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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 Friday, 27 April 1984, at 10 a.m.

Chairman: Mr. BENDIX (Denmark)

CONTENTS

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)

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The meeting was called to order at 10.20 a.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)

(a) SECOND PERIODIC REPORTS

Report of Denmark (E/1984/7/Add.11)

1. At the invitation of the Chairman, Mr. Hoppe (Denmark) took a place at the table.

2. Mr. HOPPE (Denmark) said that the second periodic report of Denmark (E/1984/7/Add.11) should be read in conjunction with the initial report (E/1978/8/Add.13). Basically, the legal framework for the implementation of the Covenant had remained the same since the submission of the initial report.

3. Denmark was a small but highly industrialized and relatively densely populated country with approximately 5.1 million inhabitants. During the past 30 years, employment in agriculture had fallen from approximately 25 per cent to under 7 per cent of the economically active population and the labour force had increased from approximately 2 million in 1950 to 2.7 million in 1980. In that period, the percentage of women in the labour force had increased from approximately 32 per cent to approximately 44 per cent, an increase of just over 500,000.

4. With respect to the labour market, there was a strong and well-functioning central organization on the employer side. On the worker side, there were unified central trade union organizations. There were also central organizations with comparatively smaller memberships. The labour force comprised 2.7 million and the fact that both employers and employees were well organized had led to a tradition whereby a number of fields were regulated by agreements concluded between the two sides of industry. For example, there was no general legislation dealing with dismissal and there was no law on remuneration for work on public holidays.

5. Over the past 10 years, as a result of the world economic situation, there had been a sizeable number of unemployed. The unemployment insurance system was administered by insurance funds, i.e. private associations of wage-earners or salaried earners or of self-employed persons. The total number of State-recognized unemployment insurance funds was 51, comprising approximately 1 million members. The funds were closely connected with trade unions or other trade organizations, but membership in such an organization was not necessary for membership in a fund. An unemployed person was eligible for benefits for two and a half years at the rate of 90 per cent of previous earnings, subject to a general ceiling. There were now about 300,000 unemployed.

6. To help reduce unemployment, the Voluntary Early Retirement Pay Scheme and the Job Offer Scheme had been introduced in 1979 and 1978 respectively. The former should be seen primarily as a policy measure for redistributing existing jobs as

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(Mr. Hoppe, Denmark)

the withdrawal of older employees made way for young persons; it was open to all members of an unemployment insurance fund over the age of 60, subject to certain requirements. The objective of the latter Scheme was to offer the long-term unemployed jobs in an ordinary place of work and thereby retrain them and maintain their working capacity. A person had a statutory right to a job after two and a half years of unemployment. The duration of a job offer was nine months in the private sector and seven months in the public sector.

7. Mr. TEXIER (France) said that the report showed that Denmark had made a special effort to submit reports that complied with the guidelines. The introduction contained useful information and statistics that were sometimes lacking in other reports. He hoped that other States would attempt to provide reports that were as easily readable.

8. The report also showed that Denmark was making every effort to implement the Covenant and it did not hide the difficulties encountered. Special efforts were being made to combat unemployment by providing for early retirement and the retraining of the long-term unemployed.

9. With respect to article 6 of the Covenant, on the right to work, he would like to receive more information on the special guidance schemes that had been introduced within the criminal administration.

10. With respect to article 7, paragraph 33 stated that Denmark had no minimum wage law or any other general legislation regulating the level of wages. Having studied the Swedish report, he had the impression that the northern European countries all applied the same approach of bilateral negotiations between unions and management, State participation being kept to a minimum. He also noted from the same paragraph that cost-of-living allowances had been suspended until 1985 and he wondered what the reasons were.

11. He was interested in the delegation of criminal liability by an employer to work managers, supervisors or other qualified superiors referred to in paragraph 50. In France, there had been a major debate on that issue and many felt that that liability should not be delegated, but that the head of a company should be held responsible, whereas many others, perhaps a majority, thought it possible to delegate that responsibility, and he wondered whether such a controversy existed in Denmark.

12. With regard to rest periods and rest days, referred to in paragraph 53, he would like to know the length of the average working day. It seemed that occupational accidents had increased in the period 1980-1981 and he would like to receive information on the longer-term trends in that regard.

13. With respect to article 9, he had the impression that the State was making the individual increasingly responsible for social security and reducing its own role to a minimum. That seemed to be the case in most northern European countries and he wondered whether a conscious effort was being made to decrease benefits and shift more of the responsibility to the private sector.

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14. Mr. KORDS (German Democratic Republic) said that he fully shared the views of the expert from France concerning the merits of the report.

15. The introduction showed that, to judge from the gross national product, Denmark was a highly developed country and it was therefore natural that it took measures that were beyond the capabilities of other countries. He would have liked, however, some information on the implementation of articles 1 to 5 of the Covenant.

16. It was clear that there had been a change in the structure of the economy towards more industrialization. However, he was astonished that only about 7 per cent of the labour force worked in agriculture, a sector important to Denmark's economy.

17. Paragraph 3 referred to Greenland and the Faroe Islands and he would like to know what measures were being taken to implement the Covenant in those territories.

18. With respect to article 6, the report mentioned various employment guidance schemes and he wished to know whether any guidance system existed in the agricultural sector, how farmers were trained and whether there were any relevant programmes.

19. On the subject of safety conditions, paragraph 71 stated that agriculture and forestry were the most dangerous activities. He wished to know what the reasons were for that situation; whether that was a sign of under-qualification, because farm workers were usually unskilled people; whether there were established hours for the work-day; and whether provision was made for leisure and rest for farm workers.

20. With respect to article 8, he wished to know whether there were any trade unions for farm, forestry and fishery workers and, if so, what the role of the unions was in negotiating contracts, wages, rest periods and leisure time. Was there any possibility for workers on small farms to join trade unions?

21. Concerning article 9, he would like to have some information as to whether there were special social security regulations covering farm workers and their families. Did they receive sick benefits, maternity leave and pensions?

22. Members of the Working Group always appreciated the efforts of Governments to comply with the Covenant, and the report showed that Denmark was bent on meeting its responsibilities in that regard.

23. Mr. IIYAMA (Japan) said that the report showed that Denmark was making a tremendous effort to implement the Covenant. The form and substance of the report were commendable and could serve as an example for others.

24. He too was surprised to learn that only 7 per cent of the labour force was employed in agriculture and wished to know what the ratio of total production in agriculture was to GNP.

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(Mr. Iiyama, Japan)

25. With respect to article 6, it seemed that the goal of the educational and vocational schemes was to train workers while still in school. He wondered whether enterprises co-operated in training students and whether they trained newly recruited young workers. He also wished to know why there was no legislation dealing with remuneration.

26. With respect to article 8, since wages were fixed by collective bargaining, he wondered how the wages of non-union members were determined. In addition, how often had the right to strike been exercised in the past few years and, if there had been strikes, what were the reasons? Finally, he wished to know whether there was any established machinery for settling labour disputes.

27. Mrs. JIMENEZ BUTRAGUEÑO (Spain) said that she was especially pleased with the report because it suggested solutions to many problems which her country shared with Denmark. One thing which it lacked, however, was statistics on the percentage of young people and women among the unemployed. She requested clarification as to whether young people or adults were favoured in the provision of unemployment benefits. Under the Working Environment Act, working time within a 24-hour period was not normally to exceed 13 hours, but that seemed rather long and she wondered whether the Government was taking further steps to protect workers. She also inquired about the working hours of public officials.

28. She had noted with interest the option of receiving interpreters' assistance in connection with medical treatment (para. 99) and asked whether it was intended to serve the needs of foreigners or of the Danish population. The general retirement age was 67 years for men and married women and 62 years for single women (para. 147) - why were married women considered more robust than single women? Were working women also entitled to receive the widow's pension mentioned in paragraph 149?

29. Finally, she wished to have more information on Act No. 161 of 12 April 1981 and to know whether Denmark's entry into the European Economic Community had made it necessary to amend Danish legislation in line with Community regulations.

30. Mr. BEN HAMIDA (Tunisia) said that the Danish Government was obviously making every effort to promote human rights, especially in terms of job opportunities for young people and vocational training programmes. He had noted with interest the reference to the Public Employment Service (para. 22) and requested a more detailed description of its role, functions and powers. He would welcome clarification concerning "individual guidance" (paras. 17 and 18) and what bodies or individuals provided it. One of the conditions for receiving unemployment benefits was that the applicant must not have been involved in a strike (para. 182 (e)). He wondered if the qualification "illegal" had inadvertently been omitted.

31. Mr. SVIRIDOV (Union of Soviet Socialist Republics) said that, although the reference material was available for consultation in the original language, it should also be made available in at least one of the working languages.

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(Mr. Sviridov, USSR)

32. The report furnished much information which proved that the Danish Government took its obligations under the Covenant seriously; for example, in the period 1977-1982, 47 acts and orders on safe and healthy working conditions had been issued (para. 42). The report referred frankly to the difficulties encountered in implementing the Covenant: cost-of-living allowances had been suspended until January 1985 (para. 33) and there were certain social ills, such as unemployment.

33. He would welcome information on unemployment trends over the past three years and the percentage of unemployed within the able-bodied population. The statement, in paragraph 31, that the report included statistical information on unemployment but that there were no statistics on the level of underemployment seemed contradictory and he requested clarification. Since Denmark had no minimum wage or any other general legislation regulating the level of wages (para. 33), he wondered whether the Government played a role in the negotiations which determined wages; after all, article 7 of the Covenant obliged Governments to ensure that all workers received a fair minimum wage.

34. He requested clarification of the statement that the number of workers directly covered by a collective agreement between the Danish Federation of Trade Unions and the Danish Employers' Confederation was fairly limited compared with the total size of the labour force (para. 35): did that mean that only a small number of workers were members of those organizations, or that collective agreements covered only a certain part of the work force?

35. He questioned the justification for enabling employers to delegate the criminal liability imposed on them to work managers, supervisors or other qualified superiors (para. 50). Such a procedure was inconceivable in his own country and appeared to contradict the very concept of the rights of workers. He asked whether the Government was considering taking any steps to limit the employer's ability to evade responsibility.

36. He requested clarification of the remark that only about 40 per cent of the occupational accidents that had occurred in 1980 had been reported (para. 65) and asked whether the same system of reporting prevailed throughout the country. What was the cash amount of the maternity benefit mentioned in paragraph 118?

37. He agreed with Mrs. Jimenez Butragueño that the retirement ages for men and women were surprising and asked if the Government was considering taking any steps to reduce the pensionable age for married women to that of single women.

38. Mr. MITREV (Bulgaria) said that the report demonstrated that Denmark was making a conscientious effort to implement the Covenant. The introduction (para. 3) mentioned that the Kingdom of Denmark consisted of three parts, and he asked whether legislation relating to articles 6 to 9 of the Covenant and labour practices, including wages and safety standards, were identical in the three parts. As economic problems had brought about a review of the welfare provisions since the preparation of the first report (para. 7), he requested information on recent unemployment trends and on government policy concerning unemployment. Since

(Mr. Mitrev, Bulgaria)

there were no regulations governing wages, and they were negotiated among what appeared to be a limited number of workers and their employers, he asked how the Government ensured that that did not violate its obligations under the Covenant. Clarification on the flexible system under which wages were fixed on a personal basis (para. 39) would be appreciated. He inquired about the role of the trade safety councils (para. 45) and whether employees, employers and trade unions participated in them. How did trade unions help to monitor safety conditions, and could they stop work in shops where conditions were unsafe through bargaining rather than by resorting to a strike? Noting from paragraph 64 that there was a high incidence of under-reporting of occupational accidents, he asked whether the reporting procedures inconvenienced employees or employers.

39. While paragraph 60 stated that the Working Environment Act empowered the Minister of Labour to set higher age limits for young persons engaged in dangerous work, it went on to say that the orders issued under previous legislation on the protection of workers remained in force. He therefore wished to know whether persons between the ages of 15 and 18 were prevented from engaging in such work. Since the report also noted that such orders had been issued in some sectors of employment, it would be useful to know the general situation concerning that provision of the Act.

40. Paragraph 88 stated that an employee who had been unlawfully dismissed was entitled to compensation, but would the employee also be reinstated in his original job?

41. From paragraph 91, it appeared that membership in an organization was a condition for holding certain jobs, although not necessarily for obtaining those jobs. He asked what those organizations were and why such legal provisions existed. The information in paragraph 103 regarding subsidies for drugs gave a generally positive picture of that process, but he wished to know whether drug prices were regulated by the Government or whether certain drugs were exempt from Government control.

42. Mr. JATIVA (Ecuador) noted that paragraph 35 indicated that the proportion of the Danish labour force belonging to trade unions was relatively small, while paragraph 91 seemed to indicate that union membership was a requisite for many jobs. Paragraph 85 stated that employees who were dismissed after making claims for equal treatment were eligible for compensation. However, he wondered whether it might not be preferable, in view of the serious nature of the current unemployment problem, to give employees the right to demand reinstatement rather than to receive a financial compensation. Finally, he asked whether solidarity strikes were permissible and, if so, whether the representative of Denmark could provide more details.

43. Mr. Hoppe (Denmark) withdrew.

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Report of Finland (E/1984/7/Add.14)

44. At the invitation of the Chairman, Mr. Salmenperä (Finland) took a place at the table.

45. Mr. SALMENPERÄ (Finland) said that developments in the Finnish economy had been relatively favourable in comparison with other European countries during the four-year period since Finland's initial periodic report had been considered. Inflation remained a problem, however, remained a problem as a result of currency devaluations and expansionary fiscal and monetary policies. Consumer prices had increased at the relatively high rate of 9.3 per cent in 1983; however, it was expected that with the recent comprehensive wage settlement the inflation rate could be reduced to 6 per cent during 1984.

46. From 1980 to 1983 the rate of unemployment had risen slowly but steadily, although it remained well below the European average. Schemes such as the provision of subsidies to municipalities and private employers offering work to the unemployed and special efforts on behalf of the young and the long-term unemployed were unlikely to reduce the unemployment rate significantly. Continuing unemployment was due largely to a steadily growing labour force, which had increased by 45,000 in 1982 and 20,000 in 1983 largely because of women's increasing participation in the country's work life. The legislation on employment security would enter into force on 1 September 1984. The new Employment Act provided that, after maternity leave, an employee had the right to return to her previous position or to hold a comparable job.

47. In connection with the comprehensive wage settlement of 1984 a bill on strike fines had been submitted to Parliament, providing that the maximum imposed for striking or other measures in violation of a collective agreement would be raised, for the first time since 1946, to 90,000 markkaa.

48. Social security benefits had traditionally been exempt from tax in Finland. Employment pensions and accident insurance compensations, on the other hand, were considered taxable income while at the same time causing a reduction in all other social insurance benefits. That situation had led to considerable administrative difficulties, which in turn had distorted the amounts of benefits. It had therefore been considered necessary to make taxable all social insurance benefits intended as income. The revision of the pertinent legislation had been carried out gradually from 1981 to 1984. In order not to impair the status of beneficiaries it had been necessary to raise the amounts of benefits once they had become taxable. Thus it was against that background that the figures for compensation levels in section IV of the report should be assessed. Since the initial report, increases in social security benefits had ranged from 40 to several hundred per cent. Some 23 per cent of national output was allocated for social expenditures, and the rate of inflation for the period under consideration had been roughly 40 per cent. It should also be pointed out that, when accident insurance benefits had become taxable, the criterion for granting them had been established as loss of working capacity, as reflected in the loss of earnings, rather than the previous medical concept of degree of disability.

(Mr. Salmenperä, Finland)

49. As part of the recent comprehensive wage settlement, the system of two types of unemployment grants described in the initial report had been renewed; however, a recent parliamentary bill provided for coherent legislation on unemployment relief. At the same time, unemployment compensation would become dependent upon the earnings of those belonging to an unemployment security fund. That meant that, within the average salary range, approximately 60 per cent of previous income would be covered by unemployment allowance. When an individual's salary exceeded a certain limit, the proportion of the allowance was progressively reduced. Persons not members of an unemployment security fund would receive a fixed daily allowance amounting to 70 markkaa per day. The new allowances would be considered taxable income and would be paid to foreigners and citizens alike.

50. The Government had decided in 1978 that pension reform should be carried out in stages until 1985. A Pension Act had been passed in Parliament in 1982, providing that a minimum pension would be developed that was not tied, as in the past, to the beneficiary's income and property. Instead, other pensions and similar regular payments would be taken into account so that they reduced the government pension by 50 per cent of the amount whereby they exceeded a fixed limit. That reform would increase public expenditure by an estimated 3 billion markkaa annually.

51. Mr. TEXIER (France) praised the excellent quality of the report which showed Finland's willingness to do its utmost to implement the Covenant. In addition, the information provided by the representative of Finland in his presentation was a useful supplement. The report was well documented with quantitative data, particularly in the case of the information on strikes contained in paragraph 28. That information, which, as he understood it, was being provided for the first time in a periodic report, was significant in that it demonstrated the degree of aggressiveness of Finnish trade unions and also gave a clear picture of social relations.

52. The report referred to a number of ILO Conventions without any indication of the Government's position thereon. While the annexes contained much valuable statistical information, more such information might have been incorporated into the body of the report. Of particular value was the final section dealing with questions raised regarding the initial report.

53. He wished to have more specific information on the Employment Act referred to in paragraph 2. The work placement programme described in paragraph 4 for the long-term unemployed was of particular interest and more detailed information would be appreciated.

54. With regard to article 7 of the Covenant, paragraph 7 of the report stated that part-time work was becoming increasingly common. He wished to know whether that trend was the result of a choice on the part of working people or whether it was an economic necessity. In the matter of safe and healthy working conditions, he asked how the Special Act on Occupational Health was being implemented and whether any difficulties had been experienced in its implementation.

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(Mr. Texier, France)

55. He would be interested to learn about the functions and powers of the Council of State, decisions of which were mentioned in paragraph 12, since the nature of similarly named bodies varied from country to country. The decrease in the number of accidental deaths, reflected in the table on page 5, was commendable.

56. Noting from paragraph 16 that Finland had not yet ratified the Convention on the Elimination of Discrimination against Women, he asked whether the Government intended to do so only when the appropriate legislation was in place and, if so, how the preparation of such legislation was progressing.

57. Welcoming the extension of annual holidays, referred to in paragraph 19, he sought clarification on the length of the working week, particularly with respect to workers who did not have the 36-hour week applicable in certain sectors of the economy.

58. Referring to the table in paragraph 28, he asked why the number of strikes for 1980 was considerably larger than that for other years.

59. Noting from paragraph 29 that the reimbursement rate for the cost of prescription medicines was 60 per cent, he asked whether that rate had been in force for a long time or whether there had been any recent legislative changes. If the rate had changed, he would like to know whether it had increased or decreased.

60. Mr. IIYAMA (Japan) said that the report was satisfactory and followed the applicable guidelines. It would be useful if copies of the introductory statement of the representative of Finland were to be made available to the Working Group.

61. Referring to paragraph 4, he said that he would like to know the extent of youth employment and to have some information on the projects for eliminating it.

62. With regard to paragraph 7, he said that, in France, most part-time work was done by women who, having left their jobs, wished to return to work but could not find full-time employment. He wondered whether the same situation prevailed in Finland.

63. With reference to safe and healthy working conditions, he asked whether employees provided information to their employers on such conditions through trade unions or some other mechanism.

64. Like the expert from France, he would like to know why there had been so many strikes in 1980 and what the major causes had been.

65. Mr. SVIRIDOV (Union of Soviet Socialist Republics) welcomed the report and the additional information in the introductory statement of the representative of Finland. It was commendable that Finland should be submitting its second report while a number of countries had not even submitted their initial reports.

(Mr. Sviridov, USSR)

66. He would like additional information on youth unemployment and the measures to eliminate it. Although the unemployment rate in Finland was less than that of other developed market-economy countries, it was still relatively high and a matter of some concern.

67. He welcomed the specific information on the implementation of article 7 and felt that the decisions referred to in paragraph 12 showed that the process of developing legislation to ensure full enjoyment of the rights set forth in the Covenant was continuing. Noting that paragraph 14 mentioned an increase in occupational diseases, while paragraph 13 referred to a decline in industrial accidents, he said that he would like to know more about the current state of occupational health in Finland.

68. He would also like to know what the prospects were for ratification by Finland of the Convention on the Elimination of All Forms of Discrimination against Women.

69. Referring to old-age benefits, he asked whether the size of pensions was based on a percentage of previous wages or on other criteria. Noting that paragraph 36 referred to the "first cost-of-living index region", he asked how many such regions there were and what the prevailing conditions were.

70. In conclusion, he said that the report showed the measures taken by Finland to fulfil its obligations under the Covenant.

71. Mrs. JIMENEZ BUTRAGUEÑO (Spain) said that the report and the introductory statement were both very useful. It would, however, be interesting to know the unemployment rate among women and young people.

72. Referring to paragraph 16, she asked what sort of discrimination women experienced in the labour market.

73. While commending the efforts made by Finland to improve employment security, referred to in paragraph 5, she recognized that that was a very difficult task, especially in times of economic crisis.

74. She would like to know whether the social security reforms mentioned by the representative of Finland would result in entitlements being based on contributions rather than on income, and whether pensions would increase or decrease as a result of that reform. She would also like to know whether the disability pension and unemployment benefit schemes were contributory.

75. Mr. MITREV (Bulgaria) said that the report under consideration was well prepared and, taken in conjunction with the initial report, presented a comprehensive picture of the implementation of articles 6 to 9 of the Covenant.

76. He would like to know more about the Government's general policy on unemployment, the rate of which was relatively high for Finland, although lower than that of other developed market-economy countries in Europe.

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(Mr. Mitrev, Bulgaria)

77. He asked whether there were any provision for monitoring the implementation of the Act on Occupational Health, referred to paragraph 9, and, if so, who was responsible. It would be interesting to know the role of trade unions and their rights under that Act.

78. The implementation of article 9 was satisfactorily covered in the report, which reflected the serious efforts being made by the Government.

79. On a more general point, he said that, since it was often difficult for Governments whose legislation was not drafted in one of the working languages of the United Nations to provide full translations into one of those languages, it was preferable that such documents should be provided as annexes to the report, with the reporting State providing a summary of their subject-matter within the report itself.

80. Referring to the statistics on the right to strike, he said that the exercise of that right was not in itself a positive factor. While it was important to have such a right, it was not a good thing to be compelled by economic circumstances to exercise it too often. The increase in the number of strikes in 1980 seemed to indicate a disturbance in the normal process of labour relations.

81. The CHAIRMAN, speaking as the expert from Denmark, commended the Government of Finland on its report. He looked forward to the submission of its third report, by which time the legislation mentioned in the second report would have been adopted.

82. As to the form of the report, he recalled that the Working Group would appreciate some reference to articles 1 to 5 of the Covenant, as well as information on Finland's demographic composition.

83. Referring to the table on page 5, he welcomed the decrease in the number of work-related accidents and deaths. However, accidents involving farmers and self-employed persons had not been included in the statistics and it would be interesting to know the proportion of such persons in the total labour force.

84. Denmark had had the same experience as Finland with regard to ratifying the Convention on the Elimination of All Forms of Discrimination against Women. He would, however, like to know when Finland intended to pass the appropriate legislation so that it could ratify the Convention. He would also like to know more about the problems encountered by Finland, such as those associated with providing appropriate rest-rooms and changing facilities at the work place.

85. Paragraph 19 provided a good example of how trade unions and collective agreements could improve on legislation.

86. He would appreciate some explanation for the slow progress in the reform of the Penal Code, mentioned in paragraph 23, and wondered whether the delay had anything to do with the ethnic minorities in Finland.

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(The Chairman)

87. He would also like to know more about industrial democracy, referred to in paragraph 24, particularly with respect to the composition and functioning of the special committee mentioned therein.

88. In conclusion, he said that it should be made clear that the phrase "the original language" in the footnote on page 10 meant the language in which the report was submitted.

The meeting rose at 1.10 p.m.