issued recommendations for specific remedial action. There were also tripartite industry advisory committees in individual sectors which issued guidance to employers on how to reduce risks; and special information campaigns were regularly conducted, most recently on machine safety, the danger of agricultural silos, and accidents to children. The requirements concerning the establishment of safety committees in enterprises were that an employer must be requested to do so by two or more safety representatives appointed by a recognized independent trade union. Where no union existed, it was advised that employees should become involved in the development of health and safety procedures. The Codes of Practice referred to in paragraph 9 on article 7 related not to particular workplaces or industries but rather to particular risks. Proposals for any new code were published and comments invited, then the Code was drawn up and submitted for approval to the tripartite Health and Safety Commission, and for further approval by the Minister, and then promulgated.

19. There was no general minimum wage in the United Kingdom, although in particular industries with a history of low pay there had for many years been Wages Councils, tripartite bodies with powers to fix minimum rates. The Government had recently announced a review of those Councils and was particularly concerned that their operation should not have the effect of discouraging employers from taking on young people. Salaries in the public sector were set for each broad sector - such as the civil service, the police, local government employees or teachers - with reference to the particular circumstances of that branch and might therefore differ. Public sector salaries were normally negotiated by joint employer/union councils.

20. With reference to article 8 of the Covenant, several important questions had been raised concerning industrial relations. The Employment Act 1980 (para. 3 on art. 8) had introduced certain changes concerning balloting and picketing

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procedures in individual disputes, in order to ensure peaceful and orderly protest. The Employment Act 1982 dealt mainly with the treatment of union membership and recognition requirements under civil law.

21. The Trade Union Act 1984, enacted since the report had been drafted, had three main purposes: to ensure that members of trade union governing bodies were directly elected by union members in a secret ballot; to make immunity for organizing strikes conditional on the holding of properly conducted strike ballots; and to have members of unions administering political funds vote regularly every 10 years, on whether the unions should continue to spend funds on party political matters. The one aim of the Trade Union Act was to return the unions to their members. The Act had been brought into effect gradually; the strike ballot provisions, for instance - an important issue in the recent coalminers' strike - had not been operative when the strike had begun. As to the question whether the Trade Union Act could hamper the freedom of trade unions to organize industrial action, that freedom would not be affected so long as the procedures laid down in the Act were complied with; early indications were that the great majority of unions would comply.

22. Regarding the possibility of coercion being applied to strikers, there was nothing in United Kingdom legislation to compel strikers to return to work, although they might incur civil damages if they had not followed the balloting procedures under the new Act. Strikers were free to demonstrate and picket peacefully within the terms of the legislation, but any cases of violence would come under public order legislation. As to the appropriation of trade union funds by State action, under United Kingdom law a court could award damages against a union to a party aggrieved by its actions and, if the union refused to pay, the court could take action to sequestrate the union's assets to ensure that the damages were paid - a process similar to that of recovery of other debts under civil legislation. The pay of strikers was naturally the responsibility of the union concerned, although their dependants might continue to receive appropriate benefits under conditions laid down by the Government.

23. Regarding government intervention in industrial disputes, there were, in addition to the passage of legislation, three long-standing means of intervention or assistance: the Government could offer third-party conciliation, independent investigation or the possibility of voluntary arbitration to the parties involved. Those means were given effect through the tripartite Advisory Conciliation and Arbitration Service.

24. Concerning article 9 of the Covenant, and the exclusion of certain groups of employees from the right to statutory sickness pay under social security (para. 11), employees affected by trade disputes could still claim benefits but the responsibility was removed from the employer to an industrial tribunal, which was probably in the interests of both parties. Pregnant women had been excluded to avoid overlapping with maternity benefits, so that they would not draw two benefits for the same contingency. It was not considered appropriate to have automatic sick benefit entitlements for employees whose employers were not resident in Great Britain because such employers did not necessarily pay national insurance

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contributions in the United Kingdom; the problem of unfairness to the employees concerned was limited by the existence of harmonization arrangements within the European Economic Community. In general, social security benefits had not been directly affected by the critical economic situation although, of course, the Government was concerned to spend limited resources in a cost-effective way.

25. No compulsory retirement age was set by legislation, but individual employers did establish retirement rules. In addition, under the Job-Release Scheme, the Government encouraged retirement before the established pension age, in order to help create jobs for the unemployed.

26. Concerning pensions, widows received age-related pensions from age 40 to the maximum at age 50, on terms comparable with other social security benefits. There were, indeed, no provisions for widowers' pensions and that was an interesting question for the future. With regard to child benefits, parents received tax-free benefits for dependent children still in school up to the age of 18. Young people participating in the Youth Training Scheme (paras. 30 et seq. on art. 6) - which was open to all 16-year olds and unemployed 17-year olds - received a weekly allowance, but no minimum wage was stipulated. The Government had not yet reached a decision on the future of the death grant which, as the report indicated (para. 28 on art. 9) had declined considerably in real value. Contributions to the death grant were paid out of the general social security budget.

27. The compilation of periodic reports to the Working Group, was indeed a considerable administrative task which, however, the United Kingdom recognized as an obligation that followed directly from its ratification of the Covenant. Regarding follow-up action, it was very useful to have to consider and set down national practice in the light of the principles of the Covenant, and the United Kingdom certainly took the Working Group's examination very seriously. Any questions raised were taken into account in its longer-term plans and actions.

28. Mr. BENDIX (Denmark) said that the United Kingdom representative had not addressed his concern, in relation to article 6 of the Covenant, that the maternity provisions described in paragraph 120 seemed to leave loopholes for employers to discriminate unfairly on the ground that they did not have suitable alternative vacancies to offer pregnant women who could not perform their usual work.

29. Mr. SMART (United Kingdom) observed that, indeed, in the legislation in question one good intention (to prevent unfair dismissal of pregnant women) conflicted with another good intention (to protect them against safety hazards). The law did, however, set the important standard that dismissal on the ground of pregnancy was unfair.

30. Mr. Smart (United Kingdom) withdrew.

31. The CHAIRMAN said that the Working Group had concluded its consideration of the second periodic report of the United Kingdom.

Second periodic report of Australia (E/1984/7/Add.22)

32. At the invitation of the Chairman, Mr. Farmer (Australia) took a place at the table.

33. Mr. FARMER (Australia), introducing his country's report, said that in the period covered by the report - March 1978 to August 1984 - perhaps the most notable changes had taken place in the combating of discrimination. In the area of discrimination on the basis of sex, Australia had in 1983 ratified the International Convention on the Elimination of All Forms of Discrimination against Women. Subsequently, the Sex Discrimination Act of 1984 had prohibited discrimination on the basis of sex, marital status or pregnancy, in the job market and workplace and elsewhere (paras. 34 to 36 of the report). There had been increasingly close co-operation on the question between state and federal Governments in Australia and a number of States had also introduced legislation on the subject. Under the Sex Discrimination Act, the handling of complaints had been transferred from the state Committees on Discrimination in Employment and Occupation to the federal Human Rights Commission; but in cases involving the three States which had passed solid anti-discrimination legislation, the Human Rights Commission did refer complaints to relevant state bodies. A similar process applied in relation to the complaints covered by the Racial Discrimination Act and the Human Rights Commission Act. Such an integrated approach avoided some of the difficulties entailed in having complainants choose between remedies in federal or state jurisdictions, and it had enhanced co-operation and the exchange of expertise between relevant federal and state institutions.

34. In the area of racial discrimination and human rights, a major review was currently being made of the machinery set up under the Racial Discrimination Act (paras. 23-29 of the report) and under the Human Rights Commission Act (paras. 30-33).

35. In addition to legislative developments, the federal Government had adopted an affirmative action programme designed to ensure in practice equal opportunities for men and women, in the hope of providing both example and encouragement to other employers. The proposals in the policy paper on the reform of the Australian Public Service (para. 38 of the report) had now been embodied in legislation. The federal Public Service Act had been amended to place a positive obligation on federal departments to develop equal opportunity programmes for women and designated disadvantaged groups. In accordance with guidelines issued by the Public Service Board, programmes were to be set up to examine employment practices, identify discrimination and implement plans of action for eliminating such practices, while at the same time specifying objectives and the means by which their effectiveness could be assessed and the necessary funds obtained. In addition, a new independent statutory authority, the Merit Protection and Review Agency, had been established to handle the grievances of public servants which had formerly been dealt with by the Public Service Board. Various statutory appeal and review committees on promotion and disciplinary matters would also come under the auspices of that new authority.

(Mr. Farmer, Australia)

36. Since August 1984, the Victoria Equal Opportunity Act 1977 had been amended, South Australia had consolidated its equal opportunity laws in the Equal Opportunity Act 1984, which repealed the Sex Discrimination Act 1975, the Handicapped Persons Equal Opportunity Act 1981 and the Racial Discrimination Act 1976, and Western Australia had also approved but not yet proclaimed a state Equal Opportunity Act.

37. In the labour field, the most notable change in recent years had probably been the adoption and implementation of a prices and incomes policy by the Government, in close consultation with trade unions and employers, and a return to a centralized system of wage fixation. Paragraphs 6 to 10, 58 to 63 and 131 to 144 of the report attempted to put the question of wage levels and other employment questions in its proper macro-economic context, in accordance with the reporting guidelines.

38. The report provided information on vocational training and unemployment programmes in Australia. Youth unemployment and aboriginal employment received special attention. In 1984-85, the Government had appropriated $A 845 million for labour force programmes and services, a 146 per cent increase over the 1982-83 level. It was expected that nearly 300,000 people would be assisted through such programmes, which helped to provide training and work experience to the unemployed. In 1984-85, an additional $A 134 million would be spent on the operation of the Commonwealth Employment Service. The Government had commissioned a number of reviews of labour force policy in Australia, two of which, those on youth policy and labour force programmes, had been completed. The Government had already announced its support in principle for a recommendation contained in the latter report for a new traineeship system combining on-the-job and formal training to expand employment opportunities for young people.

39. Provisions regarding termination of employment had been significantly improved following the decision of the Conciliation and Arbitration Commission of 2 August 1984 on the test case mentioned in paragraph 121 of the report. The decision provided for the incorporation of the following into federal awards: protection against unfair dismissal and discrimination; improved periods (up to five weeks) of notice on termination of employment based on age and length of service, and the provision of paid time off to enable employees to search for other employment; a requirement that employers should consult employees on changes in production programmes, organization, structure or technology likely to have a significant effect on employees, including redundancy; and minimum general severance pay ranging from four weeks' pay to employees with more than one year of service to a minimum of eight weeks' pay for employees with more than four years' service.

40. The establishment of a National Occupational Health and Safety Commission in October 1984 signalled a new era of co-ordination to promote safe and healthy working conditions. The primary role of the Commission, which would operate on a tripartite basis and be responsible to the federal Minister for Employment and Industrial Relations, would be to develop and implement elements of a national occupational health and safety strategy, which included standards development, research, training, information collecting and efforts to achieve a common approach in federal and state occupational health and safety legislation.

(Mr. Farmer, Australia)

41. In line with the intention expressed in paragraph 159 of the report, two bills had been introduced into the federal Parliament in September 1984 to repeal sections 45D and E of the Trade Practices Act but had been defeated in the Senate. The Government had not decided on the reintroduction of the legislation, but the application of other sections of the Trade Practices Act to trade unions was currently being considered by the federal Attorney-General. The Government had announced a new scheme including a programme of grants to assist trade unions to employ development officers to address the welfare needs of immigrants in industry. The purpose of the scheme was to increase immigrants' understanding of their rights, of the role of unions, and of Australian workplaces and conditions, to assist union officials and members to be more aware of immigrants, especially non-English-speakers, to enable unions to serve their immigrant members more effectively, and to help immigrants participate in trade unions.

42. The introduction of an assets and income test for pensions, referred to in paragraphs 173 to 181 of the report, was probably the most noteworthy development in social security legislation. The Government was firmly committed to the principle that pensions should be directed to those who relied on them and not dissipated among those who, by any reasonable standard, were not in need. The decision in January 1985 to create a federal Department of Community Services in addition to the existing Department of Social Security reflected a commitment to improving the quality and range of social services available to the needy.

43. In conclusion, he said that Australia supported the initiatives to enhance the Working Group's contribution to international respect for economic, social and cultural rights and welcomed its discussion of proposals for reform. The Group's work was closely linked to that of other human rights bodies, and it would therefore be interesting if the possibility of improved co-ordination was explored. He reiterated Australia's traditional concern that human rights activities in the United Nations should be underpinned by adequate public information programmes.

44. Mr. TEXIER (France) said that he was pleased with both the report and the timeliness of its submission. It clearly showed the degree to which the Australian authorities were concerned by the questions of equality and non-discrimination. Like other countries, Australia had been affected by increased unemployment, which the Government was attempting to reduce.

45. He was interested in the Australian system whereby a large number of committees and boards handled complaints of discrimination. The role of those bodies seemed to fall somewhere between the advisory and the judicial. He would like to know more about their relationship with the judicial organs responsible for the protection of human rights, their powers and whether the judicial organs were still the ultimate place for seeking remedy.

46. It would be useful to have more details on the number of immigrants and the trends in the Government's immigration policy. He asked about the rights that immigrants had at the workplace, whether they could join trade unions, be elected to representative posts in the trade unions and participate in consultation

(Mr. Texier, France)

machinery. It would also be useful to know about the composition and powers of the Human Rights Commission mentioned in paragraph 30. The division of the client population of the Commonwealth Employment Service into subgroups (para. 85) was a good thing in one way, but he wondered whether such an approach might not lead to discrimination.

47. Information on the presence and status of political refugees in Australia would be useful.

48. He would like some clarification about the size of the minimum wage and whether it was the same for all occupations and all areas of the country. Information on the range of salaries and the approximate exchange rate of the Australian dollar to the United States dollar might also be provided.

49. Noting the prohibition of "secondary boycotts", referred to in paragraph 156, he wondered whether there was any law preventing large companies from arbitrarily fixing prices in consultation with each other to the detriment of small businesses.

50. Australia had adopted a large number of measures in a short time to improve social security arrangements. The income and assets test was an interesting approach and clearly consonant with the notion of social justice.

51. Noting that residence in Australia was the primary requirement for eligibility for family allowances (para. 222), he wondered whether there was any qualification period or whether immigrants became entitled to such allowances upon arrival in the country. In conclusion, he would like to know the type of human experimentation referred to in paragraph 248 (a) of the report and to have some clarification on Australia's position on in vitro fertilization and embryo transfer, which raised important social, legal and moral questions.

52. Mr. BENDIX (Denmark) said that the report showed that Australian legislation was still evolving to meet the requirements of the Covenant. He wondered whether people in the country knew which of the many bodies listed in the report they should appeal to if they felt they were the victim of discrimination. It was, however, clear that Australia had made great efforts to eliminate discrimination on the grounds of race, ethnic origin and sex.

53. Referring to the last three sentences of paragraph 14 of the report, he assumed that complaints on the ground of sex and in the next most numerous ("other") category amounted to about 60 per cent and he asked what kind of complaints were included in the remaining 40 per cent. With regard to paragraph 17, he asked whether the community education programmes to promote equality of opportunity and to discourage discriminatory practices were being extended to school education and, if that was the case, whether those programmes were being conducted at both the primary and secondary level. The phrases "discriminatory job advertising" and "discrimination in employment", which appeared in the titles of the Australian publications mentioned in paragraphs 20 (d) and (g), seemed to mean their exact opposites, since those publications were

(Mr. Bendix, Denmark)

supposed to deal with non-discrimination. According to paragraph 22 (iii), the Royal Australian Navy was making efforts to recruit male nurses; were such practices also reflected in civilian hospitals?

54. He noted that the mandate of the Human Rights Commission made no reference to the International Covenant on Economic, Social and Cultural Rights, and he suggested that such reference should be made, especially in connection with paragraph 31 (d).

55. Referring to paragraph 38 (a), he asked what was meant by "unfair discrimination", since discrimination was always unfair. Was the Government implying that some discrimination was actually allowed? He asked who ensured that the public bodies mentioned in paragraph 39 did not practise discrimination in their employment policies.

56. Referring to paragraph 65, he requested statistical data on the composition of the Aboriginal population. He also requested statistics on the unemployment rate among the young as compared with that of the labour force in general.

57. Referring to paragraph 119, he asked what were the requirements for employers to obtain subsidies when providing adult long-term unemployed job-seekers with a period of stable employment. He inquired what was the length of time to which "long-term" referred, and how long the "period of stable employment" had to last.

58. In the consideration of the first report of Australia, the question had been raised about how long a person could receive unemployment benefits, and the answer had been that such a person could receive benefits for an unlimited period. He asked whether there had been any tendency to become more stringent and whether any changes had been introduced in that policy.

59. Mrs. JIMENEZ BUTRAGUEÑO (Spain), referring to paragraph 14, asked what was the most common kind of sex discrimination against women. Paragraph 15 referred to discrimination on the ground of age, and she asked whether it was the young or the older workers who suffered most in that regard. Referring to paragraph 20 (g) she asked in what languages "A guide to discrimination in employment in Australia" was being published. Regarding paragraph 22 (a), she said that the Spanish translation of "sexual harassment" (hostigamiento sexual) sounded strange, and she requested clarification of the meaning of that term. Referring to paragraph 22 (e), she observed that, even when job vacancy columns were no longer classified into male and female categories, there were many ways of indicating that a male applicant was preferred.

60. She inquired how the Australian Public Service Act, referred to in paragraph 38, was applied and what was the position of women in public service - for example, how many women held administrative posts. Referring to paragraph 38 (b), she asked whether all Australian women were considered to be a disadvantaged group.

(Mrs. Jimenez Butragueño, Spain)

61. With regard to paragraph 43, she said that indirect discrimination was not quite the same in all countries, since it was influenced by custom and the local way of life. What kind of indirect discrimination were women subjected to in Australia?

62. According to paragraph 62, in 1983 unemployment had accounted for 10.3 per cent of the labour force, and she asked whether Australia had been able to reduce unemployment in 1984 by applying the labour policies mentioned in the report. Referring to paragraph 85, she asked whether the Australian Government was taking steps to prepare people who worked in offices, since such people often had pre-conceived ideas and sometimes resorted to discriminatory practices when considering candidates. She requested additional information regarding the Labour Adjustment Training Arrangements referred to in paragraphs 105 to 107, and on the School-to-Work Transition Program mentioned in paragraphs 114 and 115.

63. Paragraph 171 dealt with the spouse career's pension, and she asked whether a woman taking care of her husband could also receive a pension, or whether such pensions applied only to husbands. Referring to the review of income and assets tests mentioned in paragraphs 173 to 181, she asked whether, in cases where both spouses received a pension, both were given the same treatment for reviewing and establishing the pension. Did the same policy apply when both spouses received a pension, and was preferential treatment given to couples in which only one spouse received a pension, or when the total amount of the two pensions was equivalent to that of one pension? With regard to the last sentence of paragraph 196, she said that the first wife should not be deprived of a pension simply because the husband had remarried. Referring to paragraph 198, she was surprised to learn that unemployed persons who had taken part in a strike were not eligible for unemployment benefits.

64. Mr. IIYAMA (Japan) asked, in reference to paragraph 17, what were the guidelines for use by State/Territory Committees in the investigation and conciliation of allegations of discrimination, and how the conciliation process operated. He asked whether the second sentence of paragraph 19 meant that no complaints had ever been brought before the Minister for Employment and Industrial Relations. Referring to Aboriginal unemployment, he asked whether the Australian Government had considered adopting some positive action programme which would make it mandatory for enterprises to employ a certain percentage of Aboriginals. Also in that connection, he asked what kind of effort had been made by Aboriginals to change their employment situation, and what kind of assistance the Government was extending to those efforts. With regard to paragraph 73, he asked what was the level of education among Aboriginals - for example, their rate of literacy - and what measures had been taken to improve their education. Was use being made of radio and television to provide education to Aboriginals living in rural areas?

65. Referring to paragraph 88, he asked what was the employment situation for the migrant worker population as a whole. With regard to the adult wage subsidy scheme, mentioned in paragraphs 118 and 119, he asked what was the average size of a wage subsidy. Referring to paragraph 133, he asked what was the difference

(Mr. Iiyama, Japan)

between the two types of award rates of pay and, with reference to paragraph 134, he asked what kind of sanctions were prescribed for breaches of award rates. Referring to paragraphs 136 to 141, he requested more details regarding the circumstances which had led to the abandonment of the centralized wage system and its reintroduction in 1983.

66. Finally, he asked whether the Government of Australia was experiencing any burden in preparing its reports under the current reporting cycle.

The meeting rose at 6.05 p.m.