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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

YUGOSLAVIA

[19 February 1982]

I. BASIC CONDITIONS, PROGRAMMES AND INSTITUTIONS, MEASURES ADOPTED AND  
ADOPTED AND PROGRESS ACHIEVED AND DIFFICULTIES ENCOUNTERED IN  
SAFEGUARDING THE RIGHTS DEFINED IN ARTICLES 6 TO 9

1. The Constitution of the Socialist Federal Republic of Yugoslavia, and the constitutions of the socialist republics and the socialist autonomous provinces, adopted in 1974, laid down the foundations of the socio-political system in Yugoslavia. The Constitution of the Socialist Federal Republic of Yugoslavia, in Basic Principles I and II, stipulates the following:

"The nations of Yugoslavia, proceeding from the right of every nation to self-determination, including the right to secession, on the basis of their will freely expressed in the common struggle of all nations and nationalities in the National Liberation War and Socialist Revolution, and in conformity with their historic aspirations, aware that further consolidation of their brotherhood and unity is in the common interest, have, together with the nationalities with which they live, united in a federal republic of free and equal nations and nationalities and founded a socialist federal community of

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\* E/1982/30.

working people - the Socialist Federal Republic of Yugoslavia, in which, in the interests of each nation and nationality separately and of all of them together, they shall realize and ensure:

"Socialist social relations based on self-management by working people and the protection of the socialist self-management system;

"National freedom and independence;

"The brotherhood and unity of the nations and nationalities;

"The uniform interests of the working class, and solidarity among workers and all working people;

"Possibilities and freedoms for the all-round development of the human personality and for the rapprochement of the nations and nationalities, in conformity with their interests and aspirations on the road to the creation of an ever richer culture and civilization in a socialist society;

"The unification and adjustment of efforts to develop the economic foundations of a socialist society and the prosperity of the people;

"A system of socio-economic relations and uniform foundations for a political system which will ensure the common interests of the working class and all working people and the equality of the nations and nationalities;

"The linking of Yugoslavia's aspirations with the progressive strivings of mankind.

"The working people and the nations and nationalities shall exercise their sovereign rights in the socialist republics, and in the socialist autonomous provinces in conformity with their constitutional rights, and shall exercise these rights in the Socialist Federal Republic of Yugoslavia when in their common interests it is so specified by the present Constitution.

"The socialist social system of the Socialist Federal Republic of Yugoslavia is based on the power of the working class and all working people and on relations among people as free and equal producers and creators whose labour serves exclusively for the satisfaction of their personal and common needs.

"These relationships are based on the socio-economic status of the working man which ensures him that, by working with socially-owned resources and by deciding directly and on an equal footing with other working people in associated labour on all matters concerning social reproduction under conditions and relations of mutual interdependence, responsibility and solidarity, he shall realize his personal material and moral interests and the right to benefit from the results of his current and past labour and from the achievements of general material and social progress, and that on this basis he shall satisfy his personal and social needs and develop his working and other creative abilities.

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"In conformity with this, one's inviolable status and role shall be based on:

"The social ownership of the means of production which precludes the return of any kind of system of exploitation of man, and which, by ending the alienation of the working class and working people from the means of production and other conditions of labour, ensures self-management by the working people in production, in the distribution of the product of labour, and in guidance of the development of society on self-management foundations;

"The emancipation of labour as a means of transcending the historically conditioned socio-economic inequalities and dependence of people in labour, which shall be ensured through the elimination of antagonism between labour and capital and of any form of wage-labour relationships, the all-round development of productive forces, a rise in labour productivity, a reduction in working hours, the development and application of science and technical achievements, the increasing provision of higher education for all, and a rise in the culture of the working people;

"The right to self-management, on the basis of which every working man, on an equal footing with other working people, shall decide on his own labour and on the conditions and results of labour, on his own and common interests, and on the guidance of social development, and shall exercise power and manage other social affairs;

"The right of the working man to enjoy the fruits of his labour and of the economic progress of the social community in keeping with the principle 'From each according to his abilities - to each according to his labour', provided he ensures the development of the economic foundations of his own and social labour and contributes to the satisfaction of other social needs; man's economic, social and personal security; solidarity and reciprocity by everyone towards all and by all towards everyone, based on the awareness of the working people that they can realize their lasting interests only on the basis of these principles;

"Free initiative in the development of production and other social and personal activities for the benefit of man and the social community;

"Democratic political relations which make it possible for man to realize his interests, the right to self-management and other rights, to develop his personality through direct activity in social life, and especially in bodies of self-management, socio-political organizations and other social organizations and associations, which he himself sets up and through which he exercises an influence on the development of social consciousness and on the expansion of conditions for his own activity and for the attainment of his interests and rights;

"Equality of rights, duties and responsibilities of people, in conformity with constitutionality and legality;

"The socio-economic and political system stems from this position of man and it shall serve him and his role in society;

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"Any form of the management of production and of other social activities, and any form of distribution that distorts social relationships based on the above defined position of man - be it through bureaucratic arbitrariness, technocratic usurpation or privileges based on the monopoly of management of the means of production, or the appropriation of social resources on a group-property basis or any other mode of privatization of these resources, or in the form of private-property or particularist selfishness, or through any form restricting the working class in playing its historic role in socio-economic and political relations and in organizing power for itself and for all working people - shall be contrary to the socio-economic and political system laid down by the present Constitution."

2. The freedom and the rights of man and the citizen are based on the principle of equality before the law, regardless of nationality, race, sex, language, religion, education or social status (Constitution of the Socialist Federal Republic of Yugoslavia, art. 153).

3. Aliens shall enjoy the freedoms and rights of man spelled out by the Constitution, and shall have other rights and duties specified by statute and international treaties (Constitution of the Socialist Federal Republic of Yugoslavia, art. 201).

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II. ARTICLE 6. THE RIGHT TO WORK

A. Decrees regulating the right to work

4. The following decrees regulate the right to work:

(a) The Constitution of the Socialist Federal Republic of Yugoslavia and the constitutions of the socialist republics and the socialist autonomous provinces;

(b) The Associated Labour Act;

(c) The Criminal Law of the Socialist Federal Republic of Yugoslavia and of the republics, that is, the criminal laws of the autonomous provinces;

(d) The Law on the Foundations of the System of Social Planning and on the Social Plan of Yugoslavia;

(e) Republican and provincial laws on labour relationships;

(f) Republican and provincial laws on employment;

(g) Social plans on development of socio-political communities, and development plans of organizations of associated labour;

(h) The Social Compact on the Foundations of a Uniform Employment Policy in the Socialist Federal Republic of Yugoslavia and regional social compacts on employment;

(i) Self-management general acts of self-managing communities of interest concerned with employment;

(j) Self-management general acts of organizations of associated labour.

B. The right of everyone to gain his living by work which he freely chooses or accepts, with particular reference to freedom from compulsion in the choice of employment and guarantees against discrimination in regard to access to employment

5. Under the Constitution of the Socialist Federal Republic of Yugoslavia everyone shall be guaranteed the right to work and the freedom to work; the right to freely choose his occupation and job and to have access, on equal terms to every job and every function in society; the right to establish the obligations of all protagonists of self-management and disposing of social means; the right to socio-political communities, and to realize ever more favourable conditions for the observance of the right to work (arts. 159-160).

6. The Associated Labour Act stipulates that any person may freely, on equal terms and under equal conditions, establish a labour relationship, provided that he meets eligibility requirements determined by workers in a basic organization according to the needs of the labour process, conditions of work, jobs and working

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tasks in a particular organization, in conformity with self-management enactments and law (arts. 167 and 168). This law stipulates the general conditions for the establishment of a labour relationship - reaching the age of 15 years and general condition of health - and also stipulates the establishment of a commitment whereby the self-management act, which regulates the establishment of a labour relationship and the obligations and responsibilities of the worker, must be in conformity with law, self-management agreements, by-laws and social compacts (art. 179, para. 2) the law further stipulates conditions which the worker must fulfil in order to establish a labour relationship. The same Act (art. 168, para. 4) contains a provision whereby foreign citizens and persons without citizenship may establish a labour relationship under the general conditions and specific conditions determined by a special federal law.

7. Furthermore, with the introduction of the institution of public competition or advertisement, the essential elements of the procedure applicable in the process of establishing a labour relationship are determined; that procedure, while respecting the freedom of choice of workers and the freedom of decision-making by the competent organ, ensures the equality of treatment of workers with respect to employment.

8. The conditions or the manner of establishing a labour relationship (or only the conditions) in specific fields of particular social interest (health, education and upbringing, socio-political and other social organizations, etc.), proceeding from the nature and importance of those activities, are regulated by separate laws. The specific solutions introduced by the provisions contained in those laws do not show great deviations from the Associated Labour Act, since they ensure the democratic character of the procedure, equality of treatment, and the legal and material security of workers.

9. The Criminal Law of the Socialist Federal Republic of Yugoslavia incriminates, as a criminal act: violation of the freedom of association of labour, the freedom of trade and services, the freedom of employment of citizens under the same conditions as those valid at the place of employment, and the freedom of ensuring equal status of the organizations of associated labour.

10. Criminal laws of the republics and provinces incriminate acts of non-compliance with laws, other regulations or self-management enactments which violate the right of establishment or termination of a labour relationship. Under those laws, a specific criminal act is considered to be non-compliance with a legally-binding court decision on the reinstatement of the worker to his former job when, contrary to the regulations, his labour relationship has ceased.

11. In the Socialist Federal Republic of Yugoslavia, this ensures, in conformity with the nature of mutual relations of workers in associated labour, a free (through mutual consent and under the same conditions) establishment of labour relationships of workers as well as the protection of that right by the work organization and by the competent court. Also protected, in the same way, is the right of the worker to perform jobs suitable to his professional qualifications or to capabilities acquired at work, as well as other labour rights.

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C. Policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms of the individual

12. Fully appreciating the fact that the promotion of employment is of utmost importance in providing social security and is a pre-condition for the full realization of the self-management rights of the working people, the responsible social and self-management factors in the social community are consistently committed to creating conditions which facilitate increased employment, reduce the number of unemployed persons and persons temporarily employed abroad (migrant labour) and establish more favourable conditions for the realization of the right to work (Associated Labour Act, art. 157).
13. The social development plans of the Federation, republics and autonomous provinces lay down the objectives and the basic lines of employment trends, while the social plans of other socio-political communities specify more concrete measures for development and structural changes in employment, including the common interests of workers within the basic organizations of associated labour. Organizations are obliged to anticipate, in their social plans, the trends in employment opportunities and employment in general, personnel education, vocational training and specialization of workers, so as to better perform their production and self-management functions.
14. Economic chambers and trade unions participate in the process of planning; they are authorized by law to initiate self-management agreements and the harmonization of positions with respect to the basis of social development plans, to render professional assistance in the process of planning and implementation of development plans, and undertake an obligation, in conformity with their functions, to execute the plans (Law on the Bases of the System of Social Planning and the Social Plan of the Socialist Federal Republic of Yugoslavia, arts. 14 and 15).
15. In the process of planning, the following are ensured: timely preparations, mutual harmonization in the course of the adoption of plans on the part of those concerned with planning, and, in the process of implementing planned objectives and tasks, annual analyses which are conducted with a view to establishing guidelines and measures for the ensuing period.
16. Social compacts lays down the common bases, criteria and policy measures applicable in the field of employment. In that respect, the Social Compact on the Bases of Common Employment Policy in the Socialist Federal Republic of Yugoslavia, which was adopted in 1977, is of special importance. The Compact determines the objectives and basic premise for establishing a common employment policy and uniform commitments by the socio-political community, self-management communities of interest concerned with employment, and organizations of associated labour in the field of legal and self-management projecting, which plan and programme the number of employed and employment in general.
17. Notwithstanding all the measures taken to date, a number of Yugoslav citizens found employment abroad. Larger scale employment of Yugoslav citizens abroad, which began in the 1960s and lasted until the 1970s resulted from a more favourable

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economic activity in Western European countries at the time and the coincidence of this with orientation of the Socialist Federal Republic of Yugoslavia, towards an intensified economic performance, which resulted in reduced employment possibilities. At present, reasons for the substantially reduced departures of Yugoslav citizens to other countries in search of employment lie, first of all, in the difference which exists in the level of development of the Socialist Federal Republic of Yugoslavia and countries of temporary employment, as well as in a considerable transfer of the agricultural population to the non-agricultural occupations ensuing from the accelerated economic development of Yugoslavia.

D. Measures to ensure the best possible organization of the employment market, with particular reference to manpower planning procedures, the collection and analysis of employment statistics and the organization of an employment service

18. In the field of employment, a very important function is played by the self-managing communities of interest concerned with employment, whose organization and performance are regulated by law and whose field of activity covers: the realization of common social interests; monitoring trends in employment and unemployment; extending assistance aimed at promoting employment opportunities; and adopting corresponding programmes and measures for the purpose of realizing employment objectives.

19. Engagement in mediation and employment by any other legal and physical persons and any form of lucrative involvement in such undertakings is prohibited.

20. In order to facilitate more efficient work by the communities dealing with the employment of working people, the basic organizations of associated labour and other legal and physical persons employing workers are obliged to communicate, to the respective communities, their current and future needs in manpower and every termination of labour relationship of workers. The communities of interest, for their part, must send, to the organizations of associated labour and others which have communicated their needs in the labour force, workers of corresponding profiles and qualifications.

E. Technical and vocational guidance and training programmes

21. All workers are entitled to free assistance in seeking employment, that assistance, if necessary, includes technical and vocational training, retraining and reorientation of workers.

22. A very broad activity could also be singled out in the field of vocational guidance, which has placed greater emphasis on the importance of the services of communities of interest concerned with employment and the growing ramification of pertinent facilities in schools and other educational institutions, particularly within the organizations of associated labour.

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F. Protection against arbitrary termination of employment

23. The Constitution of the Socialist Federal Republic of Yugoslavia (art. 159, para. 6) stipulates that a worker may be dismissed from his job against his will only under the conditions and in the way specified by the statute.
24. Legal grounds for the termination of a labour relationship are stipulated by the Associated Labour Act. Article 211 of that law stipulates that a worker's labour relationship in a basic organization shall be terminated if he states in writing that he does not wish to work any more in the basic organization and that he wishes to rescind the labour relationship, if he agrees in writing with the authorized organ that his labour relationship be terminated, or if he refuses to work at a job offered to him which corresponds to his vocational qualifications or to the skills he has acquired on the job. A worker's labour relationship in a basic organization may be terminated if, at the establishment of the labour relationship, he failed to disclose or gave inaccurate data in connexion with working conditions, and such data were essential for the performance of the job or other working task for which he had established the labour relationship; or if he does not fulfil his obligations at work and thus commits a major violation of the common interests of other workers or of his basic organization (major violation of work obligations). Under the Associated Labour Act, a worker's labour relationship shall be terminated by force of law if it has been established in the way specified by law that he is totally unfit for work, if he meets the eligibility requirements for an old-age pension, or in other similar cases.
25. The Associated Labour Act protects workers against the termination of a labour relationship on the grounds of structural, economic or other technological changes, and specifies, in article 213, paragraph 1, that "a worker's labour relationship may not be terminated if, owing to the integration of basic organizations, technological and other advancements conducive to the rise in labour productivity and the greater success of the basic organization, his labour is no longer needed in this particular organization". Workers are obliged, when planning technological or other innovations and advancements in their basic organization, to accommodate and make provisions for the needs of the workers commensurate with such advancements, and to secure resources for opening new jobs in the same or in other organizations of associated labour for those workers who have become redundant - that is, to secure resources for their vocational training. The self-managing communities of interest concerned with employment also provide funds for the realization of those objectives.
26. A decision on the termination of a worker's labour relationship and the reasons for rendering such a decision must be served on the worker in writing, together with instructions regarding his right to lodge a complaint (Associated Labour Act, art. 219). Against that decision, a worker may submit a petition to a competent organ of a basic organization; however, if a worker is not satisfied with the rendered decision, he may institute proceedings before the pertinent court of associated labour for the protection of his right.

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G. Statistical and other available information on the level of employment and extent of unemployment and underemployment in the country; difficulties affecting the degree of realization of the right to work and progress achieved in this field

27. In 1979, there were 5,507,000 persons employed in the social sector, which accounted for about 98 per cent of the total number of employed or almost 59 per cent of the total active population; this is the result of a continuous dynamic growth, which, throughout the entire post-war period, registered as an average annual rate of growth of about 4.3 per cent. As a consequence of such a rate of growth, the level of employment, when compared with the total population, amounted to 25 in 1979 as against 9 in 1948.
28. Out of the total number of 5,507,000 persons employed in the social sector, 4,556,000, or 82.7 per cent, were engaged in economic activities in 1979. In that category, the largest number of persons were employed in industry (2,102,000), while in non-economic activities the largest number were employed in the field of education and culture (395,000).
29. When assessing the rate of growth in employment and the qualification structure of the employed persons, it is possible to observe that a relatively more rapid growth of employment in the non-economic sector has been recorded; that the number of persons actively engaged in the individual-agricultural sector has declined (somewhat under 2 million persons in 1979, compared with more than 5.5 million in 1948); that there has been a noticeable increase in the number of professional and qualified personnel in all activities (in 1978, 62 per cent); and there there has been a substantial increase in the number of employed women (approximately 35 per cent), not only in specific economic activities or public services, but also in social and State functions. Although over a certain period of time more favourable conditions have been created, other forms of employment did not essentially affect over-all employment and gainful engagement. Owing to a very low rate of growth throughout the entire period recorded, the number of those persons employed and gainfully engaged in such forms of employment amounted only to 390,000 in 1979. Out of that number, 200,000 were persons engaged in an activity, in a manner prescribed by law, and who, for that purpose used their own (private) resources - for example, artisans and liberal professions (lawyers, artists etc.) - while the remaining 110,000 were persons employed by the former.
30. The generally positive results in employment were accompanied by specific problems linked to a parallel increase in the number of persons seeking employment, persons recorded with employment communities, and a considerable number of Yugoslav workers temporarily employed abroad.
31. In 1979, 762,000 persons were registered with employment agencies. In comparison with the total number of employed (which did not include farmers who were working on their own private farms) the mentioned figure of unemployed persons is illustrative of a very high rate of unemployment (13.8 per cent). If, however, individual agricultural workers are also taken into account in calculating the rate of unemployment, and the method of calculating the rate is brought closer to the methodology applied in other countries, then a considerably lower rate of employment is arrived at (8.4 per cent). In contrast to the number of employed,

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the mentioned figure is indicative of a high level of unemployment. However, at the outset it is necessary to mention that all persons seeking employment, in view of the existing system of registration, cannot be considered to be actually unemployed; included among the persons seeking employment are a number of citizens gainfully employed in agriculture or in the non-economic private sector who wish to find employment in social sector. In addition, a number of dependants (beneficiaries) have registered with employment agencies in order to gain certain benefits (social insurance and the like).

32. In 1979, there were 775,000 Yugoslav workers temporarily employed abroad, among whom the largest number (over 650,000) were in northern and western Europe. Such a large number of Yugoslav citizens temporarily employed abroad is a result of many years of outflow which began in the mid-1960s - a period of relatively reduced employment possibilities in Yugoslavia as a consequence of a more intensified economic performance which, in turn, coincided with a period of great demand on labour markets by developed European countries. By 1973, the outflow of Yugoslav citizens included over one million people, but in the period 1973-1974, a process of reverse flow was initiated, conditioned by changes in the migration policy of the countries of employment (receiving societies), as well as by more dynamic employment opportunities in Yugoslavia.

33. With a view to opening greater employment opportunities, resolving the problem of unemployment, creating conditions for reduced departures and the increased return of Yugoslav workers temporarily employed abroad, a series of measures have been introduced to increase investments in expanding the existing, constructing new, and ensuring the better utilization of available, capacities. Measures have also been introduced to expand the material base of labour by investing the resources of the working people and citizens, as well as those of foreign partners, in Yugoslav organizations of associated labour; and to promote small-scale industries and co-operation between the individual and the social sector. In order to ensure a more harmonious development of the private sector in agriculture and to eliminate an unjustified transfer to non-economic activities, measures have been taken which are aimed at a gradual elimination of the differences which exist in the living and working conditions in the countryside and in the city; that is, the differences between agricultural and non-agricultural activities which, essentially form the basic motivating factor for the transfer of the population from agricultural to non-agricultural activities.

34. A reform of education has been introduced to eliminate the structural disproportions and to satisfy the requirements of the economy; and a system of vocational training and retraining for deficient occupations ensures the employment of persons lacking adequate professional qualifications, that is, those qualified for surplus occupations.

35. In addition to the above-mentioned measures taken at the national level, efforts have been made to ensure the contribution of countries of employment (receiving societies) towards creating favourable conditions which enable Yugoslav workers working abroad to return home.

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

A. Remuneration

1. Enactments regulating remuneration

36. Remuneration is regulated by:

(a) The Constitution of the Socialist Federal Republic of Yugoslavia and the constitutions of the socialist republics and the socialist autonomous provinces;

(b) The Associated Labour Act;

(c) Laws on labour relationships of the socialist republics and the socialist autonomous provinces;

(d) Self-management agreements and social compacts by which workers and the working people determine, on the basis of self-management, mutual relations in the field of distribution and allocation of resources to personal incomes and collective consumption.

2. Principal methods used for fixing wages in the various sectors, and numbers of workers involved; information on the categories and numbers of workers for whom wages are not yet set by such methods

37. In conformity with the Constitution of the Socialist Federal Republic of Yugoslavia, the provisions of the Associated Labour Act state that "income is that part of society's total product which workers in basic organizations earn in monetary form as the social recognition of the results of their own and total social labour under conditions of the socialist mode of commodity production, and which they manage in basic organizations on the basis of their right to work with social resources" (art. 45).

38. There are three basic features of the socio-economic component of income. Income constitutes a material premise of self-management; a source and basis of resources for satisfying common needs (education, science, culture, health, social protection, etc.) and general social requirements (within the framework of the socio-political communities); personal incomes and collective consumption of workers; the promotion and expansion of material basis of work; the creation and renewal of reserves (net income), and the basis and prerequisite for social planning within a basic organization, in other organizations of associated labour, in other self-management organizations and communities, as well as in socio-political communities.

39. Workers' incomes depend on the over-all earnings of the basic organization, which it acquires by:

(a) Selling products and services on the domestic and foreign markets (the realization);

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(b) Participating in the jointly realized income by virtue of associated labour and resources which are accrued through two basic forms: participation in common income, and participation in common earnings;

(c) Free exchange of labour;

(d) Compensation, premiums, subsidies and other bases established by law or a self-management agreement, that is, a compact based on law.

40. After deducting material costs and depreciation outlays, the remaining sum constitutes the income of the basic organization, which is then distributed into: (a) funds for financing education, science, culture, health and other social activities (contributions, etc.), financing general social needs by levying taxes established by law for the purpose of financing social security schemes (pensions, employment, etc.), financing working communities (technical services) in labour organizations, for protection of the human environment, etc; and (b) net income of the basic organization of associated labour.

41. Workers in a basic organization decide on the aggregate income, that is, on all components of income.

42. Net income is distributed by the workers of the basic organization into resources for personal incomes and collective consumption, and resources for the advancement and expansion of the material base of labour (accumulation and reserves).

43. Resources for personal incomes at the level guaranteed by law must be ensured for the worker, irrespective of the results of work, and at least in an amount which ensures his material and social security. The level of guaranteed personal income is established by self-management agreements, social compacts and republican and provincial regulations. Basic elements which must be taken into account when fixing the personal incomes of workers and which must be in line with the principle of distribution according to work performed are: personal contribution rendered by the worker, through his current and past work, to the accumulation of income and to the growth of labour productivity; and participation in the decision-making process when rendering decisions affecting the performance of the organization of associated labour.

44. Resources for collective consumption, which are accrued from net income, are used for meeting the needs in housing, food, rest and vacation, recreation, culture, creative undertakings and the other needs of collective consumption. The conditions under which those resources may be used are determined by general self-management enactments, in conformity with social compacts.

3. Information regarding components of workers' remuneration other than regular wages

45. Workers are entitled to remuneration for State holidays, annual leave, sick leave, vocational training and retraining to which they are assigned, as well as for other cases of absence from work laid down by law and self-management enactments.

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4. Statistical data showing the evolution of the levels of remuneration and of the cost of living

46. Under the laws on labour relationships of the republics and provinces, guaranteed personal incomes amount to:

(a) Socialist Republic of Bosnia-hercegovina: for the period I-VI months (the average personal income for the preceding year) and for the period VI-XII months, 50 per cent of the average personal income of the first six months of the current year;

(b) Socialist Republic of Montenegro: 55 per cent of the average income in the economic sector during the preceding year;

(c) Socialist Republic of Croatia: 55 per cent of the average income in the economic sector during the preceding year;

(d) Socialist Republic of Macedonia: 50 per cent of the average personal income in the commune during the preceding year, but not more than 50 per cent of the average in the republic;

(e) Socialist Republic of Slovenia: according to the draft of the new law, 70 per cent of the average monthly personal income for the preceding year, with a proviso that it cannot be lower than 55 per cent of the average personal income in the economic sector during the preceding year;

(f) Socialist Republic of Serbia: 55 per cent of the average monthly personal income in the economic sector of the commune paid in the preceding year;

(g) Socialist Autonomous Province of Kosovo: 55 per cent of the average in the economic sector in the preceding year;

(h) Socialist Autonomous Province of Vojvodina: 55 per cent of the average personal income in the economic sector during the period I-XII months of the preceding year for the first six months, and for the period of I-VI months of the current year for the remaining six months.

5. Provisions and methods designed to ensure respect for the right to equal pay for work of equal value

47. Under article 11 of the Constitution of the Socialist Federal Republic of Yugoslavia, one's economic and social status shall be determined by labour and the results of labour, on the basis of equal rights and responsibilities.

48. In conformity with the Associated Labour Act (art. 126), a worker's personal income shall be determined in accordance with the results of his labour, and according to the contribution he has personally made with his current labour and the management of and doing business with social resources, as his own and social past labour; to a rise in the income of his basic organization, in conformity with the principle of income distribution according to work performed and proportionately to the rise in the productivity of his own labour and the labour of

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workers in other basic organizations with whom he has pooled labour and resources, and to a rise in total social labour.

49. In addition to the principle of income distribution according to the work performed, workers in basic organizations shall also apply the principle of solidarity, primarily through the use of collective consumption resources with the aim of participating in the satisfaction of specific welfare and other needs of workers in the lower income brackets and of members of their facilities.

50. Workers in a basic organization shall determine, by a self-management enactment, the basis and criteria for the allocation of resources for personal incomes. By establishing the basis and criteria for the allocation of resources for personal incomes, workers in basic organizations ensure that their personal incomes are determined on the basis of their labour contribution and in accordance with the results of the work and performance of their respective organization.

51. The Associated Labour Act (art. 129, para. 3) specifies that a worker's labour contribution shall be determined in accordance with the quantity and quality of work, taking into account its extent and complexity, the quality of the results achieved, the utilization of working time, the responsibility involved, and the conditions under which he works.

52. Workers who, through innovations, rationalization and other forms of creativity in work with social resources, contribute to a rise in the income of a basic organization, are entitled to a special reward in the basic organization, under conditions determined by self-management enactment based on law.

6. Difficulties encountered and progress made in extending to all workers measures designed to ensure that they receive fair remuneration

53. Significant progress and tangible results have been achieved in the elaboration of the basis and criteria for the distribution of income according to work performed - principles which workers in basic organizations determine by self-management enactments.

54. In conformity with the Associated Labour Act and the Resolution on the Realization of the Mid-term Plan, an organized and intensive activity is presently under way, aimed at improving and rendering more effective the mechanism for the distribution of income and resources for personal incomes, on the basis of the principle of work performed and labour results. In that respect, amendments have been made to the social agreements on income of the republics and provinces; also presently under way is the adaptation of self-management agreements and self-management enactments, aimed at ensuring a greater harmonization of personal incomes with over-all earnings and labour productivity.

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B. Safe and healthy working conditions

1. Principal laws, administrative regulations, collective agreements and court decisions designed to promote and safeguard the right to safe and healthy working conditions

55. Provisions for safe and healthy working conditions are included in:

(a) The Constitution of the Socialist Federal Republic of Yugoslavia and the constitutions of the socialist republics and the socialist autonomous provinces;

(b) The Associated Labour Act;

(c) Self-management enactments of organizations of associated labour.

2. Principal arrangements and procedures to ensure that these provisions are effectively respected in individual work-places

56. Under the Constitution (arts. 161 and 162) and the provisions of the Associated Labour Act, a worker has the right to conditions of work which ensure his physical integrity and personal security at work, and the duty to create, in a basic organization of associated labour, such conditions of work and to take such measures of industrial safety as will ensure his physical integrity, health and personal security, while fully abiding by prescribed measures and industrial safety standards.

57. The Associated Labour Act and laws on protection at work of the republics and the provinces, accentuate, in particular, the right of workers to establish by themselves the rules and conditions of work. They exercise that right through detailed definition, formulated in a separate self-management enactment governing the conditions of work and safety measures at a work-place, and the rights, obligations and protection measures in each organization of associated labour.

58. Republican and provincial laws on safety at work prescribe measures and industrial safety standards, the relationship and forms of co-operation of the safety service with other services concerned with health and personal safety at work, the procedures and methods of acquainting workers with working conditions and health hazards of a specific job assignment, with tools and implements which are subjected to safety tests, the handling of equipment used for personal protection, as well as with ways and means of implementing safety regulations prescribed by supervisory bodies.

59. Pursuant to the Associated Labour Act (art. 179), workers freely, and on equal terms, regulate industrial safety measures and measures aimed at protecting the working environment of workers, while providing special care for women, young people and disabled persons through normative acts of organizations of associated labour. A process has been initiated thereby for transferring the obligations and responsibility for organizing, implementing and promoting industrial safety measures to the organs of management and responsible individuals in organizations of associated labour.

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60. Basic industrial safety measures are implemented through a preliminary safety scheme designed to ensure safe working conditions prior to the commencement of the work process itself, and to remove all causes and hazards that could endanger human life. Objects to be used in the work process, premises, technological processes, tools of labour and personal safety devices are subject to preliminary health protection and safety measures. Preliminary health protection and safety measures include the training of workers in the use of safety equipment, as well as a medical examination of workers prior to job assignment.

61. Laws on safety at work specify, in particular, the obligations of basic organizations of associated labour to preserve working ability and provide health protection for workers. Those obligations relate to: identifying jobs which are pre-formed under special working conditions; prescribing conditions which workers must fulfil prior to being assigned to such jobs and tasks; sending workers performing tasks under special working conditions for medical examination for the purpose of establishing their health and psychological capacity for assuming such jobs; provision of extended annual leave; supplying hot meals and refreshments in the course of work, etc.; and ensuring the necessary preventive measures. Working conditions are taken into account when establishing workers' contributions to income-earning and that, in turn, influences personal incomes.

62. Labour inspection organs of the socio-political communities exercise social control over the implementation of regulations and self-management enactments in the area of safety at work. Labour inspectors are authorized to visit and inspect, without prior notification, premises, work-places, machines and equipment; to examine self-management enactments and other documents dealing with safety at work; to compile information on working conditions; to demand the supplying of materials and documents within a time-limit which they set, and to adopt enforceable decisions and measures.

63. If the life or health of a worker is endangered, an inspector is obliged to prohibit work until that danger has been removed, and in the case of an accident he is also obliged to investigate the case and to undertake the necessary measures with a view to removing the short-comings and the causes of accident.

64. An inspector must communicate his findings to organizations of associated labour and to assemblies of socio-political communities in regular reports. A uniform report for the whole country, compiled on the basis of reports of labour inspection organs of the republics and provinces, is submitted annually to the Assembly of the Socialist Federal Republic of Yugoslavia.

65. The most important entities responsible for safety at work are: basic organizations of associated labour; organs of socio-political communities; socio-political organizations, societies and associations; communities of interest; private employers; sponsors of voluntary work organized in the public interest; and organizers of public competitions on means of production.

66. Trade unions, as organizations of the working class, have a special role and significance in promoting and improving conditions of work as well as in implementing and ensuring safe and healthy working conditions. A resolution on the tasks of trade unions to improve and protect the working and living environment,

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makes it incumbent on all trade union organizations to strive for such relations in which the working people in associated labour will become active factors in the struggle for the protection and improvement of the working and living environment. With a view to ensuring favourable conditions for a safe and healthy working environment, trade union organizations have increasingly devoted greater attention to the solution of problems related to the organization of work and to the humanization of the work process.

3. Information on any categories of workers or sectors for which measures designed to ensure safe and healthy working conditions have not yet been fully implemented, and on any progress made in extending this right to the worker concerned

67. Republican and provincial laws on safety at work stipulate that protection measures pertain to all workers, irrespective of the terms of employment with organizations of associated labour or with private employers.

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

68. In Yugoslavia, from 1976 to 1979, the following occurred:

	<u>1976</u>	<u>1977</u>	<u>1978</u>
Accidents at work	272,614	286,089	293,779
Occupational diseases	4,572	4,086	3,985
Deaths at work	621	524	581

69. Out of the total number of employed persons (i.e. persons enjoying the right to safety at work) the number of occupational accidents varied from 52 per 1,000 employed in 1976, to 50 accidents at work in 1978.

### C. Equal opportunity for promotion

1. Principal laws, administrative regulations, collective agreements and court decisions designed to further and safeguard equality of opportunity for promotion in employment

70. Equal opportunity for promotion is covered in the following:

(a) The Constitution of the Socialist Federal Republic of Yugoslavia and the constitutions of socialist republics and the socialist autonomous provinces;

(b) The Associated Labour Act;

(c) Laws on labour relationships of the socialist republics and the socialist autonomous provinces;

(d) Self-management enactments of organizations of associated labour.

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2. Principal arrangements and procedures to implement this right

71. Automaticity in promotion opportunities, exclusively determined by professional qualifications and years of service, does not suit the nature of mutual labour relations in associated labour. Higher qualifications of workers are confirmed only through the success achieved in performance, while promotion opportunities depend on the objective possibilities of organizations in associated labour. Lasting interest in the promotion opportunities of each individual worker and of all the employees together lie in an organization of work where each worker will be able to render the greatest contribution, depending on his possibilities, to the over-all results and success of the organization with which he has established a labour relationship.

72. Equal promotion opportunities for workers derive from the constitutional provision on the equality of rights, duties and responsibilities of people and the right of the working man to enjoy the benefits of his labour and of the material progress of the social community in conformity with the principle "to each according to ability - to each according to the work performed". The Constitution stipulates that any worker who works in associated labour with socially-owned resources shall acquire an inalienable right to work with such resources for purposes of satisfying his personal and social needs, and to manage, as a free worker and on an equal footing with other workers in associated labour, his labour as well as the conditions and results of such labour.

73. The Associated Labour Act stipulates that workers in basic organizations of associated labour are obliged to stimulate, through an appropriate internal organization of work and through relations in the distribution and allocation of income in basic organizations, the development of their creative and work initiative at every job or working task and in every part of the labour process, and to ensure that their contribution to the success of joint labour and income labour is measured (art. 47, para. 4).

74. The law, furthermore, makes it incumbent upon workers in basic organizations to organize and perform jobs and working tasks in a way which shall ensure, in joint labour, the most successful fulfilment of obligations stemming from the self-management agreement on the outlines of plans and of the tasks stemming from such plans (Associated Labour Act, art. 182).

75. The law elaborates further the assignment of workers to jobs and working tasks in basic, working and composite organizations of associated labour, proceeding from the fact that this ensures the realization of highly important constitutional rights of workers, such as: the right to work; the freedom of labour; the freedom of choice of profession and vocation; the accessibility of each place of work to each worker under the same conditions; the right of the worker to develop his own working and other creative abilities in conditions and relations of mutual dependence, responsibility and solidarity with other workers; the right to permanent employment; and to social security in associated labour etc. The assignment of workers to corresponding jobs and working tasks ensures, at the same time, the realization of specific common objectives of workers in organizations of associated labour - objectives which emanate from the needs of work and development plans.

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76. The fundamental principle is that it is the worker's right and duty to perform jobs and working tasks for the purpose for which he has established a working relationship. For the duration of a labour relationship, a worker may be assigned to jobs and working tasks corresponding to his professional qualifications - that is, working capacities and experience gained through practice, which fulfil the established work requirements - in conformity with the criteria specified by a self-management enactment of an organization of associated labour. The professional qualifications of the worker (i.e. working ability gained through work) constitute a common basis applicable in all cases of job assignments of workers. This represents a social criteria which, at the same time, ensures both the protection of the individual rights and interests of each worker and the protection of the collective interests of all workers in an organization of associated labour. A worker may, only in exceptional circumstances and with his approval, be assigned, temporarily or permanently, to other jobs - that is, work tasks for the performance of which lower qualifications than those which he possesses are required. In that connexion, protection is of special significance, especially in the case of older workers who have acquired, through experience and practice, the so-called "internal qualification" for the performance of specific tasks within the organization of associated labour.

77. The Associated Labour Act contains a provision whereby a self-management agreement on association with a work organization - that is, with a composite organization of associated labour - should specify the cases and conditions under which a worker from one basic organization may be assigned to jobs in another basic organization within the framework of the same work organization or composite work organization of associated labour; and to work tasks suitable to his professional qualifications (i.e. working ability acquired at work and through practice). The possibility for assignment derives from the joint economic interests of associated organizations as well as from the need to ensure social stability and security of workers; it likewise originates from the mutual solidarity of workers in the work, that is, a composite organization which their respective organizations of associated labour have joined. Placements may be effected only if self-management agreements on association with work (i.e. composite organization of associated labour) specify cases and conditions under which a worker of one organization may be assigned to another.

78. The Act also formulates the right of a worker to establish a labour relationship with another basic organization of associated labour when the need for his services ceases due to economic difficulties in his basic organization, or to technical or technological advancement effected within the basic organization, or due to association with another organization. Organizations of associated labour are obliged to regulate, by way of self-management agreements on association, the conditions and manner for the assignment of workers to jobs in the same or another basic organization of associated labour or in a basic self-managing community. Through that procedure, a worker is protected against the termination of a labour relationship.

79. A skilled worker with greater personal experience gained through practical work, when reassigned and depending on the requirements and his personal abilities, is in a position to assume more complex and responsible duties. The Associated Labour Act specifies the right and duty of workers to persistently acquire greater

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knowledge and higher qualifications and skills, in order to more successfully discharge specific tasks and fulfil work tasks entrusted to them. In the past, a large number of workers, through training at work, gained qualifications which enabled them to perform entrusted tasks and duties and to assume, depending on the need, more complex work within the work process and in the conduct of business by organizations of associated labour. Workers are obliged to settle, through a self-management enactment establishing the labour relationship, all matters pertaining to the rights and obligations of workers to education and training required for the work process. Therefore, under the provisions of republican and provincial laws governing labour relationships, basic organizations of associated labour are obliged to draw up, in conformity with the adopted current and future development plans, programmes of education and training for workers, in line with the needs of associated labour. The self-management enactment establishing a labour relationship also stipulates the right of workers to a leave of absence for the purpose of vocational training and acquiring skills; the right to remuneration of personal income and costs; and the right to settle other problems falling within the domain of material and other prerequisites necessary for the realization of every form of vocational and professional training. The self-management enactment also stipulates the commitments of such a worker towards the basic organization of associated labour.

80. Funds for professional and technical training of workers are accrued from income, that is, the net income of the basic organization, and from personal earnings.

3. Factors and difficulties affecting the degree of realization of this right and progress achieved

81. The promotion and advancement of the most capable workers is ensured, inter alia, by a legal restriction of the duration and years of experience that may be prescribed by a self-management enactment as a condition necessary for the performance of specific jobs and work tasks.

82. Taking into account the specific social interest for the successful discharging of duties and tasks associated with special authorizations and responsibilities of workers, the law limits the duration of such assignments and tasks by introducing re-election. In that way, a provision is made whereby, in a competition among the most qualified and capable candidates, a choice is made between the registered candidates coming from the same organization as well as from other organizations of associated labour. By limiting the duration of assignment of workers performing specific tasks, workers in organizations of associated labour are given an opportunity to exercise an effective self-managed control over the execution of their assignments and tasks.

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

1. Laws regulating these rights

83. Laws regulating rights in this area:

(a) The Constitution of the Socialist Federal Republic of Yugoslavia and the constitutions of socialist republics and the socialist autonomous provinces;

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(b) The Associated Labour Act;

(c) Laws on labour relations of the socialist republics and the socialist autonomous provinces;

(d) Self-management enactments of organizations of associated labour.

2. Information on the position, in law and in practice, in the various sectors of activity as regards: weekly rest; normal hours of work and overtime; holidays with pay; remuneration for public holidays

84. The Constitution guarantees the following inalienable rights of workers: the right to daily and weekly rest, the right of workers to hours of work limited to 42 hours per week, and the right to paid annual leave of at least 18 work-days. The law may, only in exceptional cases, prescribe conditions for extended or shorter hours of work.

(a) Weekly rest

85. Republican and provincial laws stipulate the right of workers to a daily rest of 30 minutes, the right to rest, between two work-days, of at least 12 consecutive hours (i.e. 10 hours in seasonal work), and the right to a weekly rest of at least 24 hours. In cases where a worker is required to work on the day of his weekly rest, he must be given another day in the subsequent week as his day of rest.

(b) Normal hours of work and overtime

86. Under the Constitution (art. 162), workers may not work more than 42 hours per week, and only in exceptional circumstances, the law may prescribe the activities and cases - but only for a limited period of time - in which working time may exceed 42 hours per week. The law may also prescribe shorter working hours.

87. The Associated Labour Act provides that working time may not exceed 42 hours per week (art. 184); workers in a basic organization regulate, through a self-management enactment, the distribution of daily and weekly working time, depending upon the requirements of the work process (or the needs of consumers), as well as the conditions and manner of using the rest period.

88. The law also provides for the possibility of prescribing, by republican laws, circumstances and cases in which working time may exceed 42 hours per week.

89. Republican and provincial laws on labour relationships limit such cases to exceptional situations and needs of organizations; for example, when a basic organization has suffered a misfortune or there is imminent danger of disaster, or when it is vital to complete an initiated process - the discontinuation or termination of which could endanger the life and health of people, to prevent the spoilage of goods and waste of materials, or to repair damage to the means of production. For every circumstance requiring overtime work, the competent organ of the basic organization of associated labour must adopt a decision. Pregnant women workers, mothers of small children and workers under 18 years of age cannot be required to work overtime.

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90. A possibility for reduced working time is provided for workers working under exceptionally difficult conditions, the harmful effects of which cannot be eliminated.

(c) Holidays with pay

91. The Constitution (art. 162, para. 4) stipulates that workers are entitled to annual holidays, with pay, of not less than 18 working days.

92. Pertinent provisions of republican (i.e. provincial laws) on labour relationships state that workers are entitled to annual holidays, with pay, of up to 30 working days. In exceptional cases, persons working under exceptionally difficult conditions are entitled to annual holidays exceeding 30 working days, but not more than 60 working days.

93. The duration of the annual holiday is established in conformity with the basis and criteria stipulated by a self-management enactment of the organization of associated labour. When determining the duration of the annual holiday, the following are taken into account: conditions of work, years of service, results accomplished by the worker, and special social conditions under which the worker works (health, age, number of children, etc).

94. A worker cannot renounce his right to an annual holiday, nor can he be deprived of that right.

95. While on an annual vacation, a worker is entitled to a remuneration of his personal income equal to the amount of the average personal income realized by the worker in the preceding period. In addition, a provision may be made by the self-management enactment whereby a worker is entitled to a compensation of annual holiday costs. Furthermore, many organizations of associated labour have their own summer vacation resorts, which workers and members of their families may use for the annual vacation under very favourable conditions.

(d) Remuneration for public holidays

96. During State holidays and holidays of the socialist republics and autonomous provinces, which are decreed as days of rest by law, the worker is entitled to the same remuneration as when working; however, if, due to the nature of work or exceptional need, he worked during State holidays, he is entitled to a greater participation in the distribution of personal income.

97. Republican and provincial laws on labour relationships define cases in which the worker is entitled to a paid absence from work (paid leave of absence which may not exceed seven working days in the course of one year is granted at the time of contracting marriage, the birth of a member of the immediate family, moving, preparing for professional examinations, or the death of a member of the immediate family, and in other cases defined by a self-management enactment of the basic organization of associated labour).

98. A self-management enactment of the organization may also specify other cases of paid leave exceeding seven days (e.g. for the purpose of specialization), as well

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as instances when a worker may take a leave of absence without the compensation of personal income.

3. Principal arrangements and procedures to implement these rights in the various sectors

99. Provisions of the Associated Labour Act and of the republican and provincial laws on labour relationships regulate the working time, holidays and absences for all categories of workers in the Socialist Federal Republic of Yugoslavia.

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IV. ARTICLE 8. TRADE UNION RIGHTS

A. Principal laws, administrative regulations, collective agreements and court decisions designed to promote, safeguard or regulate trade union rights

100. Provisions related to trade union rights are included in the following:

- (a) The Constitution of the Socialist Federal Republic of Yugoslavia and the constitutions of socialist republics and the socialist autonomous provinces;
- (b) The Associated Labour Act;
- (c) The Statute of the Confederation of Trade Unions of Yugoslavia.

B. Right to form and join trade unions

1. An indication of the legal or other provisions governing the right to join and form the trade union of one's choice

101. The Constitution determines both the role and place of the trade unions.

102. Workers organized on a voluntary basis in trade unions, as the broadest organization of the working class, strive to: realize the constitutionally defined status of the working class; achieve socialist self-management relations and the decisive role of workers in the management of social reproduction; realize the interests and self-management and other rights of workers in all fields of work and life; ensure equality among workers in the pooling of labour and resources, the acquisition and distribution of income and the determination of common scales for distribution according to the results of labour; ensure self-management linkage and integration of various fields of social labour; further the development of the productive forces of society and the raising of labour productivity; guide self-management adjustment of individual, common and general social interests; take care of the education of workers and their training for the performance of self-management and other social functions; ensure democratic proposition and determination of candidates for delegates to managing bodies in organizations of associated labour and other self-managing organizations and communities, of candidates for delegations in those organizations and communities, and for delegates to the assemblies of the socio-political communities; ensure the broadest possible participation of workers in the exercise of the functions of power and management of other social affairs; realize the interests of the working class in cadre policy; protect workers' rights; ensure workers' social security and the raising of their standard of living; and ensure the development and strengthening of solidarity and the raising of class consciousness and responsibility among self-managers.

103. Trade unions initiate the reaching of self-management agreements and social compacts and take part directly in their negotiation; they submit proposals to the managing bodies of self-managing organizations and communities, the assemblies of

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the socio-political communities and other State and social agencies concerning the solution of questions relating the economic and social position of the working class (Constitution, Basic Principles (VIII)).

2. Any restrictions which are placed upon the exercise of this right, with precise details of the legal provisions prescribing such restrictions

104. Within the system of the Socialist Federal Republic of Yugoslavia, there are no restrictions with respect to forming and joining trade unions.

- C. Right of trade unions to federate: legal or other provisions governing the right of trade unions to join national federations or confederations and the right of the latter to form and join international trade union organizations

105. The Confederation of Trade Unions of Yugoslavia and the trade unions of the republics and provinces establish co-operation and maintain contacts with other trade union organizations and movements in the world. Very close co-operation has been established with countries of immigration, that is, countries in which Yugoslav workers have found temporary employment. Mixed commissions have been set up with those countries for the purpose of ensuring the protection of Yugoslav workers who, otherwise, are members of the trade unions of the respective countries during their work assignments abroad.

- D. Right of trade unions to function freely

106. The Constitution does not contain direct reference to the organization and function of trade unions, since trade unions are organizations established freely by the working people in conformity with the Constitution and the norms formulated therein. The Constitution incorporates the trade unions into the general framework of the socio-political system, asserting the basic socio-economic rights and political rights of the working class and of the working people in general thus confirming, a priori, the principle of the freedom of organizing trade unions and the voluntary nature of trade union membership.

- E. Right to strike

107. Article 10 of the Constitution stipulates that the socialist socio-economic system of the Socialist Federal Republic of Yugoslavia is based on freely associated labour and socially-owned means of production, and on self-management by the working people in production, in the distribution of the social product in basic and other organizations of associated labour, and in social reproduction as a whole. Article 14 of the Constitution guarantees all workers in associated labour working with socially-owned resources, the right, in the basic organizations of associated labour in which they work and in any other forms of pooling of labour and resources, together and on equal footing with other workers, to manage the work and business of the organizations of associated labour and the affairs and

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resources in the totality of relations of social reproduction; to regulate mutual relations in labour; to decide on income realized through various forms of pooling of labour and resources; and to earn personal income.

108. Article 98 of the Constitution contains the following provision:

"A worker in a basic organization of associated labour shall realize self-management, on terms of equality and mutual responsibility with other workers in the organization, through referenda and other forms of personal expression of views, through delegates in workers' councils elected and recalled by him together with other workers in the organization, and through supervision of the execution of decisions and the performance of work of the bodies and services of this organization.

"Workers shall have the right, for the purpose of realization of their self-management rights, to be regularly informed of the business, economic and financial operations of their organizations, the realization and distribution of income and the use of resources in them, and other questions of interest for decision-making and supervision in the organizations."

109. The enumerated constitutional provisions have been further elaborated by the Associated Labour Act which, in article 2, specifies that associated labour based on the principles of socialist self-management shall be founded on:

"The power of the working class and all working people; social ownership of the means of production, which precludes any kind of system of man's subjugation and of exploitation of the labour of others and which, through elimination of the alienation of the working class and working people from the means of production and other conditions of labour and the results of labour, ensures self-management by working people in production and in the distribution of the results of labour and the direction of society's development on self-management foundations, and which enables everyone, under equal conditions, to be included in associated labour and on the basis of his labour to earn an income for the satisfaction of his personal and collective needs; the right to work with social resources, which is acquired by every worker in associated labour and which is the basis for the realization of workers' rights, obligations and responsibilities in associated labour; the self-management status of workers which ensures that, in realizing his right to work with social resources, every worker shall, on terms of equality with other workers in associated labour and in relations of mutual linkage, interdependence, responsibility and solidarity, manage the work and business of the organization of associated labour in which he works and of the organizations in which he pools labour and resources; freely undertake obligations through self-management agreements and compacts concerning the outlines of plans and by means of other self-management agreements and social compact; realize his personal, collective and social material and moral interests and the right to make use of the results of current and past labour and of the achievements of general material and social progress; protect and promote socialist relations of self-management; perfect his working and other capabilities and develop as an integral creative personality; the social character of labour which stems from the mutual dependence, interlinkage and

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responsibility of workers in associated labour within the framework of the social division of labour and social reproduction as a whole, founded on the level of productivity attained and the general progress of the material base of labour, which makes necessary the pooling of labour and of social instruments of labour and of other means of social reproduction in the interests of workers and society as a whole; democratic, self-management decision-making concerning work and social reproduction, which makes it possible for workers through personal expression of views in basic organizations of associated labour or through their delegates in workers' councils and through delegations and delegates in other organs of management to decide freely, and on equal terms, on all questions relating to the management of work and social reproduction; the fact that the assemblies of socio-political communities are based on self-management democratic system of organization of associated labour, which ensures that workers and other working people through delegations and delegates decide on questions relating to the collective interests and needs of associated labour and working people, and pass laws, other rules and enactments, and plans, within the framework of the rights and duties of socio-political communities determined by the Constitution and their respective by-laws."

110. The Associated Labour Act has established a self-management mechanism for harmonizing the interests of workers in an organization of associated labour.

111. If, by regular means, it is not possible to settle a dispute that has arisen between workers in individual parts of, or between workers and an organ in, an organization of associated labour, or between workers in an organization of associated labour and an organ of the socio-political community, the Associated Labour Act contains a provision whereby the workers have the right and duty to present their demands through the relevant trade union organization. The trade union organization shall, at the request of workers or on its own initiative, institute proceedings before the organ of management of an organization of associated labour when a dispute has arisen between workers in individual parts of that organization, or between the workers and an organ of that organization, or - if a dispute has arisen between workers in an organization and an organ of the socio-political community - before the competent organ of management in the organization of associated labour and the appropriate organ of the socio-political community, and shall together with them determine criteria and measures for the settlement of the dispute (Associated Labour Act, art. 636).

112. If the character of a dispute is such that it could lead to disruptions in work and in self-management relations, or that it could cause major losses, workers are bound to inform the relevant trade union organization, other socio-political organizations and the assembly of the socio-political community of that fact. At the same time, workers shall nominate their delegates who shall, together with representatives of the relevant trade union organization and other socio-political organizations and of the assembly of the socio-political community, set up a joint committee for the settlement of the dispute (Associated Labour Act, art. 638, para. 1). The settlement of such a dispute in a way which is not in conformity with the provisions of section 1 of the article shall be considered as a violation of work obligations or a violation of self-management functions.

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113. Article 639 of the same Act stipulates that if the workers or the trade union organization concerned are not satisfied with the course and mode of the settlement of such disputes, the trade union organization shall request the assembly of the appropriate socio-political organization to consider the workers' request. The same article stipulates that if the assembly of the socio-political community considers that the request is justified it may, at the workers' request, dissolve the workers' council and/or relieve of duty the executive organ or the business-managing organ, as well as other workers vested with special authority and responsibilities, if the dispute has arisen as a result of their improper work or conduct.

F. Any special restrictions imposed upon the exercise of these rights by members of the armed forces, the police or the administration of the State

114. There are no restrictions with respect to the exercise of the freedoms and rights of trade unions, which are guaranteed by the Constitution of the Socialist Federal Republic of Yugoslavia.

G. Factors and difficulties affecting the degree of realization of trade union rights in their various aspects, and progress achieved in this field

115. No difficulties standing in the way of realizing the existing trade union rights exist.

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V. ARTICLE 9. RIGHT TO SOCIAL SECURITY

116. Under the national social insurance scheme, social security in the Socialist Federal Republic of Yugoslavia is realized through social security as a socially organized protection of workers and other categories of the working people and members of their families, as well as through various supplementary forms of protection of the working people and citizens (protection of veterans, war-time and peace-time disabled, protection of civilian war victims, protection of persons not covered by social security schemes etc.). Consequently, the right to social security in the Socialist Federal Republic can best be perceived through a description of the system of social security as well as of the other forms and aspects of social security.

1. Regulations applicable in the fields of social security and social protection

(a) Regulations applicable in the field of social security

117. The following regulations apply:

- (a) The Constitution of the Socialist Federal Republic of Yugoslavia and the constitutions of the socialist republics and socialist autonomous provinces;
- (b) Law on basic rights under pension and disability insurance;
- (c) Law on pension and disability insurance of military insured persons;
- (d) Republican and provincial laws on pensions and disability insurance;
- (e) Republican and provincial laws on health insurance;
- (f) Republican and provincial laws on child allowance;
- (g) Statutes of self-managing communities of interest for pension, disability and health insurance.

(b) Regulations applicable in the field of social protection

118. The following regulations apply:

- (a) The Constitution of the Socialist Federal Republic of Yugoslavia and the constitutions of the socialist republics and the socialist autonomous provinces;
- (b) Law on protection of families of persons on compulsory military service;
- (c) Republican and provincial laws on social protection;
- (d) Republican and provincial laws on common interest in organizing social protection;

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- (e) Republican and provincial laws on protection of civilian war disabled;
- (f) Resolution on social protection, 1970;
- (g) Statutes and other general acts of communes;
- (h) Statutes and other general enactments of self-managing communities of interest for social protection;
- (i) Social compacts and self-management agreements relating to social protection;
- (j) Decisions of communes and self-management enactments of organizations and communities.

## 2. Main features of the systems of social security and social protection

119. Under the Constitution, social security is provided through compulsory insurance based on the principles of mutuality, solidarity and past work in self-managing communities of interest, and on the basis of contributions from personal incomes. Through social security schemes workers ensure for themselves and members of their families the right to health insurance in case of illness, the right to benefits in case of unemployment and the right to pension and disability insurance in case of loss of, or reduced, working capability, old age, or death.

120. The rights deriving from social security are ensured and implemented in conformity with the principle of self-management; consequently, most of those rights are regulated by self-management enactments of self-managing communities of interest. The law and other provisions of State organs regulate those basic rights.

121. The rights deriving from social security are ensured, regulated, realized and financed, within the framework of self-managing communities of interest, for health, pension and disability insurance, unemployment insurance and child protection.

122. In all fields of social security, efforts are made to extend security schemes to all categories of working people. Outstanding results have been achieved in that respect, since only a limited number of persons are not covered by the social security system.

123. Social protection, as an activity of particular social interest, has its own specific beneficiaries, methods of work, forms of protection, service, legal and material basis.

124. The entire population is covered by social protection, and immediate beneficiaries are citizens of all categories and ages who require specific forms of social protection, or such assistance in the absence of other forms of social protection schemes. It is estimated that about 500,000 persons benefit from social protection.

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125. Forms of social protection are: financial assistance or aid in kind (for about 250,000 persons), rehabilitation, house care, placement in social institutions or with families, assistance in employment, guardianship, adoption, and measures for protection of minors etc. It is estimated that about one million forms of social protection services are rendered annually.

126. The social protection service is made up of numerous specialized organizations (for children, youth, adults, professional rehabilitation, and centres for social work). Self-managing communities of interest have a special place and role in the social protection network, which is established on a territorial principle.

(a) Medical care

127. Laws of republics and provinces contain the basic forms of health protection for the entire population, covering the prevention, combating and treatment of contagious and other communicable diseases, maternity benefits during the pre-natal and post-natal periods, health education and other health protection schemes which cover all inhabitants.

128. In the realization of their self-management rights, workers (including pension beneficiaries, persons engaged in liberal professions and temporarily unemployed workers) have secured for themselves and members of their families, full health protection which, according to data for 1979, is extended to 77 per cent of the population. Only in exceptional cases, and in limited amounts, do the insured persons participate in financing health services.

129. Farmers enjoy full health protection. Under the scheme, 22 per cent of the total population enjoyed health protection in 1979.

130. The number of persons not covered by health protection schemes is minimal - less than 1 per cent of the population. Those persons, however, enjoy compulsory forms of health protection at the expense of the socio-political community.

(b) Cash sickness benefits

131. Self-managing communities of interest concerned with health and health insurance provide compensation for personal income for the duration of a temporary incapacity to work. That compensation amounts to at least 60 per cent - and in case of accident at work, to 100 per cent - of the personal income realized in the preceding year of employment.

132. In addition to compensation, the insured persons are entitled to travel expenses related to health protection, to a funeral grant and to a death benefit.

133. Funds for these grants are accrued from contributions made within the framework of self-managing communities of interest. As a rule, compensation for personal income for the first 30 days of a temporary incapacity to work is financed by the organization of associated labour with which the insured person has established a work relationship.

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(c) Maternity benefits

134. Under republican and provincial laws on labour relationships, a woman worker, during pregnancy and childbirth, is entitled to uninterrupted maternity leave of 180 to 210 days. A woman worker with a child of up to one year of age is entitled to work only one half of the full working time.

135. Republican, that is, provincial laws, on health protection stipulate that women workers who are absent from work because of pregnancy or childbirth are entitled to full compensation of personal incomes. A woman worker, who is working one half of the full working time because of attendance on, and care of, a child under one year of age, is entitled to full personal income for part-time work.

(d) Disability benefits

136. In case of disability, insured persons are entitled to:

(a) An invalid pension (in the case of total inability to perform one's own work or similar work and in case of partial disability) provided that the insured person has reached the specified age at which, under the provisions of disability insurance scheme, he becomes entitled to that right;

(b) Corresponding compensation in case of a reduced ability to work, and to professional rehabilitation and employment (material security, temporary compensation, compensation for part-time work, compensation of reduced income because of reassignment to another job, and compensation for travel, moving, accommodation and food expenses while undergoing professional rehabilitation);

(c) A grant for physical injury - the loss, vital damage or incapacitation of certain organs;

(d) Care and an attendant allowance in case of a permanent need for assistance and care by another person.

(e) Old-age benefits

137. The right to an old-age pension is gained when the beneficiary reaches the specified age laid down by law, provided that he has satisfied the qualifying period for pension purposes. For example, the right to an old-age pension is acquired when the beneficiary reaches 60 years of age (for men) or 55 years of age (for women), with a provision that he/she has attained the twenty-year qualifying period. The right to an old-age pension is acquired by the insured person at the age of 65 (men) or 60 (women), who have attained at least 15 years of the qualifying period for pension purposes and a density of working years (40 months during the last 5 years, or 80 months during the last 10 years of work). A beneficiary, when completing 40 years of the qualifying period for pension purposes (men) or 35 years (women), is eligible for an old-age pension, irrespective of age.

138. Insured persons engaged in heavy work and in jobs hazardous to health are credited with additional working time, and the age limit for eligibility for a pension is reduced depending on the accumulated qualifying period for a pension.

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139. The amount of an old-age pension is calculated on the pensionable basis comprising an average of the monthly personal income realized during the past 10 years or any other successive 10 years of work, valorized with the level of personal income earned during the penultimate year of social insurance. The percentage used in calculating the amount of pension ranges from 35 per cent to 85 per cent, depending on the pensionable basis.

140. Individual republics and provinces have made provision for retirement at the age of 55 years (for men) and 50 years (for women), and a 35 year qualifying period for pension purposes (for men) and 30 years (for women). Premature old-age pensions are calculated as is an old-age pension, the only difference being that the premature old-age pension is reduced by a certain percentage due to earlier retirement.

141. The real value of a pension is harmonized with the cost of living, that is, with the real increase of personal incomes.

142. An important device in the protection of pensions is the protective supplement which is paid as compensation to those pensioners who lack sufficient means of livelihood.

(f) Survivors' benefits

143. The right to survivors' benefits is enjoyed by family dependants who were supported by the insured person, depending on their age or ability to work.

144. Family members are entitled to survivors' benefits in case of the death of the insured, provided that the beneficiary satisfied the pensionable years of service stipulated by law, or satisfied the conditions for an old-age or disability pension, or was a beneficiary of one of those pensions.

145. Survivors' benefits are calculated on the basis of a pension to which the beneficiary would have been entitled at the time of death; the percentage depends on the number of dependants eligible for family benefits (70 to 100 per cent).

(g) Employment injury benefits

146. The right to an injury benefit is realized within the framework of self-managing communities of interest for pension, disability and health insurance; the injury is taken as the important factor in eligibility for an injury benefit (irrespective of the years of service) or the extent of the right (the highest prescribed degree).

(h) Unemployment benefits

147. A worker becomes eligible for unemployment benefit on completing nine months of uninterrupted work, or 12 months with interruptions during the prior 18 months. The guaranteed material benefit varies from 50 to 70 per cent of the average monthly personal income realized during the three months prior to becoming unemployed. The eligibility period varies, depending on the years of employment, from 6 to 36 months; however, older workers with longer years of service (over 25,

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i.e., 30 years of service for men, and 20, i.e., 25 for women) are eligible for unemployment benefits until they become fully employed. In addition, unemployment benefits are extended to cover maternity leave for a period for which a woman worker, if employed, would be entitled to paid maternity leave and reduced working hours in order to attend to a child.

(i) Family (child) allowances

148. Child allowances represent financial assistance for the upbringing and education of children. The eligibility for a child allowance depends on the material standing of the insured person and his family, and on the number of children. In that respect, significant differences exist between the individual republics and provinces.

149. According to data available for 1978, child allowances were received by 951,000 workers, for 2,059,000 children.

3. Factors and difficulties affecting the degree of realization of the right to social security; progress achieved in extending the system and introducing new forms of social security

150. There are no significant difficulties in the exercise of the right to social security, which is implemented on the principles of mutuality and solidarity. All rights are specified by law or self-management enactments of self-managing communities of interest, and are realized within the framework of the communities.

151. In addition to extensive coverage of all the insured persons, who, on the basis of common contributions, enjoy social security benefits, an important step in the extension of social security schemes is the provision of an old-age pension for those farmers who hand over their land to organizations of associated labour.

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