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

Reports submitted in accordance with Council resolution
1988 (LX) by States Parties to the Covenant concerning
rights covered by articles 6 to 9

GERMAN DEMOCRATIC REPUBLIC

/31 October 1977

In its report submitted in 1974 (E/CN.4/1155/Add.14 of 30 April 1974) according to resolution E/1074c (XXXIX) of the Economic and Social Council the German Democratic Republic gave a detailed account on the implementation of economic, social and cultural rights. The present report should be regarded in close connexion with the above-mentioned report submitted in 1974.

According to the United Nations Secretary-General's note, the current report is to focus on articles 6 to 9 of the Covenant. In drawing it up attention was given to the guidelines attached to the note. Apart from applicable laws and regulations, the new Labour Code of the German Democratic Republic, which will come into force on 1 January 1978, has served as a major source of information. A copy of the new Labour Code has been enclosed.

I. In the German Democratic Republic the implementation of human rights plays a central role in social life. All rights are governed by the constitutional principle that political power is exercised by the working people and all efforts of society are directed toward the well-being of man. The fact that the working people have an effective share in managing production and directing society and that they are involved in the consideration of basic decisions ensures that human rights prevail in all areas of social life.

The implementation of basic political rights is closely interrelated with the granting of socio-economic rights. In social life the two form a unity. During the last few years a major policy objective of the German Democratic Republic has been the implementation of the decisions adopted at the 8th and 9th Socialist Unity Party congresses, i.e. to carry out what was defined as the main task which consists in constantly raising the material and cultural living standards and in seeking to ensure the free development of the personality and the realization of all physical and spiritual potentialities of man. This

programme reflects the purpose of socialism, i.e. to ensure a life in peace, freedom and social security for everyone.

It is a decisive feature of the socialist social system that the basic rights and freedoms established and reliably protected by law really do exist in practice. Human rights in the German Democratic Republic rest on the firm foundation of a policy that is aimed at safeguarding peace and the well-being of the people and on the fact that such a basic human right as the right to work is not only anchored as a principle of the Constitution, but has been translated into tangible reality. This right is the cornerstone of the new Labour Code. Since the new Code affects the vital interests of the working people, it was made the subject of a large-scale public debate in the course of which 5.8 million people played a constructive part in formulating its provisions. This is borne out by the fact that 147,806 proposals, suggestions and inquiries emerged from that public debate, including 39,533 amendment proposals. A large part of these proposals was taken into account in that 90 substantive and 144 drafting changes were made in the final version. Following the above-mentioned public debate the 9th Congress of the Confederation of Free German Trade Unions approved the new Labour Code, which was then adopted by the People's Chamber of the German Democratic Republic and will come into force on 1 January 1978.

In the new Code the decisive fundamental rights are elaborated further. They include the right to work, equal rights for women, the protection and advancement of the youth, the right to co-determine and co-shape social development, the right to pay according to quality and quantity, to education, leisure time and recreation, to the protection of health and working capacity, to participation in cultural life, to care in old age and when incapacitated for work, and to material security in case of illness and accidents.

II. Article 6 - The right to work

A. There are numerous legislative acts in the German Democratic Republic which are concerned with the implementation of the right to work.

Here are the most important ones:

- Constitution of the GDR of 6 April 1968 as modified by the Law amending the Constitution of 7 October 1974 (Gesetzblatt I, No. 47, p. 425)
- Labour Code of the GDR of 12 April 1961 as revised on 23 November 1966 (Gesetzblatt I, No. 15, p. 127)
- Labour Code of the GDR of 16 June 1977 (Gesetzblatt I, No. 18, p. 185)
- Law on the Council of Ministers of the GDR of 16 October 1972 (Gesetzblatt I, No. 16, p. 253)
- Law on the local popular representative bodies and their organs in the GDR of 12 July 1973 (Gesetzblatt I, No. 32, p. 313)

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- Law on the integrated socialist educational system of 25 February 1965 (Gesetzblatt I, No. 6, p. 83)
- Decree on the tasks, rights and duties of nationally-owned enterprises, combined works and associations of nationally-owned enterprises of 28 March 1973 (Gesetzblatt I, No. 15, p. 129) as amended by the decree of 27 August 1973 (Gesetzblatt I, No. 39, p. 405)
- Statute of the State Secretariat of Labour and Wages of 13 June 1973 (Gesetzblatt I, No. 35, p. 369)

B. (1) In the German Democratic Republic the right to work is looked upon as a fundamental human right which is in many ways bound up with other human rights and obligations, having a strong impact on the well-being and happiness of man.

Article 24 of the Constitution of the German Democratic Republic defines the fundamental right to work as the right to employment and to its free choice in accordance with social requirements and personal qualifications. This also includes the right to pay according to the quality and quantity of the work performed, which applies - in case of equal work output - to men and women, adults and youth alike. This purpose was also served by the further elaboration of this fundamental right both in the Labour Code of the German Democratic Republic of 1961, which is still in force, and in the new Labour Code. Closely related to this right is the one to co-determination and to active participation in shaping the political, economic, social and cultural life of the socialist community, the right to education, leisure time and recreation, protection of health and working capacity, to participation in cultural life, care in old age and when incapacitated, and to material security when ill or injured in an accident. (Articles 21, 25, 34 to 36 of the Constitution, § 2 of the Labour Code, §§ 1 to 5 of the new Labour Code).

The individual uses his right to work by concluding a labour contract with an enterprise. This contract stipulates the conditions of employment on the basis of applicable legal provisions and the enterprise collective agreement. Employment relationships may also be established by appointment or election where the law makes such a provision. In such cases, too, the consent of the employee concerned must be obtained (§ 27 of the old Labour Code in conjunction with §§ 1 and 2 of the Decree of 15 June 1961 on the procedure applicable to the appointment and recall of personnel; in future § 38, para. 2, and § 61 of the new Labour Code). Employment relationships cannot be established forcibly. Social conditions in the German Democratic Republic, its Constitution and its socialist labour legislation ensure that all citizens are treated as equals and are protected from any discrimination regarding access to employment (Article 20 of the Constitution).

(2) and (6) All economic and social programmes are designed to further raise the material and cultural living standards of the people on the basis of a high rate of development of socialist production, increased efficiency, scientific-technological progress and growing labour productivity. Full employment in the area of production is ensured through:

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- socialist ownership of the means of production;
- the management and planning of the process of social reproduction along socialist lines;
- the steady growth of socialist productive forces and of labour productivity according to plan;
- the consistent implementation of the scientific-technological revolution;
- constant efforts in the area of training and further training;
- the uniform socialist labour legislation.

In the German Democratic Republic higher labour productivity does not in any way produce job insecurity. It rather leads to improved working and living conditions, in particular, gradually to shorter working hours. There is no unemployment.

(3) Manpower planning is an essential condition for job security. Short and long-term plans of this nature are drawn up by all enterprises and institutions, economic managerial bodies and local government agencies. These plans are geared to over-all social objectives and are always embedded in the entire planning system.

The local government agencies, in particular their specialized departments - the labour boards - play an important role in deciding on the use of the available labour force by planning and supervising it both at county and at district level on the basis of national plan targets.

Special attention is also given to safeguarding the right to work for such groups as women with children, youths or working people of advanced age or of a reduced working capacity.

(4) The Constitution guarantees all young people the right to learn a vocation (Article 25). The integrated socialist educational system enables everyone to receive an education and to attend courses of further education. The Council of Ministers is responsible for compatibility and co-ordination in the training of skilled workers and of university and technical school graduates in line with political and economic requirements.

The Government's educational programmes are carried out by local government agencies within their areas of competence. They are in charge, among other things, of vocational training and career guidance, including in-service training. They co-ordinate and supervise governmental and factory-run training centres. The subject matter of vocational training is prescribed in job characteristics and syllabi that have emerged from job analyses.

Enterprises, too, are responsible for systematic career guidance and for the the polytechnical training of secondary school students preparatory to their

vocational training. In so doing, they work together with the local government agencies. Moreover, enterprises are charged with the systematic recruitment of skilled workers, management and planning of vocational training, training and in-service training, and the employment of university and technical school graduates according to plan.

(5) Socialist labour legislation protects the working people against arbitrary termination of employment. An employment relationship may unilaterally be terminated only if the grounds for giving notice accord with the law and if the competent enterprise trade union committee approves. The term of notice must be observed. In such a case an enterprise is obliged, however, to assist the employee concerned in time in the procurement of another reasonable job. Beyond that, certain groups of employees enjoy special protection against dismissal. The new Labour Code of the German Democratic Republic brings a further improvement of employees' legal security and protection against termination of employment. It is only if an employee rejects the "transfer contract" offered him that an enterprise is entitled to unilaterally terminate an employment relationship. The transfer contract - a tripartite agreement involving the employee and the enterprises concerned - is designed to ensure that the person concerned can pass on to another enterprise without difficulty. Under the new Labour Code the number of those who are entitled to special protection against termination of employment has been increased. Accordingly, enterprises are not allowed to give notice to fighters against, and persecutees of, fascism, pregnant women, nursing mothers, mothers with children of up to one year of age and during their period of leave from work following their postpartal leave, single persons with children of up to three years, conscripts and soldiers while on active service of three years and more and to all employees while on leave or incapacitated for work on account of illness, industrial accident, occupational disease or in quarantine. The previous written consent of the district council competent for an enterprise is required for giving notice to invalids, people suffering from tuberculosis or recovering from it, those being rehabilitated, employees having entered the five-year period preceding pension age, youths until they are 18 years old, and skilled workers until one year after completion of their apprenticeship. For these groups of people the period of notice is at least one month (compared to the usual minimum notice of 14 days).

C. By 1976 the percentage of the gainfully employed of working age had gone up to reach about 92.3 per cent, 49.9 per cent of whom were women. In 1976 86.6 per cent of all women of working age were in employment. There is no short-time work caused by the economic system.

III. Article 7 - The right to the enjoyment of just and favourable conditions of work

A. (1) The right to fair remuneration is ensured by the following principal laws and regulations:

- the Constitution
- the Labour Code

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- the new Labour Code
- the Decree of 29 July 1976 on the rise of minimum gross wages from 350 marks to 400 marks a month and the differentiated rise of monthly gross wages up to 500 marks (Gesetzblatt I, 1976, No. 28, p. 377)

In all industrial branches and sectors of the national economy there are collective agreements (skeleton collective agreements) based on the relevant laws and regulations. They are concluded between central government agencies or economic managerial bodies, on the one hand, and the National Executive of the Confederation of Free German Trade Unions, central executives of industrial unions, other trade unions or the county executives of the Confederation of Free German Trade Unions on the other (§ 7 of the Labour Code). Such collective agreements set forth working conditions and wage patterns applicable to the respective sector of the national economy, to groups of persons or areas, including detailed wage rates.

(2) The principle of remuneration according to performance is the basic principle governing the distribution of income in socialist society; it means "From each according to his abilities - to each according to his performance". In line with this principle, the following criteria are applied to fix wages and salaries:

- The amount of remuneration depends on the quality and quantity of the work done (§ 39, para. 3 of the Labour Code).
- Every worker has the right to equal pay for work of equal value, irrespective of age, sex, nationality, race or religion (§ 40, para. 1 of the Labour Code).
- As regards social security for the working people it is important that wage and salary rates are determined by the government together with the National Executive of the Confederation of Free German Trade Unions, taking into account differing levels of qualification and responsibility, the prevailing conditions at the respective enterprise or place of work, and that these rates are steadily on the increase as national economy growth continues on planned lines.
- The socialist State guarantees full-time workers and salaried employees a minimum monthly remuneration which represents the basis on which the lower income brackets are calculated in all sectors and enterprises of the national economy. The minimum wage level is fixed by the Council of Ministers upon consultation with the National Executive of the Confederation of Free German Trade Unions. In 1976 that level was raised from 350 to 400 marks, i.e. by 14.2 per cent, in the context of sweeping measures to improve working and living conditions.

Labour legislation is drafted and put into practice in the following way:

The Council of Ministers, within the scope of its competence, adopts the

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necessary regulations to give effect to the Labour Code either upon consultation with the National Executive of the Confederation of Free German Trade Unions or by agreement with it. The Council of Ministers also ensures the participation of the working people, their trade unions and other public organizations in the drafting and implementation of such laws and regulations.

Ministers and heads of other central government agencies, jointly with the central executives of industrial unions and other trade unions, agree the required labour law regulations in the form of skeleton collective agreements for the workers and salaried employees in their respective areas of competence.

Trade unions have a say at all levels in the elaboration and application of socialist labour law. They are entitled to verify if the rights of the working people are observed as guaranteed by law.

(3) The principle of remuneration according to performance includes the granting of bonuses. They form part of earned income and are an indicator of the extent to which an enterprise as a whole has fulfilled or overfulfilled its tasks, and of the individual's share in the over-all performance.

Working people use their right to have a say in the affairs of their enterprise, inter alia, by making suggestions as to how production could be streamlined and working conditions improved. Depending on the degree to which such suggestions are of practical value bonuses are paid to the persons who made them. Moreover, they enjoy high public appreciation as a result. (Decree on the promotion of innovators' activities within the framework of the innovators' campaign - Innovators' Decree of 21 December 1971, Gesetzblatt II, No. 1/1972, p. 1)

Working people are compensated for additional expenditures relating to their job. (§ 56 of the Labour Code). Such compensation may include allowances for assignments to assembly operations, business trips, job-related attendance at lectures or courses, and to offset additional costs arising from the need to maintain two households, or from change of domicile in the interest of the enterprise.

Owing to the fact that consumer prices for foodstuffs, services, rents, fares etc. have remained stable, no specific allowances are needed to offset higher costs of living.

(4) Higher living standards are reflected, above all, in growing earned incomes with prices for consumer goods and services remaining unchanged.

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Table showing the development of monthly earned incomes of full-time workers and salaried employees against retail prices, service charges and tariffs

Year	Average monthly earned income		Index of retail prices, service charges and tariffs
	Absolute (in marks)	Index 1970 = 100%	1970 = 100%
1970	755	100	100
1974	860	114	98.2
1976	920	122	98.4

(5) Equal rights for women in socialist society are fully ensured through their involvement in the work process and in the management of State and economy. Equal pay for work of equal value is guaranteed.

Government agencies and enterprise directors are duty bound to create the necessary conditions to enable women to go out to work, to develop their abilities and, at the same time, to live up to their noble social function as mothers (§ 123 of the Labour Code). In this connexion the following facts are worth mentioning:

- Equality of women in respect of remuneration for work is also ensured by the fact that they have the same right to education as men (Article 25 of the Constitution).
- Women enjoy special promotion in regard to their professional advancement (§ 126 of the Labour Code). Specific programmes to raise their level of qualification are worked out each year between enterprise directors and the enterprise trade union committee. (§ 127 of the Labour Code)

As a result the share of women employed in the socialist economy, who graduated from a university or technical school rose from 33 to 45 per cent between 1970 and 1976.

- Every year new crèches, kindergartens and after-school centres are set up where the children of working mothers are looked after. In 1976, out of every 1,000 children
 - 570 of under 3 years went to a crèche,
 - 874 of between 3 and 6 years attended a kindergarten, and
 - 689 pupils from grade 1 to 4 were looked after in after-school centres.

(6) As a result of the good performances of our people at work, the national economy has recorded steady progress over the past few years. This made possible

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substantial improvements in the living standard, which is reflected, inter alia, in the following facts:

- From 1971 to 1975 the net income of the population rose by an annual 4.8 per cent.
- Over the same period, a sum of 10.6 thousand million marks was spent on wage or salary increases, and on enlarging the bonus, cultural and social welfare funds. Those with minimum wages and those in the lower income brackets received raises. Moreover, persons working on priority projects under difficult conditions were given wage increases. All in all, 4 million people have benefited from measures improving their financial position.

B. (1) The concern for safe and healthy working conditions figures prominently in the GDR's labour law. This is evidenced, inter alia, by the great number of legal regulations covering this area, such as:

- the Constitution
- the Labour Code
- the new Labour Code
- the Decree to preserve and promote health at the place of work of 22 September 1962 - Labour Safety Decree - (Gesetzblatt II, No. 79, p. 703; Ber. No. 81, p. 721) as amended by the second Labour Safety Decree of 5 December 1963 (Gesetzblatt II, No. 3/1964, p. 16)
- Decree on the tasks, rights and duties of nationally-owned enterprises, combined works and associations of nationally-owned enterprises of 28 March 1973 (Gesetzblatt I, No. 15, p. 129)
- Penal Code of the GDR of 12 January 1968 (Gesetzblatt I, No. 1, p. 1)
- Second executive regulation to the labour safety decree of 23 July 1964 - elaboration and enactment of labour safety regulations (Gesetzblatt II, No. 80, p. 689) as amended by the Fourth executive regulation of 3 July 1968 (Gesetzblatt II, No. 63, p. 409)
- Decree on standardization in the GDR of 21 September 1967 - Standardization Decree (Gesetzblatt II, No. 90, p. 665)
- Sixth executive regulation to the Standardization Decree of 26 July 1974 - standardization criteria of health protection, labour safety and fire protection (Gesetzblatt I, No. 35, p. 334)
- Third executive regulation of 13 August 1964 to the Law on agricultural production co-operatives - health preservation and promotion for co-operative farmers in socialist agriculture (Gesetzblatt II, No. 86, p. 733)

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- Decree on health protection, labour safety and fire protection in craftsmen's production co-operatives of 24 November 1964 (Gesetzblatt II, No. 126, p. 1036)
- Law on the systematic implementation of socialist environmental policy in the GDR of 14 May 1970 - National environmental policy act (Gesetzblatt I, No. 12, p. 67)
- Fourth executive regulation to the national environmental policy act of 14 May 1970 - noise abatement - (Gesetzblatt II, No. 46, p. 343; Proclamation of 1 July 1970, Gesetzblatt II, No. 63, p. 461)
- Decree of 23 June 1966 concerning the further improvement of the working and living conditions of workers, and the rights of trade unions - Seventh executive regulation to the above Decree - Routine medical check-ups of workers (Gesetzblatt I, No. 61, p. 502)
- Regulation of 15 October 1973 on voluntary productive work of students above 14 years of age during their holidays (Gesetzblatt I, No. 52, p. 519)
- 200 regulations issued by heads of central government agencies on health protection, labour safety and fire protection in the handling of certain means of labour and in the use of certain working processes - Labour safety regulations, and labour safety and fire protection regulations, respectively, such as
 - Labour safety regulation No. 1 - General rules - of 23 July 1952 (Gesetzblatt, No. 106, p. 691)
 - Labour safety regulation No. 2 - protective clothing and industrial safety equipment of 22 January 1971 (Gesetzblatt II, No. 14, p. 95)
 - Labour safety and fire protection regulation No. 3/1 - safety qualities of means of labour and working processes - of 20 July 1966 (Gesetzblatt II, No. 87, p. 563)
 - Labour safety regulation No. 5 - labour safety for women and young people - of 9 August 1973 (Gesetzblatt I, No. 44, p. 465), and
- 1,000 national standards to ensure health protection, labour safety and fire protection in the handling of certain means of labour and the use of certain working processes.

(2) It is the managerial personnel at the various levels of the economy, i.e. senior staff members and enterprise directors, the heads of supervisory organs and of central government agencies that verify compliance with the laws and regulations concerning health protection and labour safety. They are assisted in their functions by specialized personnel (safety inspectors or safety inspection boards). The responsibilities of the managerial personnel are laid down, in particular, in the Labour Code and in the Labour Safety Decree.

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In line with their mandate to look after the interests of the working people the trade unions, associated in the Confederation of Free German Trade Unions, exercise extensive control functions to ensure that the laws and regulations concerning health protection and labour safety are observed.

Governmental control in this field is exercised by special control organs such as

- the National Board of Technological Supervision of the Council of Ministers of the GDR for the safety of life and health and for the protection of material assets against dangers caused by
 - high pressures
 - inflammable liquids, gases
 - high voltages
 - load lifting
- the Supreme Mining Authority of the Council of Ministers of the GDR
- the National Board of Nuclear Safety and Radiation Protection of the Council of Ministers of the GDR
- the Occupational Hygiene Inspectorate of the Ministry of Health, the occupational hygiene committees at county and district level and enterprise health facilities
- the State Building Supervision Department of the Ministry of Construction and its subdivisions at county and district council level
- the Central Railways Supervision Department of the Ministry of Transport
- Fire protection agencies attached to the Ministry of the Interior
- the Ministry of Environment and Water Resources

(3) All jobs in the German Democratic Republic are subject to essentially the same legally binding labour safety requirements. Likewise, all working people enjoy the same comprehensive rights and have to observe the same general rules of conduct with respect to labour safety.

It is to be noted that the prescribed design characteristics, dimensions and maximum permissible margins are based on the latest findings in science and technology and, when compared internationally, reflect very high safety standards, the consistent application of which naturally involves high demands on the available equipment, on process engineering and on the organizational capacity of the national economy.

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All managerial personnel are bound by law to see to it that labour safety is constantly improved and that work hazards are reduced.

Special protective measures are enjoyed by working women, especially pregnant and nursing mothers, and by young people under 18. These groups of persons are subject to strict limits as to permissible strain, working hours and occupations.

Workers still exposed to work or health hazards also receive extensive care under industrial medicine schemes, e.g. in the form of compulsory fitness tests and other periodical medical check-ups. Moreover, they benefit from various measures under the social welfare programme.

(4) Statistical or other information concerning the number, nature and frequency of occupational accidents and cases of occupational diseases:

Occupational accidents

The steady decline in the number of notifiable occupational accidents that has been recorded in the German Democratic Republic over the past few years reflects the policy pursued by the Socialist Unity Party of Germany and the Government to secure the well-being of the people, and testifies to the effectiveness of the measures taken in respect of health protection and labour safety.

Notifiable occupational accidents (entailing more than 3 days of incapacity for work)		1971	1975	1976
Number		331,640	276,937	276,908
Frequency per 1,000 employed		40.35	32.96	32.64

C. (1) and (2) As set forth above in the context of Article 6, the Constitution gives all citizens the basic rights to work (Article 24 of the Constitution), to education (Article 25), to full participation in shaping the political, economic, social and cultural life of the community (Article 21), and others. All citizens are equal before the law (Article 20). The right to work implies the right to employment in accordance with personal qualifications and social requirements. The right to education includes the right of every youth to learn a vocation.

Enterprises have the legal duty to make provision for and organize the basic and advanced training of their personnel in such a manner that the latter may ever better meet growing requirements and develop their potentialities. Enterprises are obligated to enlist the participation of workers and salaried employees in training or advanced training programmes and to assist them. In this connexion due account is to be taken of the personal interests of the individual concerned, his or her aptitude for the envisaged job, personal stature, level of qualification, job experience, maturity, and capacity. Upon successful completion of such a

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course, the enterprise agrees with the person concerned on such an assignment as will correspond to the new level of qualification and meet social requirements.

(3) No difficulties have been encountered in the realization of this right.

D. (1) The right to rest and leisure is ensured by the following legislation:

- the Constitution
- the Labour Code
- the new Labour Code
- Decree of 29 June 1961 concerning working hours and periodic holidays (Gesetzblatt II, No. 41, p. 263)
- Decree of 3 May 1967 concerning the introduction of the five-day working week and reduced weekly working hours in conjunction with newly regulated working hours in connexion with public holidays (Gesetzblatt II, No. 38, p. 237) as amended by the Decree of 25 September 1968 concerning the regulation of working hours in connexion with public holidays (Gesetzblatt II, No. 104, p. 829)
- Decree of 10 May 1972 concerning the introduction of the 40-hour working week and increased minimum holidays for mothers having several children and working full time (Gesetzblatt II, No. 27, p. 313)
- Decree of 29 July 1976 on the further gradual introduction of the 40-hour working week (Gesetzblatt I, No. 29, p. 385)

(2) and (3) The right to leisure and rest, a reasonable limitation of working hours and periodic holidays with pay is guaranteed to all citizens (Article 34 of the Constitution).

The socialist State fixes the number of working hours in accordance with its economic possibilities, seeking to harmonize the interests of society with those of the individual (§ 160 of the new Labour Code).

On the basis of five work days a week the number of weekly working hours was fixed by law at 43 3/4 hours; and for persons working two shifts at 42 hours and for persons working three shifts or in rotating shift system as well as for mothers working full-time and having two or more children under 16 who belong to their household at 40 hours. (§ 161 of the new Labour Code, Decree of 3 May 1967 concerning the introduction of the five-day working week and reduced weekly working hours in conjunction with newly regulated working hours in connexion with public holidays - Gesetzblatt II, No. 38, p. 237 - Decree on the further gradual introduction of the 40-hour working week - Gesetzblatt I, No. 29, p. 385).

Persons doing particularly heavy work or whose job involves health hazards work less hours as provided by law (§ 160 of the new Labour Code).

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The daily working time is interrupted by breaks sufficiently long to allow appropriate rest. No one is allowed to work for more than 4 and a half hours without a break; the minimum duration of a break is 15 minutes; breaks for the main meal of the day must be no less than 30 minutes (§ 165 of the new Labour code).

Every employed person is entitled to an annual holiday of no less than 18 workdays. For persons working three shifts or in a rotating shift system the minimum holiday is 21 workdays; mothers working full-time who have to care for a heavily disabled child of over 3 years of age in their household, are entitled to an annual holiday of 21 workdays and, if they work in a multiple shift system, to 24 workdays (Decree of 12 September 1974 on increased minimum holidays per calendar year - Gesetzblatt I, No. 51, p. 178; Decree on the introduction of additional holidays for shift workers, extended entitlement to a housework day, and to minimum holidays - Gesetzblatt I, No. 37, p. 437).

Persons doing particularly heavy work or exposed to special strain and stress at work or who hold particularly responsible jobs receive additional job-related holidays (§ 191 of the new Labour Code). Extra holidays are also granted to special groups, e.g. seriously disabled persons (§ 192 of the new Labour code).

(4) No difficulties have been encountered in the realization of these rights.

IV. Article 8 - Trade union rights

A. Trade union rights are included in the Constitution (Articles 44 and 45) and in the Labour Code.

In various branches of the economy the central government agencies and the central executives of industrial and other trade unions agree on specific labour regulations which are typical of the branch of economy concerned and which are not covered by the fundamental rights of a more general nature. The skeleton collective agreements also cover trade union rights of co-determination with respect to the above-mentioned specific regulations.

In the enterprises collective agreements are concluded between management and the enterprise trade union committee. They specify the legal norms of the Labour Code and the skeleton collective agreements, applying them to the needs of the enterprise concerned to the degree permitted by these norms and required in practice.

B. The right to form and join trade unions

There are no legal restrictions concerning the founding of trade unions. They are open for membership to all working people with an employment relationship. Membership is voluntary. Trade union activities are regulated by the trade unions themselves by way of decisions of trade union congresses, delegates' conferences, members' meetings and executive committees without any interference by the State. There are no restrictions of trade union activity in the German Democratic Republic. Nobody may limit or obstruct trade unions in their activities

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(Article 44, para. 2, of the Constitution). Trade union activities are protected by the socialist State. All government agencies, economic managerial bodies and enterprises are obliged to promote trade union activities and to closely co-operate with them. Anyone who obstructs trade unions in their activities is called to account (§ 6, para. 2, of the new Labour Code).

C. Right of trade unions to federate

This right is exercised by the trade unions at their own discretion. In the German Democratic Republic each industry or economic branch has its own trade union where all people employed in that industry or economic branch are organized, no matter what kind of work they do. This organizational principle - one enterprise, one trade union - derives from the experience gained by the German workers' movement to the effect that trade union unity on the basis of industries ensures the most effective representation of the interests of the working people.

Trade unions decide at their own discretion whether or not they want to join international trade union organizations. Industrial unions of the German Democratic Republic have joined professional associations of the World Federation of Trade Unions. The Confederation of Free German Trade Unions is a member of the World Federation of Trade Unions.

D. Right of trade unions to function freely

(see para. B above)

E. Right to strike

In the capitalist system of society the right to strike is the most important instrument of struggle available to trade unions and their members to fight exploitation, oppression and social inequality. Since under the socialist system of society the exploitation of man by man has been abolished once and for all and since there is no contradiction between State and trade unions, the right to strike has been outdated by social conditions. Trade unions have manifold rights and possibilities to attain their political goals and to see to it that the interests of their members are met. In so doing they can rely on the assistance of the State and its organs. During the public debate on the draft Labour Code, in which 5,814,325 citizens participated, no suggestion was made to provide for the right to strike. That means that apart from the objective aspect which is related to the socialist system of society, there is no subjective reason either because the working people do not feel that there is any need for such a right.

F. Civilian employees of the armed forces and the police have the right, just as all other working people with an employment relationship, to join a trade union.

G. There are no difficulties encountered in the exercise of trade union rights.

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V. Article 9 - Right to social security

The most important legal provisions in the field of social security and social insurance are the following:

- (1) - the Constitution
- the Labour Code
- the new Labour Code
- Decree on the social insurance scheme for workers and salaried employees of 14 November 1974 (Gesetzblatt I, No. 58, p. 531)
- Decree on social insurance with the State Insurance Company of the GDR of 16 January 1975 (Gesetzblatt I, No. 8, p. 141)
- Decree on the granting and calculation of social insurance pensions - Pensions Decree - of 4 April 1974 (Gesetzblatt I, No. 22, p. 201)
- Second Decree on the granting and calculation of social insurance pensions - Pensions Decree - of 29 July 1976 (Gesetzblatt I, No. 28, p. 379)
- Decree on the further improvement of voluntary supplementary pension schemes and social insurance benefits in case of incapacity for work of 10 February 1971 (Gesetzblatt II, No. 17, p. 121)
- Second Decree on the further improvement of voluntary supplementary pension schemes and social insurance benefits in case of incapacity for work of 10 May 1972 (Gesetzblatt II, No. 27, p. 311)
- Third Decree on the further improvement of voluntary supplementary pension schemes and social insurance benefits in case of incapacity for work of 29 July 1976 (Gesetzblatt I, No. 30, p. 393)
- Decree on social welfare benefits - Social Welfare Decree - of 4 April 1974 (Gesetzblatt I, No. 22, p. 224)
- Second Decree on social welfare benefits - Social Welfare Decree - of 29 July 1976 (Gesetzblatt I, No. 28, p. 382)
- Decree on extended maternity leave and improved maternity benefits of 27 May 1976 (Gesetzblatt I, No. 19, p. 269)

(2) Social security is guaranteed in the German Democratic Republic. Its comprehensive social insurance system provides social protection in case of illness, incapacity for work, invalidity, old age and in case of the death of the breadwinner. The incomes of all working people up to an amount of 600 marks per month are subject to compulsory social insurance contributions. The

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contribution amounts to 20 per cent, half of which is paid by the workers or salaried employees themselves, the other half by the enterprise.

Social insurance spending is financed by the socialist State from contributions made by enterprises and an accident levy imposed on them as well as from the contributions of the working people (§ 279 of the new Labour Code).

(a) Every citizen has the right to protection of his health and working capacity. The social insurance system provides medical care, medicaments and other medical services free of charge in case of illness and accidents as well as in other cases.

(b) In case of incapacity for work due to illness workers and salaried employees receive 90 per cent of their net incomes for a total of 6 weeks per calendar year. Workers and salaried employees with an income of up to 600 marks per month or persons with a higher income who have taken out a voluntary supplementary pension insurance policy receive, after the above-mentioned six-week period has elapsed, social benefits amounting to between 70 and 90 per cent of their net income - depending on the number of children - up to the restoration of their capacity for work, but no longer than for 78 working weeks.

Workers and salaried employees with two children or more and with an income of more than 600 marks, who have not taken out a voluntary supplementary pension insurance policy, receive sick pay from the seventh week of incapacity for work amounting to between 65 and 90 per cent of that portion of their income that is subject to contribution (§§ 282 and 268 of the new Labour Code).

Special protection is granted to working people incapacitated by occupational accidents or diseases. They receive sick pay equal to their average net income until their capacity for work is restored or an accident pension fixed (§ 285 of the new Labour Code).

Citizens sustaining injury during social, cultural or sports activities outside working hours, temporarily being incapacitated for work or retaining a certain physical defect as a result, are entitled to the same benefits (Decree on the extension of insurance protection in case of accidents sustained while engaged in social, cultural or sports activities of 11 April 1973 - Gesetzblatt I, No. 22, p. 199).

(c) Special attention is given to families with children and single workers and salaried employees with children.

Before and after giving birth women receive, for the period of their pregnancy and maternity leave (26 weeks, and in case of twin births or complicated delivery 28 weeks), pregnancy and maternity money amounting to their average net earnings. After giving birth to their second child women are entitled to paid leave subsequent to their maternity leave, until the child is one year old. During this supplementary leave they receive an allowance out of the social insurance fund equal to the sick benefit they would have drawn from the seventh week onwards in case of personal incapacity for work.

Single persons with children staying away from work to nurse a sick child are entitled to an allowance equal to sick pay, which varies with the number of children. For every new-born child a single maternity grant of 1,000 marks is paid. Nursing mothers get a monetary allowance of 10 marks per month.

(d) and (e) At retirement on account of disability or old age social protection for the citizens of the German Democratic Republic is ensured through the payment of social insurance pensions (Article 36, para. 1, of the Constitution). The retirement age for women is 60 and for men 65.

Persons with at least 15 years of employment involving compulsory insurance are entitled to old age pensions. Disability pensions can be claimed if invalidity occurred during the time of employment. The amount of pensions is fixed according to the number of work years and the amount of the contributory income. Minimum old age and disability pensions are 230 marks per month. In case of 15 and more years of employment minimum pensions range from 240 to 300 marks per month, depending on the number of years of employment in excess of 15. Under the same laws and regulations women who gave birth to five or more children are entitled to old age and invalidity pensions of 230 marks a month, irrespective of their time of employment. People who have been disabled from childhood can claim 230 marks in disablement pensions a month when they turn 18 even if they have never been gainfully employed.

(f) When the breadwinner dies the surviving spouse and dependent children are entitled to a pension out of the social insurance fund. In all cases the surviving spouse receives a survivor's interim pension of 230 marks which is paid for two years irrespective of age, invalidity or the existence of minor children provided that the deceased contributed the major part of the family's maintenance. Under the same conditions widow's and widower's pensions amounting to 60 per cent of the pension to which the deceased would have been entitled (at least 230 marks per month) can be claimed, if the surviving spouse has reached retirement age, is incapacitated for work or has minor children of her own to care for.

Since in the German Democratic Republic most people go out to work, most citizens have a pension title of their own, so that, as a rule, widow's or widower's pensions are available as secondary benefits in accordance with applicable laws and regulations.

So long as they attend school, learn a vocation or go to university orphans and half orphans have a title to orphan pensions amounting to 30 per cent or at least 100 marks (for half orphans) or 40 per cent or at least 150 marks (for orphans) of the pension to which the deceased parent would have been entitled.

Through the voluntary supplementary pension insurance scheme working people with incomes of more than 600 marks a month can acquire an additional pension title. Contributions to this supplementary insurance scheme, which amount to 20 per cent of the portion of the income in excess of 600 marks, are borne half by the enterprise and half by the person concerned.

Persons having no social insurance pension title, being incapacitated for work or while having reached retirement age are unable to maintain themselves and their dependent family members from their own work receive social welfare benefits from the State. Such benefits are about equal to minimum pensions as paid under the social insurance scheme. Persons in need of constant care are granted nursing money, attendance allowance (for the blind) or special nursing money, as the case may be (Gesetzblatt I, No. 22, p. 224).

Social welfare benefits are exclusively financed from the State budget. Thus the right to social welfare in old age and in case of disablement also applies to people who could not acquire a social insurance pension title.

(g) The constant efforts undertaken by the socialist State to further improve working and living conditions for all working people have also led to a decrease in the number of industrial accidents over the years. If injury to a person's health or physical defects occur as a result of an industrial accident or an occupational disease optimum social security is guaranteed. In case of physical defects of 20 per cent and more an accident pension is paid. The amount depends on the contributory income of the previous twelve months and the degree of the physical injury sustained.

The payment of such accident pension sets in upon expiration of sick pay which equals the average net income. Moreover, there are survivors' accident pensions as well as supplementary pensions under the voluntary supplementary pension scheme.

(h) The right to work, which is guaranteed and fully realized in the German Democratic Republic, makes the payment of unemployment benefits superfluous.

(i) For each child a State children's allowance is paid until the child has completed school. It ranges from 20 to 70 marks per child and month, depending on the over-all number of children.

Spending on social and medical care for workers, salaried employees, pensioners and family members increased from over 13 thousand million marks in 1971 to 18.5 thousand million marks in 1976. In 1977 nearly 20.5 thousand million marks are available for these purposes. While in 1966 709 marks were spent on every compulsorily insured worker, salaried employee, apprentice, full-time student, pensioner or family member, the amount was 1,222 marks in 1975.

Since social insurance spending is higher than the actual receipts from contributions and since the socialist State provides security for social insurance benefits, it makes yearly appropriations to the social insurance budget. These appropriations rose from 4,700 million marks in 1971 to nearly 8,000 million marks in 1976. In 1977 appropriations from the State budget amount to 9,400 million marks.

The share the insured persons themselves contribute to financing social insurance benefits decreases from year to year. In 1976 the insured contributed 26.70 marks to every 100 marks worth of social insurance benefits.

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List of reference materials appended to the report*

1. Arbeitsgesetzbuch der Deutschen Demokratischen Republik vom 16. Juni 1977.

* These reference materials are available for consultation in the files of the Secretariat in their original language as received from the German Democratic Republic.