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SESSIONAL WORKING GROUP 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 Wednesday, 23 April 1980, at 3 p.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 3.30 p.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 Romania (continued) (E/1978/8/Add.20)

1. Mr. SALMENERÄ (Finland) noted that the trade unions had special responsibilities with regard to labour protection in Romania. He asked to what extent members of trade unions played a role in monitoring compliance with labour protection measures and which authority paid the compensation for loss of wages following an industrial accident.
2. Mr. SAMSON (International Labour Organisation) said that the ILO Committee of Experts had requested information from Romania in connexion with the ILO Employment Policy Convention (No. 122), on certain manpower questions, including the migration of labour from rural to industrial areas and the employment situation of particular categories of workers. The position with regard to the Forced Labour Convention had been re-examined by the Committee of Experts, and it remained as described in the ILO report. The Committee had considered certain provisions of Acts No. 24 and No. 25 permitting the compulsory allocation of certain able-bodied persons to employment to be incompatible with the Forced Labour Convention and likely to affect the implementation of the Covenant. With respect to the Discrimination (Employment and Occupation) Convention, the Committee had requested further information on the access of women to senior positions and on the adoption of measures to protect workers against discrimination on the basis of political opinion. With regard to article 7 of the Covenant, and in particular the subjects of rest, limitation of working hours and holidays with pay, it had indicated that information would be desirable on the position of persons not covered by the Labour Code, particularly members of co-operatives and their families.
3. With regard to article 8 of the Covenant, the Committee of Experts had noted that new legislation on trade unions was being prepared which might clearly stipulate that workers could, if they so desired, establish organizations independent of the General Federation of Trade Unions. The Committee had also expressed the hope that the scope of the trade union legislation would be extended to cover members of collective farms. It had observed that the formation of organizations independent of the Party appeared to be legally impossible. It had also requested clarification of the effects of provisions relating to the settlement of labour disputes, in view of their possible incidence on the right to strike. Finally, with regard to article 9 of the Covenant, the Committee had noted the legislative position of Romania in the field of social security and had suggested that certain statistical information on the extent of coverage would be desirable.

4. Mr. VOICU (Romania), replying to questions from members of the Working Group, said, with regard to the question of the participation of the population in work, that the Labour Code laid down that it was the duty of every person over 16 years who was fit for work and not attending courses at a school to engage in socially useful work until reaching pensionable age. That provision was based on his country's socialist and humanitarian philosophy that no one should exploit the work of others and that work was the only source of the increase in the national wealth, the prosperity of society and the well-being of the individual. Moreover, work, as the principal means of affirming the creative force of the individual and society, was a need of all citizens. The duty of all citizens to work, however, in no way restricted their choice of profession or place of work.

5. With regard to the question asked by the representative of Libya concerning the participation of young people in work, he said that young workers were protected by special provisions in the Labour Code: workers under 18 years were not permitted to work where it was dangerous or unhealthy or to work overtime, and their rest periods were longer than those of older workers. The State provided free training and training materials for young workers. Familiarity with labour legislation was especially important for young people, as it formed part of their ethical education in a society in which work had been established as the supreme social value.

6. No coercive measures were applied to induce people to work, but the influence of public opinion was quite effective. In general, the implementation of the labour laws had been quite successful. He believed that Romania's labour legislation was in no way incompatible with the Covenant.

7. The representative of Spain had asked about pensions provided to farmers in areas in which there were no co-operatives. There were certain areas of the country where individual farms had been deemed more appropriate, especially in the mountains, but independent farmers were not isolated from a legal or social point of view. Many of them were members of zoo-technical associations and similar organizations. The 1977 Act on pensions made specific provision for such farmers, the level of whose benefits was determined by the amount of their personal contributions, the value of the produce annually delivered to the State and the degree of their disability. Those benefits were funded by personal and State contributions, the latter being based on the value of the produce delivered by the farmers to the State.

8. The representative of the Federal Republic of Germany had asked about the extension of the working day and conditions under which workers were expected to work beyond normal working hours. Under the Labour Code the working day could be extended for various reasons, such as natural disasters, force majeure, situations threatening the health and lives of members of the community or other unforeseen circumstances adversely affecting food stocks, road and railway communications, telecommunications or the distribution of fuel and other raw materials. Decisions to extend the working day were taken with the agreement of the trade union committees. Time worked in excess of normal working hours was compensated for by free time within the following 30 days or extra wages.

(Mr. Voicu, Romania)

9. With regard to the question on the right of association and the role of the trade unions, he said that there were over 7,000 trade unions with over 6 million members, and that the trade unions were thus the largest mass organization of workers. Membership was voluntary, and no distinctions were made on grounds of nationality, sex or age. The trade unions were responsible for securing better working and living conditions for their members within the confines of the law, and to that end they concluded collective working agreements with employers. They participated in the preparation of labour legislation and were playing an increasing role in organizing and guiding the economic and social life of the country, both at the level of the enterprise and at the highest levels in the relevant ministries. The trade unions also played a crucial role in the self-management bodies.

10. In reply to questions about the right to strike, he said that Romanian legislation made no specific provisions for the right to strike because the system provided other means for resolving labour problems. Machinery had been established to deal with any grievances of individual workers, and under the self-management system and through the workers' assemblies and councils, on which the trade unions were represented, machinery was available for dealing with any problems which might arise. Under a 1968 Act on the submission of petitions and claims by workers, the appropriate authorities at each level were required to respond to such claims.

11. Turning to pensions and the age of retirement, he said that the 1977 Act set the age of retirement at 62 years for men and 57 years for women. The length of service required for full pension benefits was 30 years for men and 25 for women. Workers could ask to be allowed to continue working after retirement age and, if refused, could appeal against the decision. Work after the full qualifying period of service, if approved, increased the amount of the pension. It was also possible to retire two years earlier than the stipulated age of retirement, provided the qualifying period of service had been completed. The pension was based on average remuneration for the last five or ten years of service, depending on the choice of the worker. The amount of the pension, as a percentage of average remuneration, varied from 85 per cent for low-income workers to approximately 55 per cent for higher-income workers. In reply to other questions on social security, he said that maternity leave amounted to 120 days, taken before and after confinement. Maternity allowances depended on the salary and work seniority of the mother, ranging from 50 per cent to approximately 85 per cent of salary. With regard to the access of women to higher professional and governmental posts, he said that much progress had been made in recent years to increase the number of women in higher positions in the civil service, the diplomatic service, the ministries and the National Assembly, where nearly one third of the representatives were women.

12. In reply to the question asked by the representative of Finland concerning measures to ensure the effective protection of workers, he said that there was a system of workmen's compensation and inspection of working conditions. Legislation in that field was constantly evolving.

Report of Cyprus (E/1978/8/Add.21)

13. Mr. STEPHANIDES (Cyprus) said that his Government's report was a lengthy one, but he would welcome questions from the Working Group. Since the submission of the report, his Government had taken further steps to reduce unemployment.

14. Mr. VOLLERS (Federal Republic of Germany) asked whether agricultural workers were covered by collective agreements or minimum wage-fixing machinery. He observed that a minimum of nine days of paid holidays appeared rather low, and asked whether in practice workers received more than the specified minimum. He noted from the report that the right to strike might be regulated by law for the purpose, among others, of maintaining essential services, and he requested clarification of the meaning of essential services.

15. The ILO report referred to an increasing shortage of skilled labour accompanied by increasing unemployment among secondary school-leavers and university graduates. The two observations appeared contradictory, unless it was the case that graduates in Cyprus could not be prevailed upon to work in skilled occupations.

16. Mr. SALMENPERÄ (Finland) asked how large the labour force was in Cyprus. Referring to the Trade Unions Law 1965, he observed that article 2 appeared to impose major restrictions on the right to strike. He noted that labour legislation in Cyprus provided for inspections of certain premises and equipment, and asked how frequently such inspections were made.

17. Mr. IVANOV (Union of Soviet Socialist Republics) noted that the Government of Cyprus had taken certain extraordinary steps to combat unemployment, and that unemployment had fallen. He asked whether the fall in unemployment was directly attributable to the steps taken by the Government.

18. Mr. SAMSON (International Labour Organisation) said that the ILO report discussed the consequences of the events of 1974, with their disruption of the economy and resultant unemployment, the measures taken to deal with that situation and the reduction in unemployment to 1.9 per cent in 1978. The report also touched on the steps taken by the Government to solve the problem of underemployment. More information on those steps would be welcome. As a previous speaker had noted, a shortage of skilled labour co-existed in Cyprus with unemployment among school-leavers and graduates.

19. The report pointed out that some workers were covered by neither collective agreements nor minimum wage orders. More information on the level of remuneration of such workers would be welcome, to ensure that their rights were being protected in accordance with the Covenant. More information had also been requested on the classification of jobs in the public services and had suggested the promotion of objective job evaluation in the private sector in order to ensure equal remuneration for equal work. The report also raised the question of equal opportunity for promotion. Safety regulations for agricultural workers had been improved, as indicated in both the Government and ILO reports. Further steps were under consideration, and would probably be implemented in the near future.

(Mr. Samson, ILO)

20. The ILO Committee of Experts had commented on two questions pertaining to the Freedom of Association and Protection of the Right to Organise Convention (No. 87). The first concerned restrictions on eligibility for trade union office; he understood that amendments to those restrictions were under consideration by the Labour Advisory Board. The second question was the restriction on the right of civil servants to join organizations in conjunction with other workers. Finally, the Committee had suggested the submission of information on the possibility of introducing family allowances as a form of social security benefit.

21. Mr. JOHNSON (Ecuador) welcomed the steps taken by the Government of Cyprus to improve conditions for the people. He asked whether there were specific provisions to enable persons under 18 years to be given vocational training at various levels.

22. Mr. STEPHANIDES (Cyprus) said, in reply to questions from the representative of the Federal Republic of Germany, that agricultural workers were not covered by collective bargaining arrangements, since they were not organized in the way workers represented by trade unions were. They were not covered by social security unless they were self-employed. All workers had more than nine days paid annual holiday, that figure was merely a legal minimum which was greatly exceeded in practice.

23. Turning to article 27 of the Constitution, governing the right to strike, he said that the Government interpreted that provision very liberally. There had been many strikes which could have been declared illegal under that provision, but which had not. It was really intended for emergency situations.

24. Moving on to the question of the shortage of skilled labour accompanied by a surplus of graduates and school-leavers, he said that it was the result of a Cyprus tradition that families tried to provide the best possible education, including a university education, for their children. Unfortunately, the universities did produce graduates who were unable to find employment, while some industries, for instance the construction and manufacturing industries, found it difficult to recruit staff with appropriate qualifications. There was no real contradiction involved, but better planning was needed.

25. In reply to questions from the representative of Finland relating to the Trade Unions Law 1965, he said that article 2 meant that sympathy strikes were not legally protected - in other words, legal and constitutional remedies did not apply. It did not mean that sympathy strikes were prohibited. He regretted that he did not know the answer to the question about the frequency of inspections of individual premises and equipment. He would ensure that the next report covered the matter. The size of the labour force in 1977 had been 186,500.

26. With regard to the question asked by the representative of the Union of Soviet Socialist Republics, he said that he was sure that the Working Group appreciated the magnitude of employment problems in Cyprus. Following the events of 1974 about one third of the population had become refugees and thus lost their

(Mr. Stephanides, Cyprus)

livelihood. The Government had taken steps to increase employment by providing guaranteed loans, encouraging export-oriented light industries in non-occupied areas, and concentrating on sectors of the economy which had development potential. As a result not only had at least temporary employment been found for refugees, but there was a shortage of skilled workers because of the success of those light industries. The unemployment rate was approximately 2 per cent.

27. Replying to a question from the representative of Ecuador, he said that all Cypriots had the right to enroll in vocational training centres, and that poorer students were not charged fees. The ability of the student was the criterion for entry.

28. Turning to the comments made by the representative of ILO, he said that his Government had always maintained a productive dialogue with ILO, and had ratified many important ILO Conventions. Since 1974 his Government had, however, been unable to implement the provisions of those Conventions in areas under Turkish military occupation. As a gesture of goodwill, the President of Cyprus had recently announced that social insurance contributions made by Turkish Cypriots would entitle them to benefits. In fact, any contributions by Turkish Cypriots which had been regularly maintained over a period of years had always been credited to them and benefits were granted to insured Turkish Cypriots.

ORGANIZATION OF WORK

29. The CHAIRMAN said that the Government of the Syrian Arab Republic had requested that consideration of its report should be postponed until the following session. If he heard no objection, he would take it that the Working Group acceded to that request.

30. It was so decided.

The meeting rose at 5.06 p.m.