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

SUMMARY RECORD OF THE 18th MEETING

Held at Headquarters, New York,
on Thursday, 24 April 1980, at 10.30 a.m.

Chairman: Mr. NAGY (Hungary)

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by States parties concerning rights covered by articles 6 to 9 of the Covenant
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The meeting was called to order at 10.50 a.m.

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

Report of the Ukrainian Soviet Socialist Republic (E/1978/8/Add.22)

1. Mr. OZADOVSKY (Observer for the Ukrainian Soviet Socialist Republic), introducing the report (E/1978/8/Add.22), said that his country had been among the first to sign and ratify the Covenant. The Republic took an active part in the international co-operative effort to defend and develop respect for human rights and fundamental freedoms without distinction as to race, sex, language or religion. Its Constitution and legislation took full account of the Republic's international obligations, and the rights of its citizens were not only embodied in the Constitution but guaranteed in practice by the socialist economic system and a series of bodies established for that purpose.
2. The progressive development of the country's economy, the increasing level of democracy and a broad legislative programme had given substance to the material, political and legal guarantees of citizens' rights and freedoms established in the 1978 Constitution, which had significantly expanded the socio-economic rights enshrined in previous Constitutions. Over the preceding four years, the national income of the Republic had increased by 16.8 per cent, and labour productivity by 12 per cent. Industrial output had gone up, as had mean annual agricultural output. Real income per head of population was up 14.5 per cent, and payments from social consumption funds were up more than 21.2 per cent. Average salaries in industry and administration had risen by more than 12 per cent, while the pay received by collective farm workers had increased by almost 29 per cent. There had also been qualitative improvements in technology, the organization of work, and the qualifications and cultural level of the Ukrainian people. Since 1970 the number of persons with secondary and higher education employed in the economy had risen by more than 70 per cent. At present 572 of every thousand workers had at least received secondary education.
3. The country was currently engaged in an extensive legislative programme following the adoption of its new Constitution. The Supreme Soviet had only recently adopted decisions concerning such permanent bodies as a commission on health care and social welfare; a commission on education and science; a commission on labour matters and women's affairs, the protection of motherhood and children; and a commission on questions relating to young people. Various other measures had also been adopted since the submission of the report.
4. Mr. SALMENPERÄ (Finland) asked for a clarification of the statement that the number of industrial accidents in the economic sector of the Ukrainian SSR had been reduced five times during the decade 1966-1976 (E/1978/8/Add.22, p. 14). He asked whether the statement that all persons under 18 years of age had to undergo a medical examination before being accepted for employment (E/1978/8/Add.22, p. 16) implied that no medical examination was required for other workers.

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5. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) asked what provisions were made for handicapped persons to enjoy the right to work established under the Ukrainian Constitution.
6. Mr. VOICU (Romania) said that, among the points made in the Ukrainian report, the existence of absolute equality between men and women merited special attention, as did the special measures taken to ensure that women could enjoy their equal rights to the full.
7. Mr. MWAHJABALA (United Republic of Tanzania), noting that under article 19 of the Constitution the State promoted the intensification of the social homogeneity of society through the elimination of class distinctions (E/1978/8/Add.22, p. 10), asked how that was achieved. The fact that the country was seeking to eliminate the essential distinctions between intellectual and physical labour implied that such distinctions existed, and it would be interesting to have information on that matter.
8. He also asked whether workers were paid according to their individual output over a given period, or on the basis of total production in the enterprise concerned.
9. Mr. ERDÖS (Hungary) said that, since the rights provided for under the Covenant had been guaranteed in the Ukrainian SSR before the Covenant had entered into force, it appeared clear that they were respected in the country not because the Covenant had been signed but because they were inherent in the social system obtaining in the Ukrainian SSR. He joined the Romanian representative in applauding women's important role and equal rights, and commended the fact that Ukrainian workers were given positive encouragement to increase their qualifications.
10. He asked what had led the Republic to adopt a new Constitution, and how the new Constitution differed from the old. Article 42 of the new Constitution guaranteed the right to housing; he asked on what material basis that right was guaranteed.
11. Mr. SAMSON (International Labour Organisation) said that since submitting its report the Ukrainian Soviet Socialist Republic had ratified the Human Resources Development Convention. The ILO Committee of Experts on the Application of Conventions and Recommendations had requested information under the Employment Policy Convention concerning changes in the structure of the labour force and measures to improve the system of occupational guidance, with particular reference to their impact on the choice of occupation and placing in employment of young persons completing their training (E/1979/33, p. 98). It had also asked for clarification in connexion with the Forced Labour Convention, regarding persons leading a parasitic way of life and the termination of membership in collective farms. Those questions had been considered in March and remained the subject of a dialogue with the Government.
12. The Committee had suggested it would be desirable to have additional information concerning the criteria and procedures for reaching decisions regarding promotion in employment and concerning the rest and hours of work of members of collective farms (E/1979/33, p. 99).

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13. Questions had been raised in connexion with the application of the Freedom of Association and Protection of the Right to Organize Conventions. In view of the similarity of the legislation of the Ukrainian SSR and the Soviet Union the Committee of Experts had referred to its observations relating to the Soviet Union (E/1978/33, pp. 105 and 106).

14. Mr. OZADOVSKY (Observer for the Ukrainian Soviet Socialist Republic) said the State was responsible for workers' health. Expenditure on industrial safety had risen from some 232 million roubles in 1970 to 388 million roubles in 1978, with a consequent marked reduction in industrial accidents. The country's legislation contained a complete series of safety regulations governing working conditions which were, in many cases, more rigorous than in other countries. Trade unions and State bodies worked together to ensure that those regulations were observed.

15. Medical examinations were required not only for workers under 18, but also for persons about to enter certain occupations. The latter were required to have such examinations at yearly intervals. The right to health protection was one of the most important rights of the Ukrainian citizen. It was protected through the construction of health care institutions and industrial safety research institutes and the establishment of schemes providing welfare benefits in case of illness and disability.

16. In answer to the question put by the representative of Libya, he said that the right of the disabled to employment was established in article 41 of the Constitution, and serious attention was given to ensuring that the disabled enjoyed that right. The current five-year plan included a series of measures designed to improve facilities for the handicapped in the medical, educational and recreational fields. Specific legal protection was also provided: for example, blind people were required to work only a six-hour day, for which they were paid a full day's wage, and handicapped people could not be assigned to overtime or night work without their consent.

17. In reply to the question about class distinctions put by the representative of the United Republic of Tanzania, he drew attention to article 1 of the Ukrainian Constitution. There were no antagonistic classes in the Ukrainian SSR - the workers and the intelligentsia pursued the same aims. The country was moving towards greater automation and mechanization of industry with the aim of reducing the number of manual workers; the proportion of engineers to manual workers was growing constantly.

18. The State guaranteed every worker a salary in accordance with the quality and quantity of work performed - in the Ukrainian SSR that meant the work actually performed by each employee. The State fixed rates of pay and, at the same time, stipulated the productivity levels to be maintained. Workers were paid regardless of whether or not the institution in which they were employed was making a profit; they could not be paid less than the established minimum wage.

19. Turning to the comments by the Romanian representative concerning women's

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equality, he said that Ukrainian labour legislation provided an effective guarantee of women's equality by offering protection against unemployment. Women accounted for almost half the work force. Recent studies by sociologists had shown that Ukrainian women chose to work primarily for reasons of self-esteem, with economic considerations taking second place. In recent elections, women had accounted for some 36 per cent of the deputies elected to the Supreme Soviet and some 48 per cent of local representatives.

20. The new Constitution had been drafted to take account of the significant changes that had taken place over the preceding decades. It contained a considerably expanded chapter on the rights, freedoms and duties of Ukrainian citizens; they now included the right to work - including the right of an individual to choose a profession, type of job and work in accordance with his inclinations, abilities, training and education, with due account of the needs of society - the right to rest and leisure, to health protection, to maintenance in old age, sickness and in the event of disability or loss of the breadwinner; the right to housing, to education, to enjoyment of cultural benefits, to freedom of artistic work; the right to take part in the discussion and adoption of legislation, to submit proposals to State bodies for improving their activity and to criticize shortcomings in their work.

21. In practice, the right to housing was ensured by the fact that the State financed and organized the construction of housing which it made available to citizens at low rents; rents and utility charges together typically represented between 3 and 5 per cent of a family's income. For all intents and purposes, houses became the property of the families to which they were assigned. Co-operative and individual housing schemes supplemented State projects. Living conditions were constantly being improved, and over 6 million people had received housing over the preceding four years.

22. The CHAIRMAN said that the Working Group had concluded its consideration of the report of the Ukrainian Soviet Socialist Republic.

Report of Poland (E/1978/8/Add.23)

23. Mr. CHARKIEWICZ (Observer for Poland), introducing his Government's report (E/1978/8/Add.23), said that in the time that had elapsed since the report was prepared further measures had been taken.

24. The Constitution guaranteed the right to work and unemployment was non-existent. There had been an increase of approximately 1 per cent in the labour force in 1979. According to official statistics in March 1980 there were 8,500 new job seekers and 127,000 vacancies. Full and rational employment was achieved through central planning of the economy. However, there were difficulties relating, inter alia, to the changing structure of employment in various sectors of the economy. Employment in industry was not expected to expand, and employment in the construction industry and in agriculture had decreased. The number of persons employed in administration had also fallen but there had been an increase in the

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service-related industries such as education, health care and transportation. Another problem which his Government was seeking to solve was the problem of training persons in accordance with the needs of the economy. Steps were being taken to improve the distribution and mobility of the labour force, since the demand for labour was concentrated in the heavily industrial regions of the country, and to achieve more rational employment.

24. In 1979, the State Soviet had ratified the Human Resources Development Convention. It was seeking to include more young people and adults in the labour force and to help the disabled to choose their occupation freely by expanding its vocational guidance centres.

25. In October 1978, the Council of Ministers had established a Committee on Families responsible for evaluating the situation of workers' families and proposing new measures designed to meet their needs. The Committee also initiated research on the subject and a symposium on family matters was being planned.

26. An increasing number of working women were taking advantage of their right to unpaid leave to look after their children up to the age of three years. They were entitled to retain all their rights and could return to work early if they so wished. Between 1976 and 1978 the percentage of women benefiting from that type of leave had increased from 285,000 to 403,000 and such women now accounted for 7.8 per cent of the female labour force.

27. In January 1979, a new ruling had been adopted designating some work as unsuitable for women in certain circumstances. It regulated the protection of women's work taking into account the state of technical progress and working conditions. The list of tasks deemed unsuitable for women was longer than in the previous ruling.

28. With regard to safe and healthy working conditions, in 1979, the State bodies, acting in conjunction with the trade union organizations, had reviewed the equipment, machinery and transportation in order to identify deviations from the safety norms. Constructive criticisms had been made in respect of faulty and inefficient equipment and noise and air pollution, and certain administrative measures had been taken as a result.

29. The Polish Government attached great importance to expanding international co-operation in the field of improvement of safety at work. In 1978, in conjunction with the ILO, it had hosted an international exhibition - at which lectures had been given and films shown - dealing with the subject. The aim had been to increase co-operation in the field of new safety provisions relating to worker protection and ergonomics. Twenty-six countries had participated.

30. In 1979, in co-operation with Sweden and the International Labour Organisation, Poland had organized a symposium on the rehabilitation of the disabled in which 12 European countries had participated. Poland co-operated with Libya in that field and had sent rehabilitation specialists to that country.

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31. In 1979, the State Council had ratified five ILO conventions bringing the number of such conventions ratified by Poland up to 70. His Government had invited the International Labour Organisation to send a representative to Poland to assist in determining whether steps could be taken to improve implementation of ILO Conventions in that country.

32. Several measures were being taken to improve the social security system. The report drew attention to the law adopted on pensions for peasants and their families. That law covered 10 million people. In 1979, Poland had adopted a decision temporarily changing the age at which persons became eligible for old-age pensions. That decision, which would affect 100,000 persons who might have wished to retire early, provided more favourable conditions to encourage persons eligible for old-age and other types of pension to continue working.

33. Finally, in January 1980, a law had been adopted changing the statute of the Supreme administrative court whose competence would in future extend, inter alia, to complaints by citizens concerning decisions taken by administrative bodies on matters relating to employment and social questions.

34. Mr. ERDÖS (Hungary) noted that emphasis was placed in the report on the close link between implementation of human rights and a good international climate (E/1978/8/Add.23, p. 1). He congratulated the representative of Poland on his country's achievements in the field of human rights.

35. Mr. SKOTNIKOV (Union of Soviet Socialist Republics) said that the report and the additional information just provided by the representative of Poland demonstrated clearly the very satisfactory situation obtaining in that country with respect to enjoyment of human rights.

36. Mr. AL-KAISI (Iraq) said that the report submitted by Poland demonstrated clearly the concepts on which the socio-political system of that country were based. Noting the statement that trade unions were not subject to control by the State administration (E/1978/8/Add.23, p. 20) he asked how trade unions performed their functions in the light of article 86, paragraph 2, of the Constitution according to which citizens had the right to present their claims and complaints to all organs of State administration (E/1978/8/Add.23, p. 21).

37. Noting that the right to strike was not governed by any legal provisions and that there was therefore no legal prohibition (E/1978/8/Add.23, p. 21), he requested a clarification of the term "legal prohibition".

38. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) expressed appreciation for Poland's co-operation with his country in the development process, particularly in the employment sector.

39. Noting the information concerning the status of aliens in Poland (E/1978/8/Add.23, p. 3) he asked whether the provisions listed in the report (E/1978/8/Add.23, p. 11) guaranteeing the right to just and favourable conditions of work applied fully to foreigners.

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40. Mr. VOICU (Romania) said that the report gave an impressive picture of the achievements of the Polish people in many fields. He was particularly interested in the local employment service described in the report and noted the programme to evaluate skilled labour needs and to adjust the education and training system to the changing needs of society (E/1978/8/Add.23, p. 7). Such programmes demonstrated the advantages of a planned economy.

41. Mr. SALMENPERÄ (Finland) said that it was not clear to him how many public holidays there were and to what extent public holidays constituted paid holidays.

42. With regard to labour protection arrangements, he asked whether workers' representatives in a given factory could participate in such matters on a full-time basis, as was the case in a number of other countries.

43. Mr. VOLLERS (Federal Republic of Germany) requested further information concerning the difference between works arbitration committees and district arbitration committees (E/1978/8/Add.23, p. 9), in particular, was there any difference in the composition of such arbitration committees and in the way they handled cases brought before them? Noting that trade unions were represented on arbitration committees, he asked what was the composition of such committees in general, how their members were nominated and what qualifications were required.

44. Secondly, with regard to the statement that specification of rules relating to remuneration generally took the form of collective agreements concluded between the ministers concerned and the central committees of the respective trade unions (E/1978/8/Add.23, p. 11), he asked which ministers were concerned, whether Poland had specialized ministries for such sectors as heavy industry and light industry, and whether those ministries dealt with specialized labour unions. Did the collective agreements in question cover all working conditions, or were working conditions and remuneration determined in directives issued by the Council of Ministers?

45. He asked whether unions used the threat to strike in collective bargaining and whether strikes had, in fact, taken place. Were there unions for agricultural workers and how many workers could be employed in an agricultural enterprise? Finally, he asked whether employers were organized in any way regarding collective bargaining and how wages were fixed in the private sector and in agriculture.

46. Mr. SAMSON (International Labour Organisation) noted that the representative of Poland had referred to ratification by his country of further Conventions of the International Labour Organisation and to certain meetings that had taken place between the Government of Poland and ILO for the purpose of consultations and study. In that connexion, he stressed that article 23 of the Covenant specifically mentioned such measures as part of the international action for the achievement of the rights recognized in the Covenant that States parties were called on to undertake.

47. He drew attention to the comments made by the ILO Committee of Experts in its report (E/1979/33, pp. 87 to 91). Since that report had been prepared, questions

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concerning the right of workers to establish organizations of their own choosing had been considered by the Committee on Freedom of Association of the ILO Governing Body. Those questions would be discussed when the representative of the Director-General visited Poland.

The meeting rose at 1 p.m.

