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

SUMMARY RECORD OF THE 7th MEETING

Held at Headquarters, New York,
on Wednesday, 16 April 1980, at 3 p.m.

Chairman: Mr. VOLLERS (Federal Republic of Germany)

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by States Parties to the Covenant concerning rights covered by articles 6 to 9
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The meeting was called to order at 3.25 p.m.

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

Report of Hungary (E/1978/8/Add.7)

1. Mr. HOLLAI (Hungary) reminded members of the Working Group that his country had been among the first to ratify the International Covenant on Economic, Social and Cultural Rights. The rights covered by the Covenant were in accordance with the principles of the Hungarian Government and ruling party and had been a matter of policy and daily practice before the Covenant came into force. As a result of the transformation of society following the Second World War and tremendous achievements in industrialization, it had been possible to abolish unemployment in what had previously been described as a nation of 3 million beggars. Work had been provided to all its people so that they could make their contribution to building Hungarian society. Social security, including free medical benefits, had been instituted for all sectors of the population. The Government believed that it was its duty to ensure that the living standards of the population kept pace with the country's economic and social progress.
2. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) said that he had noted from the part of the report concerning article 7 that a worker who changed his place of work initially received a lower basic wage than others performing the same work. He wondered whether that was consistent with the constitutional right to equality of opportunity and qualification referred to elsewhere in the report.
3. Mr. SALMENPERÄ (Finland) asked for information on the exact nature of the possible restrictions on an enterprise's right of dismissal referred to in the report in connexion with article 6. It would also be interesting to know what relationship existed between the various labour protection authorities and the trade unions and what machinery existed for settling any disputes between them or between trade unions and management.
4. Mr. AL-KAISI (Iraq) said that the report was in general encouraging. However, while it was easy to talk about the role of Hungary's working masses in building society on the basis of the principles being pursued by the ruling party, it was more difficult to understand how that worked out in practice. Every right carried with it an obligation; the right to employment was balanced by the duties and obligations placed on the worker. The two could not be separated. Where the difficulty arose was in gaining acceptance of the idea that work was a social obligation; to do that, legislation was not enough, the concept had to be put into practice. In the complex modern world, it was difficult successfully to apply a philosophy of that kind and to ensure that people both enjoyed their rights and served society; neither objective should have precedence over the other. If the individual was allowed to enjoy full human rights without the associated duties and obligations, society would be based on self-interest and it would prove impossible to achieve the goals that a society like that of Hungary had set itself.

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5. Mr. VOICU (Romania) said that it was important to realize that enjoyment of full economic, social and cultural rights in Hungary had pre-dated the International Covenant.

6. Mr. BYKOV (Union of Soviet Socialist Republics) observed that the report was comprehensive and well-documented. It provided abundant proof that everything possible was being done in Hungary for the good of the individual and for the purpose of raising the living standards of the workers.

7. Mr. SAMSON (International Labour Organisation) said that the ILO's comments on the Hungarian report were to be found in document E/1978/27. Several further reports from the Hungarian Government had been received and analysed since 1978; they included information, requested in connexion with the Employment Policy Convention, 1964, on further rationalization of the use of the labour force and adaptation to structural changes. ILO had also been involved in a project in Hungary on the subject of work organization. The Committee of Experts had sought and received further information on legislation on monitoring the access of women to senior positions in pursuance of the Discrimination (Employment and Occupation) Convention, 1958. The Committee of Experts was pursuing its dialogue with the Hungarian Government with regard to the right to form trade unions and the right to strike, pursuant to article 8 of the Covenant.

8. Mr. HOLLAI (Hungary) replying to the representative of the Libyan Arab Jamahiriya, said that equality of opportunity for promotion was indeed a constitutional right; of course, if there were two equally qualified candidates for a single post, it would be impossible to accommodate both of them. The provisions which applied when a worker changed his place of work were intended to protect workers already employed by the enterprise in question. If the new worker had better qualifications, he would receive higher wages, but if his qualifications were the same as those of existing employees, it was considered that, in fairness to them, the new recruit should initially receive a lower wage.

9. Replying to the questions asked by the representative of Finland, he said that restrictions on dismissal were described very fully in the relevant section of the report (E/1978/8/Add.7), which also cited the applicable provisions of the Labour Code. The purpose was to defend the rights of workers by ensuring that they could not be dismissed without sufficient grounds. There were several ways of resolving differences between trade unions and other authorities or between unions and management. All enterprises had workers' or trade union committees and joint meetings were held with management, in addition to periodic meetings between the Government and the trade union leadership. At the factory level, the trade unions actually had a veto on some issues, such as the allocation of funds for sport and recreation. In general, any friction that arose was dealt with through discussion.

10. The representative of Iraq had touched upon an eternal problem that was not purely philosophical. The question was how to organize society in such a way that workers were sufficiently conscious of the individual contribution they had to make to further the economic and political interests involved in building that society. The better a Government could feel the pulse of its workers and its society, and balance the individual's duties with full social, economic and cultural rights, the

(Mr. Hollai, Hungary)

better it would govern. While article 45 of the Constitution of the People's Republic guaranteed all citizens the right to work, under article 68 they were called upon conscientiously to discharge their functions in respect of participation in the management of public affairs. The rights and duties of citizens were laid down in the Constitution and in the laws which governed the conduct of policy.

Report of Mongolia (E/1978/8/Add.6)

11. Mrs. NAVCHA (Observer for Mongolia) said that her Government attached great importance to ensuring and safeguarding basic human rights and fundamental freedoms for all citizens. It was because of its concern for those rights that her Government had ratified both the human rights Covenants. The civil rights and freedoms enshrined in the Constitution were also implemented in practice. The relevant legislation provided for the material well-being of all workers, and that objective was also embodied in the current five-year plan.

12. The Constitution of Mongolia guaranteed the right to work and to receive appropriate remuneration. Workers had the right to just and favourable terms of employment, social insurance, education, medical assistance and other related benefits. There was no discrimination in employment. In 1974 legislation had been passed to improve working conditions and safety measures. There was also legislation which provided for education and training to improve the productivity of workers.

13. Mr. SALMENPERÄ (Finland), referring to the information in the report on annual leave with pay, asked what the basic leave allowance was for different groups of workers.

14. Mr. HAYCOCK (Barbados) said that he had noted a reference in the section of the report dealing with article 6 to the prohibition of any unjustified refusal to grant a job. He asked what would constitute an unjust refusal and what machinery was used for dealing with such situations. In the same section it was stated that if an enterprise, institution or organization was closed down completely, certain categories of employees could be dismissed but had to be provided with alternative employment. He asked who was responsible for dismissals in such cases and what machinery was used to find alternative employment. He would also welcome clarification of the reference in the section of the report dealing with article 7 to the fact that the working people managed enterprises, and would like more detailed information on the content of the labour agreements mentioned in the same section.

15. Mr. VOICU (Romania) said that his delegation was impressed by the very detailed report of Mongolia, which gave a clear picture of the measures taken by the Mongolian Government to promote the right to work and guarantee the economic, social and cultural rights of workers. He had no questions to ask, but wished to stress the importance of the legislation which prohibited any unjustified refusal to grant a job, thus ensuring productive employment for all citizens.

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16. Mr. BYKOV (Union of Soviet Socialist Republics) thanked the representative of Mongolia for her detailed introduction of the report, which gave a full picture of the situation in Mongolia with regard to implementation of the rights covered by articles 6 to 9 of the Covenant. The Mongolian Government guaranteed the right to work, to social security and appropriate remuneration, and had eliminated unemployment. It was also gratifying to note that as a result of measures taken by the State, more than 60 per cent of the workers had completed secondary or higher education and more than 70 percent had some qualification. His delegation found nothing in the Mongolian report that required clarification.

17. Mr. RANGACHARI (India) said that he had visited Mongolia and had been very impressed with the progress he had seen. There were few points which he wished to have clarified. In connexion with Article 7, the report stated that there was a ban on employing women in work performed under difficult or dangerous conditions or in work underground. In connexion with article 9, however, it was stated that women who had worked for 15 years, 7 years 6 months of which must have been spent as a manual or non-manual worker employed underground or in tasks involving hot or dangerous conditions, were entitled to a pension when they reached 45 years of age. A similar provision applied to women who had worked for at least 20 years, not less than 10 of which must have been spent in "other jobs involving difficult working conditions". He would welcome an explanation of the discrepancy.

18. In conclusion, he asked whether social security covered only workers in the industrial sector or whether agricultural workers were also covered.

19. Mr. SAMSON (International Labour Organization) said that, as was pointed out in the report of the Committee of Experts (E/1978/27), Mongolia had ratified the employment policy convention. The first report on the application of that Convention had been received and examined by the Committee in 1979. Questions of an essentially technical nature had been put to the Government and the information received by the Committee would be reflected in subsequent reports.

20. The 1978 report also referred to questions regarding the application of the Discrimination (Employment and Occupation) Convention; the Government had replied to most of those questions. The Committee had noted that the Mongolian Labour Code contained provisions to prevent discrimination on the basis of religion and had sought additional information on the guarantees which ensured that there was no discrimination on the basis of political opinion.

21. With regard to rest, limitation of working hours and holidays with pay, the Committee had asked for additional information on the protection of workers not covered by the Labour Code. It had mentioned, inter alia, the question of limitation of working hours in agricultural occupations, a problem which had been noted by the Committee in a number of countries.

22. With regard to Article 8, the Committee had received a further reply from the Government regarding the implementation of the Freedom of Association and Protection of the Right to Organize Convention. Dialogue with the Government on that subject was continuing and would be reflected in a further report.

(Mr. Samson, ILO)

23. With regard to article 9, the Committee had requested information concerning the Maternity Protection Convention, particularly with regard to the protection of women workers in the agricultural sector.

24. Mrs. HAVCHA (Mongolia) thanked members for their favourable reaction to her Government's report. In reply to the question concerning paid leave, she said that manual and non-manual workers received annual leave with pay, as was stated in the report. In 1974 the duration of their basic leave had been extended by three days. Additional leave was granted to persons working in difficult or dangerous conditions, working irregular hours, or working underground. Workers also received additional leave after specified periods of uninterrupted service. In replying to the question about the prohibition of any unjustified refusal to grant a job, she said that under article 12 of the Labour Code any direct or indirect restriction of rights or preferential treatment in granting jobs on the grounds of sex, race, nationality or religious beliefs was considered unjustified.

25. With regard to the question on worker management of enterprises, she said that in any socialist democracy workers participated actively in collective management. The machinery consisted of a collective agreement which dealt with such matters as mutual obligations, hours of work, remuneration, the working environment and food services. It also dealt with measures to increase output and the rights and obligations of management and workers. The collective agreement - a one-year written agreement - was an important element in the participation of workers in the management of production. When labour disputes arose, they were considered by labour dispute commissions, trade union committees and peoples courts. Details of the procedures of those bodies were given in the report.

26. With regard to the Indian representative's question concerning a possible discrepancy in the provisions on the protection of women and women's pensions, she said that she saw no discrepancy. The reference to dangerous conditions meant work in laboratories and similar conditions.

ORGANIZATION OF WORK

27. The CHAIRMAN reminded members that the time-table (E/1980/WG.1/L.1) provided for the following day's meetings to be devoted to the reports of the German Democratic Republic, Chile and the United Kingdom. A supplementary report was being submitted by Chile, but unfortunately it would not be possible to have it distributed before 21 April. In the meantime, the Spanish text and an unofficial, unedited English version would be made available to members and he hoped that members would find that acceptable.

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English

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(The Chairman)

28. He understood that the United Kingdom delegation was experiencing difficulty in bringing its expert from London. He suggested that, rather than deferring consideration of the United Kingdom report until the following session, the Working Group might agree to take it up after the report of Jamaica on 25 April. If he heard no objection, he would take it that members agreed to that procedure.

29. It was so decided.

The meeting rose at 4.55 p.m.

