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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 21st MEETING

Held at Headquarters, New York,
on Tuesday, 1 May 1984 at 10.30 a.m.

Chairman: Mr. BENDIX (Denmark)

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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 11 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) (E/1984/7/Add.11 and E/1984/7/Add.15)

Second periodic report of Hungary (E/1984/7/Add.15)

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

2. Mr. RACZ (Hungary), referring to his Government's compliance with its reporting obligations, said that Hungary had submitted its initial report on the implementation of articles 10 to 12 of the Covenant according to the schedule set by the relevant Economic and Social Council resolution. The Ministry of Foreign Affairs of Hungary had confirmed that the report had been submitted to the United Nations Secretariat in Geneva in November 1979. None the less, if necessary, he would obtain a copy of that report.

3. Regarding the role of trade unions, their relationship with the Government and the development of social democracy, he said that there were consultations at least twice a year between the highest government representatives and the trade unions on issues of general interest. The General Secretary of the Trade Union Federation or his deputy attended meetings of the Council of Ministers in an advisory capacity. In addition, trade-union leaders participated in the meetings of the National Assembly and the General Secretary was a member of the Presidential Council. The Government consulted the trade unions on the national economic plan and its implementation and on wages, price control and other matters, and the trade unions took an active part in determining living and working conditions. The trade unions were also consulted before the adoption of laws and decrees.

4. At factories, the local trade unions took part in collective bargaining, the regulation of working conditions, the distribution of social benefits and the establishment of principles and methods of sharing bonuses and profits. At the company level, collective bargaining took place between management and company trade-union bodies. Collective agreements were negotiated for five years on the average and for a minimum of one year. At a higher level, collective bargaining took place between the 19 sectoral trade unions and the corresponding sectoral ministries, and dealt with labour relations, working conditions, minimum and maximum wages and other related issues.

5. Members of agricultural co-operatives also participated in the trade-union movement, although their current rate of unionization was substantially lower than in industry. Since the amendments to the Statute of trade unions relating to that question had been adopted only three years earlier, the trend in the unionization of agricultural workers was not yet clear.

(Mr. Racz, Hungary)

6. Hungary was currently endeavouring to promote the democratic process, despite the disadvantageous external situation which was affecting its economy. The Central Committee of the Hungarian Socialist Workers Party had recently adopted a resolution recommending that the Government should advance the process of democratization and introduce new forms of economic management without impinging the State ownership. Under the proposed scheme, some State enterprises would be run by company councils composed of representatives of workers and management, while other companies would be run by a director and company board elected directly by the employees.

7. On the question of wages, profit-sharing systems and equal pay for equal work, it should be noted that in Hungary there was no sex discrimination. Changes that had taken place in recent decades had contributed to the elimination of old prejudices against women, and the principle of equal pay for equal work was steadily gaining ground in Hungary. The main reason for the lower average earnings of women was that women currently had on the average, lower levels, of skills and education, and generally held lower paid jobs. The difference between the average wages of men and women was, however, diminishing, and that was encouraging.

8. As for the differences in average wages in general that were apparent in the statistical table, several factors accounted for them: the skills needed to perform a job, the attendant responsibility, actual performance, seniority, the performance of the company and how society depended on its performance. Every job had its own social utility and the order of jobs in that respect was based primarily on the extent to which they contributed to the output of a company or, in the society as a whole, to the national income.

9. The profit-sharing system applied to industrial production enterprises and co-operatives and to State-owned agricultural enterprises.

10. Current regulations established a minimum wage of 2,000 forint per month for all State-owned industrial and agricultural enterprises without exception.

11. Concerning the protection of workers against dismissal, either the employer or the employee could terminate at any time an employment relationship that was not contracted for a specified period. In practice, there were few complaints about dismissals because they were a relatively rare phenomenon in Hungary. There were, however, arbitration and judicial bodies whose proceedings were governed by rules laid down in the Labour Code.

12. Disputes were brought before arbitration committees in the enterprises; appeals against their rulings could be lodged with the labour courts. Those committees were elected by public vote and their members enjoyed the same protection as trade-union representatives. The arbitration procedure was speedy and the parties could be represented by a legal expert or a union representative. There was a labour court in the capital and one in each district. The Supreme Court had a special labour chamber empowered to review decisions of the lower courts.

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(Mr. Racz, Hungary)

13. The Labour Code also contained provisions prohibiting the termination of employment in certain cases, for example, during military service, pregnancy or child-care leave. In addition, the dismissal of the disabled was subject to stringent restrictions.
14. With respect to the funds mentioned in paragraph 51 (a) of the report, the material compensation received by workers who participated in local work drives came from a special fund administered by the head of each enterprise. Currently, in their meetings and conferences, workers could take decisions on the principles that would govern the use of that special fund. Similarly, there were moral incentives which ranged from diplomas to official decorations. Workers also had a role in determining the criteria for granting them.
15. In accordance with Decree No. 47/1979 of the Council of Ministers, the full-time and voluntary trade-union inspectors and the state supervisory organs were entrusted with ensuring the observance of the labour safety regulations. Both types of inspectors and the officials of the state organs had broad powers to suspend the operation of plants and to impose fines or initiate penal proceedings against those responsible for non-compliance with safety regulations. With respect to penalties, section 171 of the Hungarian Criminal Code provided for prison terms of one to eight years for bodily injury due to negligence or to violation of labour safety standards. The sentence ranged from 3 to 10 years' imprisonment if the offence was committed intentionally.
16. The term "outside workers" meant persons who were employed by a company and enjoyed full social security benefits, but, for various reasons, worked at home. Generally, they were paid at piece-rates. With respect to voluntary work, that was done outside of regular working hours, for social or community purposes or on behalf of victims of natural disasters.
17. With regard to vocational training, there was a system of state technical schools. The practical training of students took place in the enterprises, which in turn had the opportunity of hiring them at a later date. In addition, most of the enterprises had vocational refresher courses in order to keep employees abreast of technological developments.
18. The minimum length of annual vacations was three weeks and the maximum five weeks less one day. The annual basic leave was lengthened with supplementary holidays granted on account of seniority, position, unhealthy work or other factors.
19. The wording of the paragraph of the report which referred to the normal work week of five days, with one day off and one rest day might not be the best. However, traditionally Sunday was the day of rest and Saturday the day off in Hungary.
20. The retirement age was 55 for women and 60 for men. Retirement was not mandatory at that age and, in general, the decision lay with the person concerned. A pensioner could work part time, in which case the pension was supplemented by the remuneration for that work. The minimum pension was 1,500 forint, approximately 75 per cent of the established minimum wage.

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(Mr. Racz, Hungary)

21. In 1983, approximately 20 per cent of the State budget had been allocated to the Government's social security programme.

22. Should any of his answers be found unsatisfactory, additional information could be submitted in future reports.

23. THE CHAIRMAN noted that the Centre for Human Rights had not received the report concerning rights covered by articles 10 to 12 of the Covenant, which, according to the representative of Hungary, had been submitted by his country in November 1979. While the Centre would continue looking for it, the representative of Hungary could usefully request his Government to re-submit the report. That having been clarified, he announced that the Working Group had concluded its consideration of the second periodic report of Hungary.

24. Mr. Racz (Hungary) withdrew.

Second periodic report of Denmark (E/1984/7/Add.11)

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

26. Mr. HOPPE (Denmark) said that he wished to reply separately to the questions asked by each of the experts on the Working Group. The expert from France had first asked about the special guidance schemes that had been introduced within the criminal administration and for young persons performing military service, referred to in paragraph 25 of the report. Those schemes were quite broad in both cases and were intended to facilitate the re-integration into civilian life of former prisoners and persons who had completed military service. Generally, that guidance was entrusted to social workers.

27. With respect to the suspension of the cost-of-living allowances referred to in paragraph 33, he said that the current economic crisis had forced that temporary suspension, which, along with other measures, had served to reduce government expenditures and, consequently, to boost the economy. There had been no debate in Denmark on the delegation of liability referred to in paragraph 50; however, the Act containing that provision had been fully debated in Parliament. The rest period of 11 consecutive hours, referred to in paragraph 53, should be viewed as protection for the overtime worker, since the normal working day was 8 hours.

28. Table 1 of the report, concerning industrial accidents, showed an increase in such accidents in the agricultural, transport and service sectors, and a decrease in the industrial sector. There had been no major change in the other sectors. As to the question whether the Danish authorities had tried in recent years to urge social security beneficiaries to be more responsible, the answer was in the negative. Despite the economic crisis, an attempt had been made to prevent significant cuts in the social security sector. There had been no need for special measures in that respect.

(Mr. Hoppe, Denmark)

29. Replying to questions from the expert from the German Democratic Republic, he indicated that the Covenant was implemented in Greenland and the Faroe Islands just as in the rest of Denmark. The autonomy those areas enjoyed did not entail any major difference in the implementation of the Covenant, since the Danish Government acted in close consultation with the autonomous Governments of Greenland and the Faroe Islands on all matters relating to compliance with the provisions of the Covenant. Referring to the questions concerning the agricultural sector in Denmark, he explained that his Government had established a comprehensive guidance system for people working in that sector, particularly young people. The system consisted of lectures, seminars and special courses, which were directed towards providing preparation that would enable them to achieve social and work-related advancement. In addition, the agricultural sector accounted for proportionally more occupational accidents than the other sectors because of the extensive use of heavy moving machinery. The duration of the working day in the agricultural sector was determined by collective or individual agreements between the parties concerned. However, it should be remembered that most of the agricultural undertakings were operated by families and that there were not many hired agricultural workers. The social insurance system was common to all the productive sectors and, as a result, there were no provisions that were applicable only to farmers.

30. In reply to the questions from the expert from Japan, he indicated that, in 1982, agricultural production had represented 6.1 per cent of the GNP, a figure which was very similar to those for previous years. Both public and private undertakings in Denmark participated very actively in the training of students interested in working in the economic sectors to which the undertakings belonged. The collective agreements currently in force stipulated that workers were entitled to 2.5 days of paid vacation for each month of work. Non-union workers received a remuneration based on the wages established in the general collective agreements mentioned in paragraph 34 of the report. In recent years, Danish workers had exercised the right to strike in the following way: in 1980, there had been 225 strikes, which had caused the loss of more than 100 working days; in 1981, there had been 94 strikes; and, in 1982, there had been 180. Generally speaking, the strikes had been connected with the conclusion of a new collective agreement. Mediation of labour disputes was carried out at the request of the parties concerned, who named an arbitrator, usually a person of considerable prestige. Of course, there was also the last possibility of bringing the case before the labour courts.

31. The expert from Spain had asked several questions, inter alia, about the proportion of women and young people among the unemployed. Currently, there were some 300,000 unemployed persons in Denmark, in other words, 10.5 per cent of the working population, but it was hoped that the proportion would decline to 10 per cent in the next few years. Approximately 43 per cent of the unemployed were women, while 29 per cent were young people. Those percentages had not varied much in recent years. His Government did not provide special allowances to any particular category of persons, such as women or young people. In paragraph 99, the words "interpreters' assistance" meant that people who were living in Denmark but did not speak Danish were offered the assistance of a person who spoke their

(Mr. Hoppe, Denmark)

language. An act adopted in January 1984 had standardized the retirement age, which was now 67 for everyone. Under the same act, the pensions of workers' survivors of both sexes had also been standardized. Legislation on the equality of the sexes at work had been adopted in 1978, five years after Denmark had joined the European Economic Community, and was based on the guidelines the Community had established in 1976.

32. Replying to the expert from Tunisia, he explained that the purpose of the Public Employment Service mentioned in paragraph 11 was to put job seekers in contact with employers and to provide occupational assistance and training. The Service also monitored the trend of the labour market, proposed measures and assisted the central and local authorities in collecting and analysing data on the labour market, activities that were a component part of the active policy carried out in that connection. The system was very comprehensive and had 14 regional offices as well as many local offices.

33. With regard to paragraphs 17 and 18, not only was vocational guidance offered to groups of students but counselling and guidance were offered to all students on an individual basis so as to familiarize them with the opportunities that existed when they entered the labour market. The provisions referred to in paragraph 182 (e) applied to all strikes and lock-outs, whether legal or illegal.

34. Replying to the questions asked by the expert from the Soviet Union, he pointed out that the annexes to the report also existed in English. With regard to paragraph 31, he did not think there was any contradiction between the first and second sentences. The first provided information about employment and unemployment, while the second indicated that there were no statistics on the level of underemployment.

35. Minimum wages were fixed by direct negotiations between the organizations involved in the labour market and were not subject to any legislation or governmental control. Paragraph 35 should be interpreted to mean that, although there was a very high degree of organization among workers, the same was not true of employers. However, it should be noted that, a general agreement negotiated between the Employers' Confederation and the Federation of Trade Unions applied not only to the parties directly concerned but was also adopted almost automatically by other undertakings which were not affiliated with the Employers' Confederation.

36. As to the question of liability, which was mentioned in paragraph 50 of the report, currently the employer could delegate only subjective liability to managers and supervisors, not objective liability. With regard to the submission of information about occupational accidents, he drew attention to the fact that the Government was actively seeking to improve and to simplify the current system, which had been in force since 1973. The allowance paid during maternity leave amounted to 90 per cent of the wage.

37. The expert from Bulgaria had requested information about unemployment and, accordingly, additional figures on that question would be included in the next

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report. From 1975 to 1982, unemployment had increased from 5.1 per cent to 9.8 per cent; for 1984, it was estimated at approximately 10.25 per cent. As to paragraph 45, the trade safety councils were composed of 12 to 18 members, half of whom were designated by the employers and the other half by the unions. The councils fulfilled an important function by supervising safety measures and making proposals in that regard. Referring to paragraph 60, he explained that the employment of persons between 15 and 18 years of age in dangerous work was prohibited. As to paragraph 88, women employees who were dismissed in contravention of the provisions governing maternity leave could recover their post, instead of receiving compensation.

38. Referring to the regulations governing the price of drugs, he indicated that a special governmental agency supervised the prices of all products and could request a reduction, if it considered certain prices to be excessive. It should be noted that drugs constituted an important part of the health system and that the Government provided very substantial subsidies, as a result of which users paid only a fraction of the cost.

39. Replying to the expert from Ecuador, he explained that it was possible to declare solidarity strikes, provided that the main strike was legal.

40. The CHAIRMAN said that the Working Group had concluded its consideration of the second periodic report of Denmark.

The meeting rose at 12.20 p.m.