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Addendum

UKRAINIAN SOVIET SOCIALIST REPUBLIC

[31 August 1978]

The Ukrainian SSR has always attached great importance to international co-operation in the sphere of the protection of human rights. On the basis of this position, it has become a party to many international agreements designed to combat the gross and massive violations of human rights which unfortunately still continue to take place in many parts of the world. One of the most important of such agreements is the International Covenant on Economic, Social and Cultural Rights.

The rights and freedoms recognized in the Covenant were guaranteed to the citizens of the Ukrainian SSR long before that international instrument entered into force. Thus its ratification by the Ukrainian SSR did not require any changes in or additions to the legislation in force in the Republic. The broad range of basic rights and freedoms which are accorded at the present time to the citizens of the Ukrainian SSR are laid down in the new Constitution and in its laws and other regulatory instruments.

The new Constitution (Fundamental Law) of the Ukrainian SSR, which was the result of genuine law-making by the people, was adopted on 20 April 1978. It consolidates the foundations of the political and economic system of socialist society and raises to a higher, qualitatively new level the process of safeguarding all the rights and freedoms of each individual citizen of the Ukrainian SSR and of the Ukrainian people as a whole. The new Fundamental Law of the Republic fully guarantees the implementation in the Ukrainian SSR of all the provisions of the International Covenant on Economic, Social and Cultural Rights and of other international legal instruments relating to human rights to which the Ukrainian SSR is party.

Article 10 of the Constitution of the Ukrainian SSR states:

"The foundation of the economic system of the Ukrainian SSR is socialist ownership of the means of production in the form of State property (belonging to all the people) and collective-farm and co-operative property.

The State protects socialist property and provides conditions for its growth.

No one has the right to use socialist property for personal gain or other selfish ends."

In addition to State property and collective-farm and co-operative property, there exists in the Republic, in accordance with article 13 of the Constitution of the Ukrainian SSR, the personal property of citizens, the basis of which is formed by their earned income. The supreme goal of social production under socialism, as indicated in article 15 of the Constitution of the Ukrainian SSR, is "the fullest possible satisfaction of the people's growing material, cultural and intellectual requirements".

The social basis of the Ukrainian SSR is the unbreakable alliance of the workers, peasants and intelligentsia. The State helps to enhance the social homogeneity by eliminating class differences, and the essential distinctions between town and country, and between intellectual and physical labour (article 19 of the Constitution of the Ukrainian SSR).

In keeping with the communist ideal that the "Free development of each individual is the condition for the free development of all" the State pursues the aim of giving citizens more and more real opportunities to apply their creative energies, abilities and talents and to develop their personalities in every way (article 20 of the Constitution of the Ukrainian SSR).

Citizens of the Ukrainian SSR enjoy in practice and to the full the social, economic, political and personal rights and freedoms proclaimed and guaranteed by the Constitution of the Ukrainian SSR and by Soviet laws. The socialist system ensures enlargement of the rights and freedoms of citizens and continuous improvement of their living standards as social, economic and cultural development programmes are fulfilled.

In accordance with Economic and Social Council resolution 1988 (LE), a brief survey of the situation with regard to the implementation in the Ukrainian SSR of the rights and freedoms laid down in articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights is presented below, with due regard to the principles contained in parts I and II of the Covenant.

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Article 6 of the Covenant

The Constitution of the Ukrainian SSR includes the right to work among the basic rights of Ukrainian citizens. Article 38 states as follows:

"Citizens of the Ukrainian SSR have the right to work (that is, to guaranteed employment and pay in accordance with the quantity and quality of their work, and not below the State-established minimum), including the right to choose their trade or profession, type of job and work in accordance with their inclinations, abilities, training and education, with due account of the needs of society.

This right is ensured by the socialist economic system, steady growth of the productive forces, free vocational and professional training, improvement of skills, training in new trades or professions, and development of the systems of vocational guidance and job placement."

Article 14 of the Fundamental Law is especially concerned with the question of the role of work in socialist society. It states that the source of the growth of social wealth and of the well-being of the people, and of each individual, is the labour, free from exploitation, of Soviet people. Socially useful work and its results determine a person's status in society. By combining material and moral incentives and encouraging innovation and a creative attitude to work, the State helps to transform labour into the prime vital need of every Soviet citizen.

Questions relating to the implementation of the right of citizens to work are also regulated by the provisions of the labour legislation of the Ukrainian SSR. Thus, article 2 of the Labour Code of the Ukrainian SSR states:

"The right of Soviet citizens to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the removal of the possibility of economic crises and the abolition of unemployment.

Manual and non-manual workers exercise their right to employment by signing a contract of employment at an enterprise, establishment, institution or organization.

Manual and non-manual workers have the right to a wage or salary guaranteed by the State in proportion to the quantity and quality of labour contributed. They have the right to leisure and rest in conformity with the laws on the working day and working week and on annual paid leave, the right to healthy and safe working conditions, the right to free occupational and advanced training, the right to take part in the management of production and the right to material maintenance in old age and in case of sickness or disability at the expense of the State through social insurance . . ."

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Like other constitutional rights and freedoms, the right to work guaranteed under the Constitution of the Ukrainian SSR is truly universal in character and is implemented on the basis of genuine equality of all citizens, without discrimination of any kind. This is stressed in article 32 of the Constitution of the Ukrainian SSR, which states:

"Citizens of the Ukrainian SSR are equal before the law, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status.

"The equal rights of citizens of the Ukrainian SSR are guaranteed in all fields of economic, political, social and cultural life."

The Constitution of the Republic contains additional provisions which constitute legal guarantee revoking any possibility of discrimination on national or racial grounds, including distinction in working relations. Thus article 34 of the Constitution of the Ukrainian SSR provides that citizens of the Ukrainian SSR of different races and nationalities have equal rights. Any direct or indirect limitation of the rights of citizens or the establishment of direct or indirect privileges on grounds of race or nationality, and any advocacy of racial or national exclusiveness, hostility or contempt, are punishable by law.

The labour legislation in force consistently applies the principle of equal rights of men and women, as laid down in article 33 of the Constitution of the Ukrainian SSR:

"Women and men have equal rights in the Ukrainian SSR.

"Exercise of these rights is ensured by according women equal access with men to education and vocational and professional training and equal opportunities in employment, remuneration and promotion and in socio-political and cultural activity, and by special labour and health protection measures for women; by providing conditions enabling women to combine work and motherhood; and by legal protection and material and moral support for mothers and children, including paid leave and other benefits for pregnant women and mothers and the gradual reduction of working time for women with small children."

Under article 35 of the Constitution of the Ukrainian SSR, the rights and freedoms provided by law are guaranteed in the Republic to foreign nationals and stateless persons.

The constitutional provisions mentioned above are further expanded in the Labour Code and other legislation of the Ukrainian SSR. In particular, article 22 of the Labour Code of the Ukrainian SSR states: "Management is forbidden to refuse to hire an applicant without a valid reason." It also states that "any direct or

indirect limitation of rights or the establishment of any direct or indirect privileges on the basis of sex, race, nationality or attitude towards religion when employing a worker are prohibited". In the Republic, "management is forbidden to refuse to employ a woman or reduce her remuneration on account of her pregnancy or the fact that she is breastfeeding an infant". (art. 134 of the Labour Code of the Ukrainian SSR).

The legislation of the Ukrainian SSR provides additional guarantees of the right to work for certain categories of citizens, but these guarantees do not discriminate against other citizens. Thus, under articles 196 of the Labour Code of the Ukrainian SSR, a quota is fixed for all enterprises and organizations for the employment and on-the-job training of young people graduating from general education schools and vocational-technical schools, and also other persons under 18 years of age. Under article 197 of the Labour Code of the Ukrainian SSR, young workers who have completed their training at vocational and technical schools and young persons who have completed their training in special skills in higher educational establishments and specialized secondary institutions are provided with employment in keeping with the skills and vocational training they have acquired. Furthermore, in the cases specified by law, management is responsible for providing work for disabled persons in accordance with the recommendations of the medical establishment concerned, and for fixing a partial working day and arranging special conditions of work at their request (art. 172 of the Labour Code of the Ukrainian SSR).

When taking up employment, each manual or non-manual worker enters into a contract with the management of the enterprise or establishment regarding exactly what work he will perform. Management may not demand that a manual or non-manual worker perform work which is not stipulated in the contract of employment (art. 31 of the Labour Code of the Ukrainian SSR). Terms of contracts of employment offering conditions for manual or non-manual workers which are inferior to those provided for by the Labour legislation in force or which contradict this legislation in any other way are null and void (art. 9 of the Labour Code of the Ukrainian SSR).

As a rule, transfer to another post at the same enterprise, establishment or organization and transfer to another undertaking, establishment or organization or to a different locality, even with the undertaking establishment or organization, is permitted only with the consent of the manual or non-manual worker (art. 32 of the Labour Code of the Ukrainian SSR).

Manual and non-manual workers have the right to annul a contract of employment signed for an indefinite term by giving management two weeks' notice in writing. (art. 38 of the Labour Code of the Ukrainian SSR). A contract of employment signed for a fixed term may also be cancelled at the request of the worker in the event of sickness or disability preventing him from fulfilling his work as provided by

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the terms of the contract, if the management contravenes the labour legislation, the collective agreement or the contract of employment, or on other legitimate grounds (art. 39 of the Labour Code of the Ukrainian SSR).

Management may, however, annul a contract of employment signed for an indefinite term on its own initiative only on a limited number of grounds, which are enumerated in the law (arts. 40 and 41 of the Labour Code of the Ukrainian SSR).

The fact that the law enumerates the grounds on which a worker may be dismissed on the initiative of management represents an important legal guarantee of the right to work enjoyed by manual and non-manual workers. A similar guarantee, confirming the restrictions on management's right to dismiss a worker, is provided by the requirement that the factory, plant or local trade union committee first give its consent to a dismissal. Moreover, as a rule, management is forbidden by law to dismiss an employee on its own initiative during periods of temporary disability or during the employee's absence on leave (art. 40 of the Labour Code of the Ukrainian SSR). Managers of enterprises may not dismiss young specialists for the first three years after they graduate from educational establishments. The dismissal of workers under 18 years of age by the management is permissible only if the general rules concerning dismissal are strictly observed, and only with the consent of the district or city Minors board (art. 198 of the Labour Code of the Ukrainian SSR).

The annulment of a contract of employment by management without legitimate grounds or in violation of the established system for dismissal is prohibited, and a worker who has been unlawfully dismissed must be reinstated in the post he held previously and paid for his period of enforced idleness (arts. 43, 234 and 235 of the Labour Code of the Ukrainian SSR).

The labour rights of citizens are protected by law and are upheld by the State organs as well as by the trade unions and other public organizations. Persons guilty of violations of labour legislation are liable to disciplinary, administrative, and in the cases specified in chapter IV of the Criminal Code of the Ukrainian SSR, penalties.

The balanced and dynamic development of social production in the Ukrainian SSR is an important condition for the implementation of the right to work. In conditions of a socialist planned economy, the transition from extensive methods to the intensification of social production and the accompanying release of personnel is taken into account in labour plans. Such plans provide, in particular, for the training, retraining and advanced training of personnel so as to prevent interruptions in work and ensure continuous employment for the working people.

Employment of the broad masses of the urban and rural population, including young people graduating from general education schools and vocational-technical schools, is also the concern of State bodies responsible for securing employment

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for specific categories of citizens. In the approach to these matters, the plan basis for the development of the main branches of the country's economy is strictly respected. The general direction of planning for supplying the Republic's economy with skilled personnel, having regard to the requirements of the different branches of the economy and of districts, is the responsibility of the State Planning Committee of the Council of Ministers of the Ukrainian SSR, which must make provision for the steady growth of the productivity of labour, the correct use of the labour resources of the Republic and the supplying of the economy with skilled workers and specialists with higher and specialized secondary education.

The planning bodies of the Republic, when identifying the requirements for employment in the economy, at the same time defines the potential labour resources available to society at each period of economic construction in specific regions so as to link them with the personnel needs of the economy, determined on the basis of rosters of labour resources drawn up every year.

The complete absence of unemployment, which was eliminated in the country as early as 1930, provides vivid evidence of how the right to work is implemented in the Ukrainian SSR. Entire generations have grown up in conditions of full employment, in which the number of jobs available consistently exceeds the number of persons seeking work, and in which everyone has the opportunity to choose his work freely in accordance with his vocation, abilities and qualifications. At the present time the proportion of the population engaged in social production and in study-leave amounts to 92 per cent of the entire able-bodied population of the Ukrainian SSR.

The dynamic growth of the average number of manual and non-manual workers engaged in the economy of the Republic each year is illustrated by the following figures:

Years	Number of manual and non-manual workers (thousands)
1970	16,200
1971	16,692
1972	17,144
1973	17,534
1974	17,917
1975	18,356
1976	18,745

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In the Ukrainian SSR, women constitute over half the total number of manual and non-manual workers engaged in social production. The proportion of women employed in individual sectors of the economy of the Ukrainian SSR is as follows:

Industry	49 per cent
Agriculture	44 per cent
Transport	24 per cent
Communications	68 per cent
Construction	29 per cent
Trade, public catering, and the sector supplying materials and machinery	76 per cent
Community housing and household services	53 per cent
Health services, physical culture and social security	84 per cent
Education	73 per cent
Culture	71 per cent
Science and scientific services	49 per cent
Credit and State insurance	82 per cent

Women work as directors of industrial enterprises, factory shop superintendents, head of sections and laboratories and foremen. About 9,000 women work as chairmen and secretaries of organs of government at various levels, and women represent over 60 per cent of the members of State and economic management organs and of governing bodies of co-operative and public organizations. In 1976 there were over 62,300 women scientific workers in the Ukrainian SSR, 363 of them whom were academicians, corresponding members and professors.

The vast scale of economic and cultural construction, which leads to an expansion of employment every year, provides a broad field of activity for the young people of the Republic. Young people who have reached working age and completed their education are the basic source of manpower for the Country's economy.

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Great attention is paid in the Republic to questions of employment for persons of retirement age who express a wish to continue in their employment. The work carried out by persons in this category is of great social significance. In the Ukrainian SSR, special enterprises, shops and sections have been set up where persons of retirement age can work, and special reduced norms and work targets have been established for them. Such persons are offered the possibility of working at home or working a shorter working day; they are provided with reduced-rate passes, and are entitled to cultural and welfare services on preferential conditions. As a rule they continue to receive their pensions in addition to their remuneration.

In the Ukrainian SSR a broad range of measures is being implemented which meet the requirements of article 6, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights. The labour legislation of the Ukrainian SSR makes provision for the right of workers to free vocational training and free advanced training, which are provided in various forms: (1) in fixed educational establishments, i.e. urban and rural vocational-technical schools; (2) in specialized secondary educational establishments training specialists and technicians for industrial and agricultural enterprises and for cultural, health and educational establishments; (3) in higher educational establishments training highly skilled specialists for all branches of the economy. All these forms of training take place either with or without interruption of employment.

Under article 201 of the Labour Code of the Ukrainian SSR, the management of enterprises, organization and establishments organizes individual and group training, course instruction and other forms of industrial training at the expense of the enterprise, organization or establishment, so that manual and non-manual workers, especially young persons, can receive vocational training and improve their skill.

Manual workers with considerable industrial experience and foremen may, without interruption of employment, improve their skills in schools for foremen. Management and engineering and technical personnel improve their skills in the advanced training faculties of higher and specialized secondary educational establishments and through short-term courses offered by ministries, departments, large enterprises, research institutes, etc.

There is an extensive system of benefits for persons combining work with study. Industrial training takes place during working hours. Time spent in training and retraining is counted as work time. Management must provide the necessary conditions to enable such persons to combine work and study (art. 202 of the Labour Code of the Ukrainian SSR). If a manual or non-manual worker is recommended for a more skilled post or for a promotion, his industrial training achievements, his general or vocational education and the completion of higher or specialized secondary education must be taken into account (art. 203 of the Labour Code of the Ukrainian SSR). Persons who engage in full-time study are granted stipends.

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In the Ukrainian SSR, there are special State bodies which are responsible for providing various kinds of training. In particular, vocational and technical training in the Ukrainian SSR is directed by the State Committee of the Council of Ministers of the Ukrainian SSR for Vocational and Technical Training.

In 1977, 359,000 specialists entered the economy of the Republic, and out of that number 137,000 had higher education and 222,000 had secondary specialized education. In the course of that year, vocational and technical educational establishments trained 357,300 young skilled workers and admitted 391,400 students. Over 7 million persons learned new occupations and improved their skills through individual and group training and course instruction at enterprises, establishments and organizations and also on collective farms.

Further prospects for the realization of the right to work, including the right to vocational training, are opened up by the implementation of the Republic's development plan for the period 1976-1980 which is aimed at raising the material and cultural living standards of the people through the dynamic, balanced development of social production and the enhancement of its efficiency, the acceleration of scientific and technical progress, increased labour productivity, and all-round improvement in the quality of work in all sectors of the national economy.

Article 7 of the Covenant

In the Republic, work is remunerated in accordance with its quality and quantity, and not below the State-established minimum, as prescribed in article 38 of the Constitution of the Ukrainian SSR. This principle is confirmed and expanded in articles 94 and 95 of the Labour Code of the Ukrainian SSR.

The Constitution of the Ukrainian SSR provides that, in accordance with the principle of socialism: "From each according to his ability, to each according to his work", the State exercises control over the measure of labour and of consumption (art. 14 of the Constitution of Ukrainian SSR). The State also promotes the intensification of the social homogeneity of society through the elimination of class distinctions and of the essential distinctions between town and country and between intellectual and physical labour (art. 19 of the Constitution of the Ukrainian SSR). It "concerns itself with improving working conditions and with the protection of labour and its scientific organization and with reducing and ultimately eliminating all arduous physical labour through comprehensive mechanization and automation of production processes in all branches of the economy" (art. 21 of the Constitution of the Ukrainian SSR). "On the basis of increased labour productivity, the State consistently pursues a policy of raising the level of pay and real income of workers (art. 23 of the Constitution of the Ukrainian SSR).

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In the context of the planned management of the economy of the Ukrainian SSR, State regulation of wages ensures that workers received equal pay for equal work. The State establishes norms for wages with the participation of the trade unions. Question relating to wages and also to guarantees and compensations are regulated by the legislation in force, and in particular by the Labour Code of the Ukrainian SSR.

In accordance with the provisions of chapter VII of the Labour Code of the Ukrainian SSR, manual and non-manual workers received remuneration in the form of money. In certain cases specified by the legislation in force, a worker may, if he so wishes, receive part of his remuneration in kind (art. 96). The work of manual workers is remunerated on the basis of tariff rates (monthly salaries) fixed by the central bodies. The management of the enterprise or establishment, in agreement with the works union committee, classifies jobs in accordance with different tariff categories and workers according to categories of skill, in conformity with the provisions of the tariff (wage rates) and skills handbook. (art. 98).

The work of non-manual workers is remunerated on the basis of monthly salary rates fixed by the central bodies. The salaries of non-manual workers is fixed on the basis of the posts they occupy and their skills (art. 99).

The Ukrainian SSR consistently pursues a policy of raising the level of pay and real income of workers. Thus, between 1971 and 1975, the pay of manual and non-manual workers increased by 16 per cent, and the remuneration of collective farm workers rose by 21.3 per cent. In 1977, the minimum wage for manual and non-manual workers in all sectors of the economy was increased. Between 1971 and 1977 measures were introduced to increase the pay of manual and non-manual workers. These measures included: increases in the tariff rates and monthly salary rates for middle-level categories of workers; the introduction of supplementary pay for night work for foremen of production sectors of industrial enterprises and construction organizations and higher pay for workers in industry and workers involved in the basic operations of the railways and underground railway systems; the implementation of measures to improve the working conditions and pay of workers in the coal industry and mine construction sector and of certain other categories of workers; and increased monthly salary rates and tariff rates for doctors, teachers and workers in pre-school children's establishments, lecturers in secondary specialized and vocational technical establishments and certain other categories of workers in educational institutions, and also teachers in higher educational establishments who do not possess a higher academic degree.

The country's economic development plan for 1976-1980 provides for a further increase of 16 to 18 per cent in the average pay of manual and non-manual workers and an average increase of 24 to 27 per cent in the income of collective farm workers from the communal income of collective farms.

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It should be noted that an important role in the formation of the real income of the population of the Republic is played by the social consumption funds which are established, in accordance with article 23 of the Constitution of the Ukrainian SSR, to satisfy more fully the needs of the Soviet people. These funds are formed from the income of enterprises and not from the taxes levied on the incomes of citizens. The State, with the broad participation of public organizations and work collectives, ensure their growth and just distribution so that all members of society may have equal opportunities to enjoy their fundamental constitutional rights. The social consumption funds provide the workers of the Ukrainian SSR with free training and advanced training, free medical care, allowances, pensions, students' grants, paid annual leave, free and reduced-rate passes to sanatoria and rest homes, funds for the maintenance of children in pre-school children's establishments and a number of other grants and benefits.

Over the past 40 years, the social consumption funds have increased 30 times. It is expected that during the period 1976-1980 grants and benefits made available to the population from social consumption funds in the Ukrainian SSR will increase by 28 to 30 per cent compared with 1975.

In the Ukrainian SSR remuneration for work is not confined to pay alone. The legislation of the Republic (art. 143-146 of the Labour Code of the Ukrainian SSR) also provides for the encouragement of exemplary fulfilment of duties, achievements in socialist emulation, increased labour productivity, improvement of the quality of production, irreproachable work over many years, innovations in work and other labour achievements. These incentives include: public commendation, bonus or gratuity, award of gifts or recompense or of a diploma of honour and entry of the worker's name in a Book of Honour or Roll of Honour. Furthermore, manual and non-manual workers who perform their tasks successfully and conscientiously are granted privileges and concessions with respect to social and cultural services and housing and household amenities. They are favourably considered for promotion. For outstanding labour achievements, manual workers, collective farm workers and non-manual workers are awarded orders and medals, diplomas of honour, badges and titles of honour.

The Ukrainian SSR always pays great attention to questions relating to the establishment of working conditions which meet the requirements of safety and hygiene; this question is referred to, in particular, in article 40 of the Constitution of the Ukrainian SSR. The right of citizens to healthy and safe working conditions is also legally established in article 2 of the Labour Code of the Ukrainian SSR, together with other basic labour rights.

An extensive system of measures to guarantee this right in practice has been developed and is being applied in the Republic. In particular, questions relating to labour protection are regulated by the provisions of chapter XI of the Labour Code of the Ukrainian SSR.

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In accordance with these provisions, the management of enterprises, establishments and organizations is required to ensure healthy and safe working conditions. Management is responsible for the introduction of modern safety engineering to prevent industrial accidents and for providing conditions of hygiene to protect manual and non-manual workers against occupational diseases. Management may not require a worker to perform work involving a clear risk to life, or in conditions which contravene the legislation relating to labour protection (art. 153).

The Labour Code of the Ukrainian SSR provides for the compulsory observance of the requirements for labour protection during the construction and operation of industrial buildings, plant and equipment (art. 154), and the prohibition of the operation of enterprises and of the mass production of models of new machines and other equipment not meeting labour-protection requirements (arts. 155 and 156).

Management must also ensure the necessary technical equipment for all work posts and establish working conditions in such posts that conform to the rules for the protection of labour (regulations governing safety techniques, health rules and regulations, etc.). These rules are either uniform for all economic sectors or intersectoral and are approved by the appropriate State bodies in collaboration or by agreement with the appropriate trade union bodies. Management is responsible for systematically briefing manual and non-manual workers in safety techniques, industrial health requirements, fire prevention and other industrial safety regulations (art. 157). It is required to take measures to alleviate and improve working conditions through the mechanization and automation of production processes and by reducing and eliminating air-borne dust and gases in industrial premises and reducing the intensity of noise, vibration and so forth (art. 158).

Among labour protection measures, great importance is attached to measures directly involving the workers. They include the issue, free of charge, of special clothing, footwear and other items for individual protection, periodic medical examinations, preventive treatment, the provision of prophylactic diets where necessary, and the transfer to lighter work of workers whose state of health so requires, with their consent.

Furthermore, manual and non-manual workers are required to observe the labour-protection instructions establishing the rules for the execution of work and the behaviour of personnel on industrial premises and building sites. These instructions are drawn up and approved by the management jointly with the trade union committee. The workers are also required to observe the requirements laid down for the handling of tools and machinery and to make use of the individual protective equipment issued to them (art. 159).

It should be noted that funds and the necessary materials for the implementation of labour-protection measures are allocated according to an established procedure. The utilization of these funds and materials for any other

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purposes is prohibited. The procedure for their utilization is laid down in collective agreements or in labour-protection agreements concluded between the management and the trade union committee (art. 162).

The Ukrainian SSR ensures strict control and supervision over the observance of labour legislation and labour-protection regulations. Under article 259 of the Labour Code of the Ukrainian SSR, these functions are exercised by: (1) specially authorized state bodies and inspectorates which are independent of the management of undertakings, establishments, organizations and their higher organs; (2) trade unions and the technical and legal labour inspectorates under their jurisdiction; (3) the Soviets of Working People's Deputies and their executive and administrative bodies; (4) the ministries and departments in respect of the undertakings, establishments and institutions under their jurisdiction; and (5) the Public Prosecutor's Office.

Thus, state control over compliance with the regulations for safe working operation in certain sectors of industry and at certain installations is exercised by the State Committee of the Council of Ministers of the Ukrainian SSR for Supervision of Safe Operation in Industry and Supervision of Mines and its local bodies, together with the technical inspection carried out by the trade unions. State health inspection of compliance by enterprises, establishments and organizations with the health standard and sanitary, hygienic and epidemic control regulations is carried mainly by the organs and establishments of the health and epidemiological service of the Ministry of Health of Ukrainian SSR.

The Republic is continually taking practical steps to create healthy and safe working conditions. In this respect, particular importance is attached to the mechanization and automation of arduous and harmful technological processes, the introduction of advanced technology, the improvement of safety devices and ventilation equipment, noise control, the construction and reconstruction of health and welfare facilities, and so forth. During the period 1971-1975 alone, over 4,300 production sectors and over 1,500 shops were fully mechanized and automated, the number of mechanized and automatic production lines was increased one and half times, and so forth. During this period about 1.4 billion roubles was spent on labour-protection measures, which was 40 per cent more than during the previous five years.

As a result of the preventive measures being adopted, industrial accidents in nearly all industrial sectors are being systematically reduced. During the decade 1966-1976, the number of accidents in the economic sector of the Republic was reduced five times.

The country is also carrying out a broad programme of work for solving scientific and technical problems involved in labour protection. A network of scientific research establishments on labour safety and hygiene has been established for this purpose and is being expanded.

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It should also be noted that the legislation in force provides a number of special guarantees to ensure the most favourable working conditions for women, taking account of the physical and physiological characteristics of the female organism and the social role of women in society. A special chapter of the Labour Code of the Ukrainian SSR (arts. 174-186) is devoted to the employment of women.

In accordance with the Labour Code of the Ukrainian SSR, it is unlawful to employ women in arduous work or work in harmful working conditions, or for night work or underground work. It is also unlawful for women to carry or move weights which exceed the limits established for them (arts. 174, 195).

In the Ukrainian SSR, it is unlawful to employ pregnant women, nursing mothers and mothers with children under one year of age on night work, overtime or work on rest days or for travelling on missions (art. 176). Women with children between 1 and 8 years of age may not be assigned to overtime work or sent on missions without their consent (art. 177).

On the recommendation of a doctor, a pregnant woman may be transferred to other, lighter work for the duration of her pregnancy, retaining the same average remuneration as in her previous post. This rule applies to nursing mothers and mother with infants under one year of age, if they are unable to continue to perform their former work (art. 178).

Women are granted leave by reason of pregnancy and confinement and are paid a State Social Security allowance for 56 calendar days before and 56 days after confinement. In the event of childbirth or a multiple birth, the length of the post-natal maternity leave is extended to 70 calendar days (art. 179). A woman may, at her request, be granted additional leave without pay until her child reaches its first birthday (art. 181). It is envisaged that by 1980 child-care leave with partial pay will be introduced for working women during that period. Women with children will be afforded greater opportunities to work a partial working day or a partial working week and also to work at home.

In addition to the normal mealtime and rest intervals, women with infants under one year of age are entitled to additional nursing breaks to feed the infant, such intervals must be granted at least once and must of at least 30 minutes duration. The intervals must included in the time worked and must be paid at the average rate of remuneration.

Special attention is also given in the Republic to the organization and establishment of favourable working conditions for young people. These questions are also regulated by the provisions of a special chapter of the Labour Code of the Ukrainian SSR (art. 187-200).

Minors, that is to say those of under 18 years of age, are regarded as adults under labour law, but in the sphere of labour protection, working hours, leave and some other conditions of work they enjoy privileges established by the legislation

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in force. It is unlawful to employ young persons under 16 years of age. In exceptional cases, it is permissible to employ persons who have reached their fifteenth birthday with the consent of the trade-union committee (art. 188 of the Labour Code of the Ukrainian SSR).

In order to protect the health of persons under the age of 18, they may not be employed on arduous work, work in unhealthy or dangerous working conditions, underground work, or on night work, overtime or on rest days (arts. 55, 63, 190 and 192 of the Labour Code of the Ukrainian SSR). All persons under 18 years of age undergo a preliminary medical examination before being accepted for employment, and after that they undergo a regular medical examination every year until they have reached the age of majority (art. 191 of the Labour Code of the Ukrainian SSR). If, as a result of a medical examination, it appears that a minor is being employed on work which is contraindicated in view of his state of health, he is given other, more suitable work.

At the same time, the work of young manual and non-manual workers is lightened by the establishment of shorter working hours for such workers. Workers from 16 to 18 years of age work 36 hours a week, and those from 15 to 16 years of age work 24 hours a week. They are paid at the same rate as manual and non-manual workers in the corresponding categories who work normal daily hours.

The country's economic development plan for 1976-1980 provides for the implementation of further labour-protection measures. Special importance is attached to the mechanization and automation of arduous types of work, including underground work and work under conditions harmful to health. To this end, provision has been made for increasing the output of equipment to be used in the mechanization of arduous and difficult construction work, lifting and transporting work, loading and unloading work and warehouse work. Plans call for increasing the output and improving the quality of protective devices, equipment and instruments necessary for establishing safe and healthful working conditions. New types of machines, devices, apparatuses and instruments will be produced which will make it possible not only to mechanize and automate heavy manual labour but also to prevent monotony and repetitiousness in operations.

The rights afforded by the Constitution of the Ukrainian SSR provide broad opportunities for all workers without discrimination to gain promotion in their work when they acquire appropriate qualifications, experience of practical work and the necessary theoretical knowledge. As has already been indicated (see the comments relating to art. 6 of the Covenant), all workers in the Ukrainian SSR who have completed industrial training gain qualifications in accordance with the skills handbook and are provided with employment in keeping with the skills and level of training they have acquired. If a worker is recommended for a more skilled post or for promotion, his training achievements, his general or vocational education and the completion of higher or specialized secondary education must be taken into account.

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Those who complete their training in schools for foremen and special classes for foremen are awarded a certificate of secondary education and a certificate of attendance and have the right to take up posts as foremen or heads of production sectors at enterprises. If there are vacancies, workers who have completed courses at secondary and higher specialized educational establishments are transferred to engineering and technical posts and may hold executive posts in production (supervisors of shifts, shops, sections and even directors of enterprises).

Under article 247 of the Labour Code of the Ukrainian SSR, workers are appointed to executive posts in enterprises, establishments and organizations by the management, taking into account the views of the factory, plant or local trade union committee.

In the context of ensuring the right to just and favourable working conditions, as laid down in article 7 of the International Covenant on Economic, Social and Cultural Rights, great importance is attached to granting the workers guaranteed rest and leisure, reasonably short working hours, and so forth. Under article 39 of the Constitution of the Ukrainian SSR:

"Citizens of the Ukrainian SSR have the right to rest and leisure.

"This right is ensured by the establishment of a working day not exceeding 41 hours for manual and non-manual workers, a shorter working day in a number of trades and industries, and shorter hours for night work; by the provision of paid annual holidays, weekly days of rest, extension of the development on a mass scale of sport, physical culture and tourism; by opportunities for rational use of free time.

"The length of collective farmers' working and leisure time is established by their collective farms."

These constitutional provisions are expanded in the labour legislation in force. In particular, chapter IV of the Labour Code of the Ukrainian SSR provides that the normal working week for manual and non-manual workers cannot exceed 41 hours. As economic and other essential conditions evolve, the length of the working week will be gradually reduced (art. 50). For some categories of workers, in connection with their working conditions, and also for persons under the age of 18 years, a shorter working week has been established (art. 51). In 1976, the average established duration of the working week with two rest days has been established for manual and non-manual workers. Where the nature of production and conditions of work make a five-day working week inexpedient, a six-day working week with one rest day is observed. In such cases daily working hours may not exceed seven (art. 52).

As a general rule, the working day is reduced by one hour on the day which precedes a holiday and weekend, and also for night work.

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As a general rule, overtime work is not permitted by law (art. 62 of the Labour Code of the Ukrainian SSR). Management may provide overtime work only in exceptional cases, specified by law, and only with the consent of the trade union. Overtime work must not exceed four hours for any manual or non-manual worker on any two days in succession, nor exceed 120 hours in any one year.

The Labour Code of the Ukrainian SSR (chapter 5) provides that manual and non-manual workers are entitled to a break for rest and meals, rest days and annual leave. Where the five-day working week is observed, there are two rest days each week and in the case of the six-day week, one rest day. The weekly rest period must be of at least 42 consecutive hours' duration (art. 70).

Work on rest days is forbidden. Certain manual and non-manual workers are permitted to work on such days, but only with the consent of the trade-union committee and only in the exceptional cases specified in article 71 of the Labour Code of the Ukrainian SSR.

Each weekly rest day on which work is performed must be compensated by another day of rest within two weeks (art. 72 of the Labour Code of the Ukrainian SSR). If this is not possible, double rates must be paid for work performed on the rest day (art. 73 of the Labour Code of the Ukrainian SSR).

All manual and non-manual workers must be granted annual leave while retaining their posts or duties and their average remuneration (art. 74 of the Labour Code of the Ukrainian SSR). The duration of paid annual leave for adult manual and non-manual workers must be between 15 and 48 working days. In addition, the legislation provides for additional types of leave on account of harmful working conditions, long periods of work and the like (arts. 76 and 77 of the Labour Code of the Ukrainian SSR).

It is forbidden to give cash compensation in lieu of annual leave, except where a worker or non-manual worker is dismissed before he has used up his annual leave (art. 83 of the Labour Code of the Ukrainian SSR).

A considerable amount of work is being done in the Ukrainian SSR to develop organized leisure activities for workers and tourism and to develop treatment at sanatoria and health resorts. Factory or plant and local trade-union committees keep a record of manual and non-manual workers who require treatment at sanatoria and health resorts in order to provide them with the necessary authorization on the basis of a doctor's recommendation.

A considerable number of sanatoria, holiday hotels and leisure centres are run by the Ukrainian trade unions themselves. Between 1971 and 1975, over eight million people stayed or received treatment at such facilities. It should be noted that almost all trips to sanatoria, holiday and leisure centres are available to manual workers, collective farmers, non-manual workers and member of their families on preferential terms, at 70 per cent discount or free of charge, as a

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result of funds provided by the State social insurance system. Thus, a worker spends less than one-fifth of his monthly wages for a 24-day stay in a sanatorium on preferential terms. For a 12-day stay at a leisure centre, a worker spends an amount which, on the basis of the average wage, corresponds to roughly to one day's pay.

The resources allocated by the State for these purposes are increasing every year. For example, in 1976, the sum of 118.1 million roubles was allocated from the State Social Security budget merely for sanatoria and health resort services and special diets for manual and non-manual workers, while in 1970 only 80.5 million roubles was spent for those purposes.

In their free time, the workers of the Republic have an opportunity to rest, to increase their knowledge, to improve their cultural level and professional qualifications and to take part in physical culture activities and sport. The trade-union organizations provide clubs, leisure centres and palaces of culture, concert and lecture halls, libraries and so forth, free of charge, to manual and non-manual workers and labour collectives. Each worker is able to develop his talents and participate in amateur artistic circles and popular creative activity.

Many citizens of the Ukrainian SSR prefer active leisure. Every year, millions of working people take part in trips around the country and various kinds of excursions to places associated with historical and cultural events. In 1970, for example, 5.2 million people took part in trips and excursions, while in 1975 the tourist and excursion organizations provided services for over 31 million people.

Organized rest days, with the participation of the entire labour collective, and family evenings are a common feature of life in the Republic. Mass holidays and group outings, and shows on particular themes which are attended by many thousands of people, are very popular among the population. Labour and harvest festivals, carnivals, concerts, and songs, dances and flower festivals and so forth, are always a great success.

The Ukrainian SSR will in the future continue to pursue a policy of progressively reducing the working day and increasing the leisure time of workers, in the interests of the physical and intellectual development of the individual.

Article 8 of the Covenant

The right of citizens of the Ukrainian SSR to join trade unions is set forth in article 49 of the Constitution of the Ukrainian SSR:

"In accordance with the aims of building communism, citizens of the Ukrainian SSR have the right to associate in public organizations that promote their political activity and initiative and satisfaction of their various interests.

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"Public organizations are guaranteed conditions for successfully performing the functions defined in their rules."

In accordance with these constitutional provisions, the Labour Code of the Ukrainian SSR explicitly specifies that manual and non-manual workers are guaranteed the right to join trade unions. The trade unions act in conformity with the statutes they adopt themselves and are not obliged to be registered with any State bodies. State bodies, enterprises, establishments and organizations are required to give every assistance to trade unions in their activities (art. 243).

There is no regulation by the legislation in force in the Ukrainian SSR, or control by the State, of either the organizational structure of the trade unions or internal trade-union relations. The trade unions of the Ukrainian SSR are organized on a production basis whereby all those working in one enterprise or establishment form one trade union. Each trade union consists of manual and non-manual workers from one or more related sectors of the economy. Republic and district trade-union councils have been established to co-ordinate the activities of the sectoral trade unions and to combine their efforts in the joint solution of the most important questions relating to the economy and the construction of public amenities which concern the workers of all or many sectors of the economy. At the present time, the Ukrainian trade unions have 22.8 million members, or 92.5 per cent of the total number of workers.

Under the trade union Statute, any citizen working at an enterprise, in transport, in construction, in agriculture or in an establishment or organization, and also any student in a higher or secondary specialized educational establishment or vocational and technical training school may be a member of a trade union. The right to join trade unions is a universal right; it belongs to all citizens on an equal basis, irrespective of their origin, social or financial situation, racial or national origin, sex, education, language, attitude to religion, place of residence or other circumstances. The trade unions may not be dissolved by an administrative decision. Obstructing the legal activity of trade unions is a criminal offense under article 132 of the Criminal Code of the Ukrainian SSR.

The trade unions represent the interests of manual and non-manual workers in the field of production, labour, welfare, living conditions and culture and, in the Ukrainian SSR, they have wide powers. They participate in drawing up and implementing State economic development plans and in the solution of questions bearing on the distribution and utilization of material and financial resources, enlist the manual and non-manual workers in the management of production, organize socialist emulation and mass technical development efforts, and help to promote production and labour discipline. The establishment of working conditions, the fixing of wages and salaries, the application of labour legislation and the utilization of public consumption funds in cases specified by the legislation in force are carried out by enterprises, establishments, organizations and their higher organs, jointly or in agreement with the trade unions.

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The trade unions exercise supervision and control over the observance of labour legislation and industrial safety regulations, and exercise control over the housing and welfare services provided for manual and non-manual workers. They are responsible for State social security and administer the sanatoria, hospitals and nursing home establishments and rest homes for which they are responsible, as well as cultural and educational, holiday and sports establishments.

The trade unions of the Ukrainian SSR, represented by the Ukrainian Republican Trade Union Council, have the right to initiate legislation (art. 244 of the Labour Code of the Ukrainian SSR).

The trade unions also play a major role in the solution of other questions relating to labour and the welfare and living conditions of the workers (see the comments relating to chapter 7 of the Covenant).

The Labour legislation of the Republic provides additional guarantees for elected trade-union workers. Thus, under article 252 of the Labour Code of the Ukrainian SSR, a manual or non-manual worker who is elected to a works, local, branch or shop union committee of a trade union without being released from production may not be transferred to another post or have any disciplinary sanction imposed on him without the prior consent of the trade union and, in the case of the chairmen of such committees and the trade-union organizers, without the prior consent of the higher trade-union body. The dismissal by management of the chairmen and members of trade-union committees and trade-union organizers who have not been released from production is permissible only with the consent of the higher trade-union body, and the general rules respecting dismissal must be observed.

Manual and non-manual workers who are released from their work at enterprises, establishments and organizations on their election to trade-union committees are allowed to return to their former posts or duties at the end of their term of office, or, if this is not possible, are assigned to another post or other duties at the same level, or, with the consent of the worker, at another enterprise, establishment, or organization.

The trade unions of the Ukrainian SSR establish and maintain links and contacts with foreign trade unions grouping workers irrespective of their racial or national origin or political or religious views. The Ukrainian Republic and district sovnets, sectoral trade-union committees, and the trade-union organizations of enterprises, construction sites, collective farms, State farms, and higher and secondary educational establishments of the Ukrainian SSR maintain links with 670 trade-union organizations in 29 countries of the world. The trade unions of the Ukrainian SSR take an active part in the work of the sessions of the General Conference and sectoral committees of ILO, UNESCO and other international organizations.

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The Ukrainian SSR is party to the 1948 ILO Convention no. 87 concerning Freedom of Association and Protection of the Right to Organize and strictly complies with its provisions. Information relating to legislation and practice in the Republic in connexion with this Convention is regularly submitted in accordance with article 22 of the Constitution of the International Labour Organization.

Article 9 of the Covenant

The right of the workers of the Ukraine to "social security, including social insurance", is confirmed in many legal instruments, above all in the Constitution of the Ukrainian SSR. Thus, article 41 of the Fundamental Law of the Republic states:

"Citizens of the Ukrainian SSR have the right to maintenance in old age, in sickness, and in the event of complete or partial disability or loss of the breadwinner.

"This right is guaranteed by social insurance of workers and other employees and collective farmers; by allowances for temporary disability; disability pensions, and pensions for loss of the breadwinner; by providing employment for the partially disabled; by care for the elderly and the disabled; and by other forms of social security."

Pensions for workers and questions relating to State social insurance are specifically regulated by many legislative enactments, including, in particular, the 1956 National Pensions Act, the 1964 Act on Pensions and Benefits for members of collective farms, and the Labour Code of the Ukrainian SSR.

The National Pensions Act of 1956 is the basis for the uniform pension system in operation in the country. In accordance with this Act, citizens are paid pensions in respect of old age, disability and loss of the breadwinner. Article 1 of the Act provides that these pensions are granted and paid to all manual and non-manual workers, persons serving with the armed forces, and persons attending higher and secondary specialized educational establishments, to other citizens in the event of their becoming disabled in connection with the performance of State or public duties, and to members of the families of citizens specified above in the event of loss of the breadwinner. In accordance with the 1964 Act on Pensions and Benefits for members of collective farms, this right is extended also to collective farm workers.

In the Ukrainian SSR, old age pensions amount to between 50 and 70 per cent of the worker's pay at the time of retirement, and in some cases represent up to 100 per cent of average monthly pay. Manual and non-manual workers are entitled to old-age pensions at the standard rate: in the case of men, at the age of 60, after at least 25 years' service, and in the case of women, at the age of 55, after at

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least 20 years' service. Manual and non-manual workers who work underground, in harmful working conditions, or in factory shops under conditions of extreme heat are entitled to old-age pensions on preferential terms: in the case of men, at the age of 50, after at least 20 years' service, and in the case of women, at the age of 45, after at least 15 years' service. In addition, women who have had five or more children and have cared for them up to 8 years of age, and other categories of persons, are entitled to received pensions at an earlier age and after fewer years' service.

Under the regulations in force, persons entitled to old-age pensions may receive the full amount of their pension while remaining at work. Thus, for example, all manual workers, junior service personnel, foremen, workers in mass communications, trade, and public catering, doctors in general health establishments, middle-level and junior medical personnel of health establishments, teachers in rural schools and many others receive their full pension while remaining at work.

A characteristic of the social-security system in the Ukrainian SSR is its accessibility to the broad masses of the workers. For example, a manual or non-manual worker or a collective-farm worker is entitled to material security the social-security system from the first day of his employment, irrespective of the nature or place of work.

Under article 253 of the Labour Code of the Ukrainian SSR, all manual and non-manual workers are covered by compulsory State social security, which is financed by the State. The social security contributions are paid by the enterprise, establishment or organization without any deduction from the workers' remuneration. These funds may not be used for any other purpose.

Manual and non-manual workers and, where applicable, the members of their families, are provided with the following State social security benefits:

- (1) Temporary disability allowances and, for women, maternity allowances;
- (2) Birth grants, burial grants;
- (3) Old-age pensions, disability pensions, pensions for loss of breadwinner, and length-of-service pensions for certain categories of workers.

State social security funds are also used to defray the cost of the treatment of manual and non-manual workers at sanatoria and health resorts and at preventive clinics and rest homes, dietary the maintenance of Young Pioneer camps and other facilities (art. 255 of the Labour Code of the Ukrainian SSR).

Temporary disability allowances are paid in the event of sickness or injury, temporary transfer to another post as a result of sickness, where a worker has to

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take care of a sick member of the family, quarantine, treatment at a sanatorium or health resort and the fitting of a prosthetic appliance, and they may amount to the full earnings of the worker concerned. In the case of sickness or injury, the allowance is paid until the capacity for work has been restored or the disability is declared to be permanent (art. 256 of the Labour Code of the Ukrainian SSR).

The maternity allowance is paid for the entire period of absence from work on account of pregnancy and confinement in the full amount of the worker's remuneration (art. 257 of the Labour Code of the Ukrainian SSR).

The legislation of the Ukrainian SSR does not make provision for unemployment allowances, because there is no unemployment in the Republic.

State allocations to social security in the Ukrainian SSR are constantly increasing; this makes possible a systematic rise in the level of security of the workers on reaching old age and in the event of being unable to work, and the expansion of preventive and health activities. In 1970, for example, 1,670 million roubles was allocated from the State social security funds for social benefits to workers, while in 1976 the amount was 2,630 million roubles.

In accordance with the general plans for the development of the country's economy, new social security measures are to be introduced. The aim is, in particular, to raise the minimum pension rates for manual and non-manual workers and collective-farm workers, to bring closer together the social security of different categories of workers, to increase benefits for persons who are disabled from childhood, and to expand pension benefits for mothers with large families.
