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

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

SYRIAN ARAB REPUBLIC*

20 April 1981

* The report of the Syrian Arab Republic concerning rights covered by articles 6 to 9 of the Covenant is contained in document E/1978/8/Add.25. The present document contains supplementary information in reply to the third report by the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation on progress, in achieving observance of the provisions of articles 6 to 9 of the Covenant (E/1980/35).

ARTICLE 6. THE RIGHT TO WORK

We replied earlier (E/1978/8/Add.25) about the implementation of article 6 in our country. We give below some information requested by the Committee of Experts.

1. Estimates of the labour force

The estimates of the sample survey of the population of September 1979 showed that the proportion of males in the work force aged between 15 and 64 years totalled 87 per cent of the total labour force in the country.

The corresponding proportion of females totalled 13.7 per cent, and the development of the volume of the labour force in the Syrian Arab Republic during the period between 1974 and 1979 was 5.3 per cent a year on the average.

2. Manpower planning

In view of the importance of manpower planning as a basic and effective part of the success of the country's economic and social plans, the Directorate of Manpower Planning and Advanced and Technical Education in the State Planning Commission prepared tables as a part of the planning for the fifth five-year plan (basic stage) to be filled in by the companies and institutions of the joint public sector stating:

(a) These institutions' manpower requirement during the fifth five-year plan by educational and occupational status in accordance with scientific indicators;

(b) These institutions' requirement of internal and external training courses by specialty and occupation with the duration of these courses;

(c) A plan of external and internal scholarships giving these institutions' requirement of scholarships for the obtaining of educational degrees (doctorate, master's degree, baccalaureate);

(d) A plan for foreign and Arab experts, showing these institutions' requirement of experts by specialty and proposed term of stay. Tables were also prepared showing the capacity of educational and training institutions in the country during the term of the five-year plan, and a study was made of the graduation expectations of the various educational and training institutions during this term, i.e., the supply capacity, so that a study could be made of the bottlenecks and surplus and on the basis of that the Commission could propose the decreasing or the opening up of education and training institutions and propose specific policies for:

Compulsory education up to the end of the preparatory stage;

Expansion of the post-preparatory stage in technical education by the opening of new industrial and commercial schools;

Expansion of vocational training centres and industrial apprenticeships for post-preparatory stage study;

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Non-entry of the 10-14 year age group into the labour market;

Increased participation of women in the labour force.

3. Manner in which the placement agencies carry out their duties

Chapter I, section 3, of the Labour Code contains a section on the employment of unemployed persons, which contains the following provisions:

(a) Every unemployed person has the right to request that his name be registered at the Ministry of Social Affairs and Labour placement office under whose jurisdiction his place of resident comes, with a mention of his age, occupation, qualifications and previous employment. This office must register requests and give the applicant free of charge a certificate of the registration on the day on which the request is submitted.

(b) The placement offices must assist the unemployed persons whose names are registered with them to obtain employment which is suited to them and accords with their age and capabilities.

(c) In order to realize this, the Labour Force Office has been established, and, during the period 1961-1966, the Ministry established a placement office at the centre of every muhafazah. The offices register applicants for employment and give them labour registration certificates free of charge. Through this system, the enterprises of the private sector and all the enterprises of the public sector, including the ministries, departments, public, nationalized and municipal institutions and State agencies, whatever the number of their employees, come under the placement system. Under article 14 of the above-mentioned section, no unemployed person may be employed unless he has a certificate of registration with one of the above-mentioned placement offices. Article 15 of the Labour Code provides for the establishment of consultative committees to assist the placement offices in carrying out their tasks and provides that such committees shall include representatives of the administrative agencies concerned and of employers and workers on an equal basis. These committees are concerned with the following:

(a) Proposals for the drafting of the local placement policy;

(b) Vocational guidance in accordance with the requirements of the labour market;

(c) The proposal of systems which will guarantee equal opportunities for promotion and employment;

(d) The proposal of regulations which will guarantee the utilization of the placement offices by the State, public institutions and administrative units having a corporate character when making appointments to the various posts;

(e) The proposal of a system to guarantee the registration and appointment of workers in scattered areas far away from placement offices;

(f) The proposal of a system to guarantee that workers are experienced in

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their occupation or industry as registered with the placement offices and their degree of technical expertise specified, in co-operation with the competent administrative authorities and the educational institutions;

(g) A proposal for organizing the migration of workers from one area to another in accordance with the labour requirement. These proposals are applied by the Minister of Social Affairs and Labour.

Article 16 of the Labour Code provides that every employer must, himself or by registered letter, notify the placement office within whose jurisdiction his work place lies, of the posts and jobs which have become vacant or which have been established in his enterprise, of whatever kind, with a statement of the type of post or job, the wage assigned for it and the date set for filling it, within seven days from the date of its becoming vacant or being established. Within seven days from the date of his recruiting an unemployed person in a post or job, he must send the registration certificate relating to him to the placement office which issued it, together with a statement giving the date on which he took up the employment, the wage assigned to him and the type of post or job. He must also register the number and date of the registration certificate before the name of the worker in the labour registration register.

Under article 19 of the Labour Code, an unemployed person may not be charged any fee for recruitment to any of the above-mentioned jobs, which come under the provisions of the above-mentioned section 30.

ARTICLE 7. THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

We give below the additional information requested by the Committee of Experts.

1. Promotion

The Labour Code does not contain any provision dealing with promotion. This matter is left to the basic systems. However, all workers in the public sector enjoy promotions and wage increases. Civil servants do so under the Civil Service Statute. Article 17 of the Civil Service Statute provides for the promotion of a civil servant within each term of not less than two years, provided that there is a vacancy in the manning table to allow promotion and the necessary appropriations in the budget.

Promotion is effected on the basis of this principle.

Article 12 of the Employed Persons Act, which applies to persons who are not subject to special laws or regulations or to the Labour Code, contains a similar provision.

Workers in the industrial public sector who are subject to the provisions of the Labour Code obtain promotion under Circular No. T/374 of 16 September 1967, which provides as follows:

(a) Any person who has spent two years in the employment of a company or has

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spent the same time in its employment since his last promotion shall be eligible for promotion;

(b) Any person who has spent a year and a half in the employment of a company or who has spent the same period of time in its employment since his last promotion, where the company's regulations state expressly that such a term or less must elapse, shall be eligible for promotion;

(c) The promotion increment shall not be more than 10 per cent in the case of a person who has waited two years and 7 per cent in the case of a person who has waited a year and a half;

(d) The maximum increase shall be 25 Syrian pounds per month for a person who has waited two years and 20 Syrian pounds a month for a person who has waited one and a half years.

The capability of the employee or worker eligible for promotion must be established in all the cases mentioned.

In the private sector, article 68 of the Labour Code stipulates that every employer of 15 workers or more must display the basic labour regulations in a prominent place in the institution, depositing a copy with the competent administrative authority, and a bill of penalties and the conditions of their imposition.

We should mention that basic labour regulations must be submitted to the Ministry competent to ratify them. The Ministry of Social Affairs and Labour, which is the Ministry competent to ratify them, tries to ensure that they contain a provision on promotion.

We should mention also that the above-mentioned Ministry, by Order No. 61 of 1961, laid down a model for the bill of penalties so that employers could be guided by it in preparing their own. The periodic report which, under article 17 of this Order, is drawn up by employers every three months, six months or annually on their employees contains essentially each workers's position with regard to the following:

- (a) expertise;
- (b) ability to work;
- (c) initiative;
- (d) personality;
- (e) conduct;
- (f) long-term diligence.

Under article 18, the worker is classified at each reporting interval as one of the following:

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- (a) very good;
- (b) good;
- (c) average;
- (d) bad.

Under article 19, the daily and monthly workers of institutions are classified in accordance with the jobs which they do in one of the categories in the manning table, which sets the minimum and maximum levels for wages in each category and the amount of increment which may be given upon each promotion. These limits are subject to adjustment in accordance with orders of principle which may be issued relating to the establishment of the minimum wage in the institution or occupation.

Article 21 of the above-mentioned model provides for the automatic promotion of a worker who has reached the "very good" level in the annual report. Employees who have reached lower levels are promoted upon a written note issued by the administration in accordance with its view of the case. The promotion of a worker in any category becomes automatic after the elapse of two years since his last promotion unless his wage has reached the maximum for his category.

It should be mentioned that there is a table attached to the above-mentioned model which classifies daily and monthly workers in categories and specifies the minimum and maximum for each category.

There is another table showing averages of production limits, production workers and the set production bonuses. There is also a table showing the level of the productivity of regular workers and the production bonuses allocated to them.

2. Labour safety and health conditions

We wish to point out, firstly, that Ministerial Order No. 970 of 1969 has been superseded by Ministerial Order No. 269 of 1 March 1977 and Ministerial Order No. 268 of 1 March 1977, which contain provisions corresponding to the provisions of Order No. 970 on protection of the health of workers, with some modifications.

The Ministry of Social Affairs and Labour is endeavouring to remedy the deficit in the number of inspectors and means of transport in order to facilitate the work of inspection in accordance with Convention No. 81 concerning labour inspection.

The Social Insurance Institution now has a staff nucleus of 13 persons, who are responsible for supervising occupational safety and health. The Institution is endeavouring to supplement this staff.

In addition to periodic inspection duties, the Institution carries out numerous activities, such as the education of workers and the inculcation of awareness through numerous courses and through the publication of medical works dealing with occupational health and safety matters. It also prints posters on

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many subjects for the inculcation of awareness. Since 1975, the Institution has been trying to establish a permanent staff to co-ordinate activities between the various ministries concerned with health and safety. A number of preliminary meetings have been held for this purpose. The Institution has set up an occupational health and safety system in co-operation with experts from the International Labour Organisation, and this system is now under study in the Ministry of Social Affairs and Labour.

3. Rest, limitation of working hours and holidays with pay

The Committee of Experts noted that the working hours in some activities are between 53 and 55 hours a week.

We would like to point out here that the most important sources in the Syrian Arab Republic for obtaining the actual working hours of workers are the results of the survey of employment, wages, and working hours made by the Ministry of Labour for workers in the industrial public sector for the month of May each year.

The latest periodic results (Annual Statistical Compendium of the Ministry of Labour for 1978) show that, in the case of manufacturing industries not exceeding six in number (alcoholic beverages, printing, chemical fertilizers, cement and the manufacture and repair of non-electrical machinery), the average actual working hours per worker per week totalled only 50 hours during the month of May. It reached its maximum, approximately 55 hours, in the alcoholic beverages industry, and its minimum, 51 hours, in the paper industry. However, the total number of workers covered by these figures in the six industries is not more than 9 per cent of the total number of workers in the manufacturing industries of the industrial public sector. The actual working hours comprise, according to the International Labour Organisation definition, the following:

Actual working hours during the regular work period;

Overtime;

Time spent at the work place (repair and maintenance of the work place, preparation and cleaning of equipment);

Time spent on short rest periods, including coffee and tea breaks.

ARTICLE 8. TRADE UNION RIGHTS

Article 62 of Legislative Decree No. 84 of 26 August 1968 and the amendments thereto give the General Federation of Trade Unions the right to organize external links and relations between trade-union organizations and their counterparts outside the country, including the dispatch of delegates to international conferences and the reception of foreign trade-unionist delegates. This text may be interpreted as implicitly permitting membership in international trade-union organizations, and this is what has happened, as we have informed you.

Article 1 of Act No. 21 of 1972 defines a member of the Co-operative Peasants'

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Association as a peasant, which means any men or women belonging to one of the following categories:

(a) Agricultural workers, including regular and technical workers, agents and agricultural service workers;

(b) Any person working on the land by himself directly or in association with members of his family or a peasant association without assistance from others.

Under article 6 of the above-mentioned Act, the Peasants' Association has the following aims:

(a) Endeavouring to develop production and improve the conditions of its members economically and socially;

(b) To contribute to the realization of the agricultural revolution and the use of modern methods in agriculture;

(c) To participate in the implementation of State plans in the organization of agriculture and its collective exploitation;

(d) To organize the obtaining of the necessary loans of various kinds;

(e) To provide the necessary modern agricultural equipment to the Association and the economic management and operation of this equipment, its maintenance and organization of its use by members;

(f) To manage and exploit its lands and the lands entrusted to it;

(g) To contribute to the strengthening of rural industries and the provision of the necessary general services to its members, in co-operation with the specialized bodies;

(h) To effect savings transactions for its members and to apply the slogan "savings for development". The Association may effect agricultural insurance transactions covering the produce and livestock of its members;

(i) To market agricultural crops and produce;

(j) To implement production projects for its benefit, such as projects for irrigation, drainage, land reclamation, the building of storehouses and animal enclosures, procurement of tractors and agricultural machinery, the establishment of maintenance and repair stations and other projects necessary for production;

(k) To perform all tasks and functions for the fulfilment of its duties under its rules of procedure and the provisions of the laws and regulations in force.

The competent authority has not yet completed the draft act which comprises an

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amendment of Legislative Decree No. 84 of 1968 and takes into account the comments of the Committee of Experts.

ARTICLE 9. THE RIGHT TO SOCIAL SECURITY

The Committee of Experts pointed out that old age insurance is restricted to institutions with five or more workers, and this situation still exists. However, this Ministry is studying the possibility of promulgating legislation to extend this insurance to all institutions.

Workers employed in temporary incidental work, in particular contract workers, itinerant workers, seasonal workers and workers engaged in loading and unloading and using machinery or exposed to one of the occupational diseases set forth in table 1 annexed to the Insurance Act are covered by labour accident insurance (article 19 of the Insurance Act).

In addition to what was mentioned in the observations of the Committee of Experts concerning the application of work accident insurance provisions to agricultural workers using machinery or exposed to occupational diseases, Act No. 1344 of 22 October 1978 has been promulgated and provides for the application of work accident insurance and old-age, disability and death insurance provisions to all workers employed in agriculture by the State and the public sector as at 1 January 1979.

It was stated in the comments of the Committee of Experts that workers are not given sickness compensation or maternity leave. This requires clarification. Article 22 of the Workers' Basic Statute, No. 1459 of 5 September 1950 and the amendments thereto, provides as follows:

"If a worker meets with an accident during the performance of his task, he is entitled, on the basis of a report by his superior specifying the manner, kind and cause of the accident and a report from the medical committee, to receive sick leave for a maximum of four months at full pay and four further months at half pay. The management shall arrange for him to receive treatment free of charge in State hospitals and health institutions. If the employee is incurable and afflicted with total disability to work, he shall be separated and his retirement entitlements shall be liquidated. This shall apply in the case of an accident to a worker. If a worker has a regular disease, he shall be entitled during each year, beginning on 1 January and ending 31 December, to receive sick leave at full pay for a period of 60 days and at half pay for a period of 45 days and at no pay for the remainder of the year." (Article 19 [sic] of the above-mentioned Act).

Article 21 stipulates that pregnant workers shall be given the maternity leave laid down in article 57 of the Workers' Basic Statute. This leave covers two months at full pay and is given even if the child dies. A female worker may be given additional maternity leave at half pay for a period not exceeding one month.

With regard to agricultural workers, article 117 of the Act regulating agricultural relations, No. 134 of 4 September 1958, stipulates that agricultural

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workers who have completed a minimum of six months' service under an employer shall, if they have contracted a disease which is not occupational or the result of a work accident, be granted sick leave as follows:

One month at full pay;

One month without pay.

These periods of leave are granted upon presentation of a medical report from the employer's doctor or from the attending doctor if the employer has no doctor, the attending doctor's report to be certified by the health doctor of the region.

Annual workers whose term of employment does not exceed six months are given sick leave at half the rate of the above with pay and without pay, provided that they spend at least three months in the service of the employer. The employer may not dismiss them or give them notice of dismissal during the period of sick leave.

Article 118 of this same Act makes it compulsory for anyone employing 100 or more workers in one village or centre to provide the following health services for his employees:

(a) He shall contract with a private physician to visit workers at the work place at least once a month at his expense to inspect matters relating to their health at work and at home, to examine and treat those who are sick and give them medical reports if necessary and to treat members of the workers' families for low fees;

(b) He shall employ at his expense a private nurse in the village or work place to attend to matters relating to the workers' health under the supervision of a physician;

(c) He shall place at the nurse's disposal a bag containing the necessary drugs and implements for first aid, and the implements and kinds of drugs shall be specified by an order from the Minister after consultation of the opinion of the Ministry of Health;

(d) Sick workers shall be transported at his expense to the doctor's office or the hospital, if necessary, for examination and treatment.

~~Under article 53 of the above-mentioned Act regulating agricultural relations,~~ pregnant workers in agricultural work who have been in the service of an employer for more than six months shall be granted maternity leave of 50 days, including the period before the birth and the period after, on the basis of a medical report showing the estimated date of birth. Employers or their agents cannot allow women to return to their work before the expiry of 30 days after the birth. The women are paid at half rate during their absence.

If a female worker is unable to return to her work after the expiry of the sick leave, she may obtain convalescence leave for a period of two months on the basis of medical reports, and during that leave (54 days) she is paid nothing. After returning to work after the birth and during six months after her return, a

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female worker may take a break or breaks for rest totalling not more than one hour per day. This is in addition to the rest prescribed in article 103 of the above-mentioned Act, which stipulates that at midday workers should be given a rest period of not less than one hour, not to be counted in the total of working hours. This applies where the working hours total more than six hours per day.

We replied earlier concerning the extension of the coverage of the Social Insurance Act. In the present circumstances, the country is unable to adopt maternity insurance, family expenses insurance and unemployment insurance.

With regard to the improvement of administrative and financial methods, the Ministry of Social Affairs and Labour has invited an expert assigned by the International Labour Office for this purpose, and he is currently carrying out his work at the Social Insurance Institution.

In September 1979, the labour force totalled 2,175,228. The number of those working for a cash wage totalled 1,081,670.

The proportion covered by insurance was 49.73 per cent. The categories in the labour force not covered by insurance are:

Employers;

Persons working for their own account;

Persons working for a wage in kind;

Persons working for relatives for no wage;

Persons working for others for no wage;

The unemployed.

We have no statistics on the relation of tenders to actual wages.
