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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 International Covenant on Economic,
Social and Cultural Rights concerning rights covered by articles
6 to 9 of the Covenant

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND*

/8 April 1981/

PART III: CHANNEL ISLANDS AND THE ISLE OF MAN

1. The United Kingdom of Great Britain and Northern Ireland submitted its report on articles 6-9 of the International Covenant on Economic, Social and Cultural Rights in September 1977 /see E/1978/8/Add.9/ ... and undertook to submit separately the relevant reports for the Channel Islands and the Isle of Man.
2. For the reports on the implementation of articles 6-9, the Islands have generally referred to reports submitted to the International Labour Organisation (ILO) under article 22 of the ILO Constitution. The ... reports are valid until September 1977. Copies of legislation referred to have been made available where possible.
3. Constitutionally the Islands are not part of the United Kingdom but are dependencies of the Crown. They have their own legislatures, courts of law and administrative and fiscal systems. The Government of the United Kingdom is

* The present document contains Part III of the report of the United Kingdom of Great Britain and Northern Ireland, relating to the Channel Islands and the Isle of Man. Parts I and II of the report, relating to the United Kingdom and non-metropolitan Territories, were reproduced in document E/1978/8/Add.9.

Copies of legislation referred to in the report and furnished by the Government of the United Kingdom are available for consultation in the original language in the files of the Secretariat.

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directly responsible for the Islands' defence and external relations and the Crown is ultimately responsible for their good government.

REPORT OF THE STATES OF GUERNSEY ON ARTICLES 6-9 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (AS AT SEPTEMBER 1977)

Population: 56,025 (1976)

Area: 70 square kilometres
approximately

Article 6:

Conventions Nos. 88, 1975-1977;
142, 1979

Article 7: (A) Remuneration

Conventions Nos. 26, 1974-1976;
63, 1977-1979; 95, 1958-1960;
99, 1974-1976; 100, 1968-1973

(B) Working conditions

Conventions Nos. 32, 1960-1962, 1976;
42, 1954-1955; 59, 1967; 81, 1973-1975,
1977; 115, 1969-1971; 120, 1972-1974

(D) Working hours, holidays
with pay

Conventions Nos. 14, 1962; 101, 1972

Article 8:

Conventions Nos. 11, 1958-1960;
87, 1958-1960; 98, 1962; 135, 1977-1979

Article 9:

Conventions Nos. 8, 1958-1960;
12, 1954-1955; 16, 1954-1955;
17, 1954-1955; 19, 1954-1955;
24, 1954-1955; 25, 1954-1955;
35, 1962-1964; 36, 1962-1964;
37, 1958-1960; 38, 1958-1960;
39, 1962-1964; 40, 1962-1964;
42, 1954-1955; 56, 1954-1955;
124, 1973

REPORT OF THE STATES OF JERSEY ON ARTICLES 6-9 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (AS AT SEPTEMBER 1979)

Population: 74,470 (1976)

Area: 116 square kilometres
approximately

The Insular Authorities are conscious of the importance of safeguarding the rights and freedoms of the individual, and steps are being taken progressively to implement such measures as are necessary to ensure conformity with the Covenant.

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Article 6A: The right to work

Article 2 of the Covenant requires the rights enunciated therein to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The Island has reserved the right to interpret article 6 as not precluding the imposition of restrictions, based on place of birth or residence qualifications, on the taking up of employment in the Island in so far as is necessary to safeguard the employment opportunities of local people.

B. (1) Every person has the right to gain his living by work which he freely chooses or accepts. The Island has a work-force of approximately 30,000, which is increased by approximately 10,000 in the summer months. There is no discrimination with regard to access to employment, except in so far as some employers tend to give preference to applicants with residential qualifications, in view of the housing restrictions.

(2) The steady economic position of the Island, the comparative lack of industrial strife, the very low level of unemployment and the popularity of the Island with seasonal workers would appear to reflect the success of "policies and techniques to achieve steady economic, social and cultural development and full and productive employment."

(3) In addition to private employment agencies, the Social Security Department provides (free) a self-service Job Centre for the benefit of both employer and employee.

Employment statistics, together with a report on the working of the Employment Section are published in the Social Security Committee's annual report, and this information is regularly furnished to the International Labour Office in connexion with ILO conventions dealing with this subject-matter.

(4) With a view to "achieving progressively the full realization of the rights recognized in the present Covenant", the Careers Section of the Education Department has recently embarked on a series of careers seminars for school leavers.

There are no training programmes, as such, for persons wishing to change their occupation, although employers in both the public and private sectors encourage employees to attain qualifications relevant to their profession.

The Education Department runs day release and further education courses.

(5) There is no statutory protection against arbitrary termination of employment.

The Termination of Employment (Jersey) Law, 1974 (copy attached 1/) lays down the minimum period of notice required to terminate employment.

1/ A copy is available for consultation in the original language in the files of the Secretariat.

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(6) As previously stated, there is very little unemployment in the Island, and the position is kept under constant review, with a view to securing, as far as possible, that there is no significant rise in unemployment.

C. Statistics relating to employment/unemployment are regularly submitted to the ILO.

Article 7: The right to just and favourable conditions of work

A. Remuneration

There are no statutory provisions regarding minimum wages, nor is there "Equal Pay" legislation, although the relevant Committees of the States of Jersey are currently reviewing both situations.

The Island has made a reservation in respect of article 7 (a) (i) and (c).

The principal method used for wage-fixing is collective bargaining. In practice, both in the public and private sectors, wages are reviewed annually, and, in a large number of cases, are linked to the cost of living. For those workers belonging to a trade union, minimum rates of pay and conditions of employment, such as holidays and overtime pay are agreed between management and union.

No statistics are available relating to levels of remuneration.

B. Safe and healthy working conditions

The provisions of this section are implemented by the Safeguarding of Workers (Jersey) Law, 1956 and Regulations made thereunder.

See reports on appropriate ILO conventions for full details.

C. Equal opportunity for promotion

As stated elsewhere in this report, a number of educational/training programmes operate for the benefit of both employer and employee.

D. Rest, leisure, limitation of working hours, and holidays with pay

In the public sector, the standard working week is 37 1/2 hours. Holiday leave varies (according to grades and length of service) from 18 days to 25 days per annum. Overtime, plus time off in lieu, is payable in respect of time worked on public holidays or in excess of the normal working week.

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In the private sector, the length of the working week varies from 35 to 48 hours. Statistics relating to holiday leave and overtime payments are not available, although, as previously stated, terms of employment are mutually agreed between employer and employee prior to the commencement of employment.

Article 8: Trade union rights

There are no legislative provisions governing the rights covered by this article.

Every person has the right to form and join a trade union.

Article 9: Right to social security

(1) The provisions of this article are implemented by the following:

Social Security (Jersey) Law, 1974

Health Insurance (Jersey) Law, 1967

and subordinate legislation made thereunder. Copies of this legislation have previously been submitted to the ILO.

(2) (a) Medical care

Free hospital treatment is provided by the Public Health Committee.

Every person insured under the Health Insurance Law is entitled, subject to satisfying a six-month residential condition, to medical benefit in the form of part reimbursement of the cost of the general medical practitioner's services and subsidized drugs and medicines (pharmaceutical benefit).

The benefits are financed from contributions to the Social Security Fund. A person whose income is below a prescribed limit can apply for a health insurance exemption, and thus qualify for the above-mentioned benefits without payment.

(b) Contributory benefits

The Social Security Law provides, in return for earnings-related contributions, the various cash benefits.

The scheme is compulsory for all persons between school-leaving age and pension age (subject to special provision for certain prescribed categories of persons).

Benefits are increased annually, as are contributions. The money to pay for the benefits comes from contributions payable by the employer, employee and the States.

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(i) Sickness benefit is payable in respect of periods during which a person is incapable of work through illness.

(ii) Invalidity benefit replaces sickness benefit after 52 weeks. The standard rate of benefit is the same as that for sickness benefit.

(iii) Injury benefit is payable for a maximum period of 52 weeks from the date of an accident.

(iv) Disablement benefit is a regular weekly payment made at the expiration of the period during which injury benefit is payable. The amount of benefit depends on the extent of disablement, and may be increased in respect of a wife or adult dependant.

(v) Maternity grant is a lump-sum payment to help with the general expense of having a baby, and may be paid either on the mother's own insurance or on that of her husband.

(vi) Maternity allowance. A woman who leaves her employment because of pregnancy is entitled to a weekly allowance for 18 weeks. The allowance is payable by virtue of her own insurance.

(vii) Widow's benefits. To help a widow over the initial period of widowhood, a widow's allowance is payable for the first 52 weeks of widowhood. Thereafter, a widowed mother's allowance will be payable to a widow with dependent children.

(viii) Widow's pension may be paid either:

a. After the widow's allowance ends, if the widow does not qualify for a widowed mother's allowance, and she was over 40 years of age on her husband's death; or

b. After the widow has ceased to be entitled to a widowed mother's allowance, if she is then over 40 years of age.

(ix) Old-age pension. Prior to 1975, the pension age was 60 for women and 65 for men. The 1975 Law provided for a common pension age of 65. However, the rights of women who were insured prior to 1975 are safeguarded in that they can claim an old-age pension at 60 through their own insurance. The wife of a pensioner, though not herself insured, may qualify for a pension of her own at age 65 based on her husband's contribution record.

(x) Death grant. A lump sum is payable on the death of a contributor, or of his spouse or child. A grant may also be payable in certain cases.

(c) Non-contributory pensions

(i) The Attendance Allowances (Jersey) Law, 1973 provides for a monthly cash payment to be made in respect of persons who are so severely disabled, physically or mentally, that they need constant attention. Such an allowance is subject to a generous income limit, is tax-free, and is in addition to any other benefits payable.

(ii) The Non-Contributory Pensions (Jersey) Law, 1954 provides for the payment of non-contributory pensions to people born before 1896 (i.e., those who were too old to contribute and thereby qualify for old-age pension). Such payments are subject to a means test.

(iii) The Family Allowances (Jersey) Law, 1972 provides for the payment of a tax-free allowance for the benefit of the family as a whole. It is paid to families who have at least one child under the age of 16 and the scale of payment is related to family income/number of children. The allowance is reviewed annually.

(iv) Welfare milk. Milk at less than the retail price is available to the following categories:

- a. Children under 5 years of age;
- b. Expectant mothers;
- c. Persons between the ages of 65 and 70 who:
 - i. Are in receipt of parish welfare; or
 - ii. Hold a health insurance exemption; or
 - iii. Require milk as a necessary and substantial part of their health.
- d. Persons over the age of 70.

(v) Parish welfare grants administered by the parishes. The purpose of a welfare grant is to supplement the income of those people who are not in full-time work and whose income (if any) from Social Security benefits or other sources is not sufficient to meet their requirements.

It is payable to people who were born on the Island or who have resided in the Island for at least five consecutive years.

(3) Unemployment benefits

No such benefits are payable under the Social Security Law.

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REPORT OF THE ISLE OF MAN ON ARTICLES 6-9 OF THE INTERNATIONAL
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (AS AT
SEPTEMBER 1977)

Population: 60,496 (1976)

Area: 572 square kilometres approximately

Article 22 reports submitted to the ILO

Article 6:

Conventions Nos. 88, 1975-1977;
98, 1954-1955, 1974; 122, 1974-1976

Article 7: (A) Remuneration

Conventions Nos. 26, 1970-1972, 1974;
63, 1973-1975; 99, 1974-1976

(B) Working conditions

Conventions Nos. 81, 1973-1975, 1975;
115, 1964-1965, 1967, 1973-1975

(D) Working hours,
holidays with pay

Conventions Nos. 101, 1973-1975

Article 8:

Conventions Nos. 87, 1954-1955, 1974;
98, 1954-1955, 1974; 135, 1973-1975

Article 9:

Conventions Nos. 2, 1975-1977;
12, 1975-1977; 17, 1975-1977;
19, 1973-1975; 24, 1973-1975;
25, 1973-1975; 35, 1974-1976;
36, 1974-1976; 37, 1974-1976;
38, 1974-1976; 39, 1974-1976;
40, 1974-1976; 42, 1975-1977;
44, 1973-1975; 56, 1973-1975;
102, 1974-1976