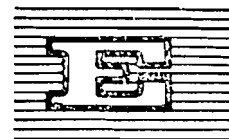


UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/1980/WG.1/SR.11  
22 April 1980

ORIGINAL: ENGLISH

First regular session, 1980

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

SUMMARY RECORD OF THE 11th MEETING

Held at Headquarters, New York,  
on Friday, 18 April 1980, at 3.15 p.m.

Chairman: Mr. NAGY (Hungary)

CONTENTS

Consideration of the reports submitted in accordance with Council resolution  
1988 (LX) by States parties concerning rights covered by articles 6 to 9 of the  
Covenant (continued)

Organization of work

This record is subject to correction.

Corrections should be submitted in one of the working languages, preferably  
in the same language as the text to which they refer. They should be set forth in  
a memorandum and also, if possible, incorporated in a copy of the record. They  
should be sent within one week of the date of this document to the Chief, Official  
Records Editing Section, Department of Conference Services, room A-3550,  
866 United Nations Plaza.

Any corrections to the records of the meetings of this session will be  
consolidated in a single corrigendum, to be issued shortly after the end of the  
session.

The meeting was called to order at 3.55 p.m.

CONSIDERATION OF THE 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 Philippines (E/1978/8/Add.4)

1. Mr. VALDERRAMA (Philippines) drew attention to document E/1979/7, which contained his Government's comments on the first report of the International Labour Organisation (E/1978/27).

2. Since the report of the Philippines had been prepared in 1977, he wished to summarize developments since then. Philippine labour and social policy was based on his Government's vision of social justice. The 1973 Constitution contained provisions on protecting workers, promoting employment, and ensuring equal work opportunities for all. Workers in his country had the right to organize themselves and to engage in collective bargaining. The 1974 Labour Code, as amended, guaranteed workers full enjoyment of their rights. There had been a marked improvement in labour demand and unemployment had decreased. The statutory minimum wage had been increased by decree No. 1389 of 29 May 1978, and payment of the "thirteenth month" had been instituted. Workers were entitled to overtime pay, holiday pay and double pay for work on holidays and Sundays; other entitlements included 10 paid holidays per year and five days of leave after one year's service. Civil servants were covered by separate provisions; it was worth mentioning that government workers had recently received a cost-of-living adjustment as a result of inflation. In the hotel and similar industries, 85 per cent of gratuities went to the workers.

3. Other recent developments included measures to improve the collection of labour statistics and other related information. The Ministry of Labour had established mandatory health standards. Special measures had been taken to protect female workers from discrimination in employment; in fact, the 1974 Labour Code contained many provisions aimed at improving the situation of women workers. On 5 January 1980, at the beginning of the second half of the International Decade for Women, President Marcos had issued a letter of instruction on eliminating discrimination against women in public or private enterprises, and on equal opportunity and equal pay for equal work. The National Commission on the Role of Filipino Women had been established in 1975 to increase women's participation in national development.

4. A new act on workmen's compensation provided increased benefits and improved the protection available to poor and rural workers. Efforts were being made to expand labour-intensive industries in rural areas. That was one way in which his Government was endeavouring to correct serious income inequities among the population.

5. Mr. VOLLERS (Federal Republic of Germany) observed that the Philippine report stated, in the section on article 6, that it was the basic policy of the State to

/...

(Mr. Vollers, Federal Republic of Germany)

promote full employment by securing for every person desiring to work locally or overseas, the best possible terms and conditions of employment: the provision concerning work overseas was remarkable and unique. He asked in what way the Philippine Government was promoting employment overseas.

6. Referring to the section of the report on the right of trade unions to federate, he remarked that his country owed much of its economic success to the system of unified trade unions, which were organized by industry. He would welcome further information on the progress of the "restructuring programme" and what role the Government played in that process. Reference was made in the report to restrictions on the right to strike, a matter to which the ILO had drawn attention in its report (E/1948/27). He noted that the definition of "essential services" was very broad and included not only hospitals and schools but also companies engaged in production and/or processing of essential and export commodities and banking establishments. He asked whether the Government intended to maintain that definition of "essential" industries. He would also like clarification of the provisions on the compulsory settlement of labour disputes. It was not clear how the powers of the Government were used or whether it intervened in only a limited or a general way.

7. The ILO referred in its report to the fact that the Secretary of Labour might authorize the payment of subminimum wages by certain enterprises. He would like to know whether subminimum wages were themselves subject to a minimum or freely determined by the enterprise and whether there were restrictions on the discretionary power of the Secretary of Labour in such cases. Elsewhere in the ILO report, reference was made to the legal annual leave of five days with pay and to the fact that it did not apply to establishments regularly employing fewer than 10 employees. He asked whether that meant that employees of such establishments were entitled to no leave. Another matter to which the ILO had drawn attention was the fact that the authorities could deprive union leaders of their office. He would like to know under what circumstances such powers could be and were being used.

8. Mr. JOHNSON (Ecuador) said that on page 10 of its report, the Philippine Government referred to the right to form and join trade unions, while on the following page it stated that foreign individuals, organizations or entities were prohibited from giving donations, grants or other forms of assistance to any labour organizations. He asked whether that meant that Philippine trade unions were not allowed to be affiliated to international trade unions.

9. Mr. GORITZA (Romania) said that the Government had reported, in connexion with article 6, on its manpower planning procedures. He asked what elements were taken into consideration in long-term manpower planning and whether manpower plans were linked to national economic development plans. With regard to the information in the report on rest, leisure, limitation of working hours and holidays with pay, he would like to know whether there were any specific regulations governing young people and women with small children.

/...

10. Mr. SVIRILOV (Union of Soviet Socialist Republics) said that he had noted that, according to the report, every employee with one year of service was entitled to yearly service incentive leave of five days with pay. He would like an explanation of the term "incentive leave". He asked whether Philippine legislation prescribed other kinds of leave and if so, in what order and of what duration.

11. The section of the report dealing with article 9 referred to difficulties affecting the degree of realization of the right to social security and suggested that many employees were unaware of the various benefits that had been described. He would like more information on the reasons why many employees were unaware of the existence of social benefits available to them, and on any measures being taken to correct that situation.

12. Mr. SALMENPERÄ (Finland) said that he did not understand the reasons for the restrictions on the right to form trade unions that were mentioned in section B of the part of the report concerning article 8 and would be grateful for clarification. He had noted that the grant of maternity leave was subject to certain conditions: he wondered what happened if an employee did not meet those conditions and whether she might, for example, be dismissed.

13. Mr. HAYCOCK (Barbados), referring to the provisions concerning membership of trade unions, said that he noted that a labour union had to show membership of not less than 50 per cent of those employed in a specific working unit and that Department of Labour officials felt that that condition might be too stringent and might actually prevent the formation of trade unions. He asked what measures, if any, were being contemplated in that connexion.

14. Mr. AL-KAISI (Iraq) asked whether the double compensation payable to workers as holiday pay was mandatory under legislative or other administrative provisions. Like the representative of the Federal Republic of Germany, he would welcome clarification of the passages in the report concerning the right to strike.

15. Mr. SAMSON (International Labour Organisation) said, with reference to the comments submitted by the Philippine Government in the ILO report (E/1979/7) that the Committee of Experts considered that the reviewing of its reports by Governments was conducive to full observance of the rights laid down in the Covenant, inasmuch as such an exercise gave Governments an opportunity to review the situation with regard to the Covenant and to examine the need for additional measures. The Committee had considered it unnecessary to make any immediate comments on the supplementary information submitted by the Philippines, as it was aware of the need to respect the discipline of the reporting programme. The relevant parts of that information had been taken into account by the Committee in connexion with its report on ILO Conventions.

16. Since the preparation of the ILO report (E/1978/27), the Philippine Government had provided information on a number of ILO conventions relevant to the Covenant. The first Philippine report to ILO on the application of the Employment Policy Convention, 1964 (No. 122) had been examined in 1979 by the Committee of Experts, which had addressed to the Government questions concerning, inter alia, various

aspects of programmes to promote employment and combat under-employment in the non-industrial sectors, the recommendations resulting from the ILO technical co-operation project and the promotion of labour-intensive industries. With regard to the prevention of discrimination in employment, the Committee of Experts had noted the Government's intention to adopt further measures to ensure equal opportunity for women. As to article 8 of the Covenant, the Government had provided further information on freedom of association and on the cancellation of trade union registration. It had reported that an appeal to the Supreme Court against a decision of administrative authorities to refuse or cancel registration of trade unions caused the suspension of the decision of the administrative authorities. Other issues referred to on page 47 of the ILO report (E/1978/27) were still under consideration by the Committee of Experts.

17. Mr. VALDERRAMA (Philippines) said that answers to some of the questions asked by members of the Working Group were to be found in document E/1979/7. He had taken note of the valid comments made and, although he was not a labour expert and did not have all the information at his fingertips, he would try to be as informative as possible.

18. He agreed with the representative of the Federal Republic of Germany that the programme to protect the interests of Philippine workers overseas was a unique experiment. The programme, implemented by a department of the Ministry of Labour, was one way to tackle the problem of unemployment and, at the same time, look after the welfare of Philippine nationals abroad.

19. Several representatives had asked questions about trade unions. There were no restrictions on the establishment of trade unions. There were, however, restrictions on the right to strike when vital industries and the public interest were affected. On the question of minimum wages, he said that the President of the Philippines had issued a decree guaranteeing minimum wages and cost-of-living adjustments for agricultural and non-agricultural workers with effect from 1 April 1980. That would help to cushion the impact of the increases in commodity prices. He was not sure that he had the correct answer to the question asked by the representative of the Federal Republic of Germany about the removal of trade union leaders from office: to the best of his knowledge, it had to be established, by due process of law, that a trade union leader was guilty of abuse of office or corruption before he could be removed from office. That policy had given rise to no major problem since its introduction. In reply to a question put by the representative of Ecuador, he said that the right of trade unions to federate included their right to belong to international trade unions.

20. In reply to the representative of Romania, he said that there was indeed a vital relationship between labour and social policy and the economic development of the Philippines. Both women and young people were guaranteed the right to holiday pay. As was well known, his delegation had been instrumental in the adoption of the General Assembly resolution designating International Youth Year.

21. The representative of the USSR had asked what was meant by incentive leave. It

/...

(Mr. Valderrama, Philippines)

was leave granted in addition to the legal entitlement and designed to stimulate higher output. It could also be compensatory leave for work performed on legal holidays. The representative of the USSR had asked another valid question about the right to social security. Because of its concern about the ignorance of many employees concerning the benefits they were entitled, his Government had, in co-operation with private organizations, been holding seminars to inform the general public, especially the illiterate, of their rights under the Labor Code and the Constitution. In addition, labour regulations were being translated into the various vernaculars.

22. The representative of Finland had referred to the conditions governing maternity benefits. The fact was that the Philippines had a most liberal and generous system of maternity benefits. In reply to the question by the representative of Barbados about the qualification for registration as a trade union, he said that the purpose of the 50-per-cent rule was to ensure that at least one half of the employees wished to form a union.

23. Referring to questions asked by the representative of Iraq, he said that there were legislative provisions governing the payment of compensation for work during holidays. The passage in document E/1978/8/Add.4 concerning legal or other provisions governing or affecting the exercise of the right to strike was not as contradictory as it might appear. He reiterated that the restrictions applied primarily to vital industries.

24. His Government was constantly striving to improve labour rights and the welfare of workers, but had limited resources at its disposal. In document E/1979/7 it had provided information on the measures taken to improve the collection and analysis of information relating to the employment market, through the co-ordination of various labour offices and private organizations. A more sophisticated information exchange programme would require computerization, which would be extremely expensive for a developing country like the Philippines.

#### ORGANIZATION OF WORK (E/1980/WG.1/L.1)

25. The CHAIRMAN announced that the Permanent Representative of Czechoslovakia had informed the Secretary-General that he would be unable to attend the current session of the Working Group to introduce Czechoslovakia's report. If he heard no objection, he would take it that the Working Group agreed to defer consideration of that report until the following session.

26. It was so decided.

27. The CHAIRMAN said that the Working Group would have to accelerate the pace of its work if it hoped to complete its consideration of the reports scheduled for the current session. He urged all interested delegations to assist the Working Group by agreeing to introduce their reports ahead of schedule.

The meeting rose at 5.15 p.m.