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

Initial reports submitted by States parties to the Covenant concerning  
rights covered by articles 6 to 9 in accordance with the first stage  
of the programme established by the Economic and Social Council in its  
resolution 1988 (LX)

#### Addendum

PERU

[1 February 1984]

#### ARTICLE 6. THE RIGHT TO WORK

1. With regard to the right to work covered in article 6 of the International Covenant on Economic, Social and Cultural Rights, chapter V of Peru's Political Constitution of 1979 recognizes all the economic, social and cultural rights of workers aimed at raising their standard of living. Article 42, specifically, establishes the right of all persons to exercise a useful occupation, the object being to protect all kinds of work, without discrimination against any worker, male or female; and it goes on to state that no individual can be compelled to provide personal service without his consent and without due remuneration.
2. In addition, Peruvian workers are protected against arbitrary dismissal from employment, since article 48 recognizes the right to job security and states that a worker may be dismissed only for just cause as established by law and duly

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\* E/1984/30.

substantiated. Legislative Decree No. 22126 is the criterion on which that right is based for it establishes the grounds for rescinding contracts of employment in cases where, through action or omission, the parties do not comply with their obligations, to the detriment of production, productivity, discipline and harmony in the work-place.

3. Manpower planning has also been given full consideration in the National Development Plans through the collection and analysis of employment statistics and the establishment of an Employment Service. The Department of Employment has been assigned these functions, among others, under the Revised Administrative and Operational Rules of Procedure of the Ministry of Labour and Social Advancement, which puts it in charge of promoting, directing and assessing human resources and employment and planning and carrying out studies and research on employment, migrations of workers and training policies in the various economic sectors. Special Commissions have also been set up on Employment, Salaries and Wages and Cost of Living, Vocational Training, Participation, Occupational Health and Working Conditions, and of Worker Migrations; they act as intersectoral co-ordinating bodies dealing with social and labour issues, and most of them are already functioning.

4. The basic objective of the technical and vocational guidance and training programmes run by the Employment Service is to provide the support needed for the young student or job-seeker to make a good occupational or professional adjustment as part of his personal development. To that end, the Service carries out two different activities:

(a) Through its occupational guidance and job counselling, it helps workers to analyze their abilities; this involves studying their personal qualities, training, job preferences and the like in order either to direct young people towards posts in which they can make a good adjustment to the work, or to determine if they need to be trained in a specialty compatible with their personalities.

(b) Through its vocational guidance, it directs young people towards careers at the technical or vocational level best suited to their intellectual attributes, aptitudes, personalities and interests, relying on psychological testing to evaluate applicants and considering those results in conjunction with their economic status and the actual job market situation. An Occupational Guide has been prepared analysing each of the professions taught in Peru at the university level, reviewing their structure in terms of the following: overall functions, description, aptitude profile, applicable vocational interests, main curriculum for each profession, institutions where it is taught, specializations offered, master's or doctoral degrees offered and possible areas of employment. Lastly, a supplementary Bulletin has been issued showing the changing job openings in Peru's labour market.

5. Another policy being pursued is the promotion of employment for the handicapped, which consists in finding jobs for handicapped persons once they have been rehabilitated and are fit for work through the Selective Placement System administered by the Employment Service of the Ministry of Labour and Social Advancement, the Lima Centre for the Blind (CERCIL) and the Peruvian Good-Will

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Industries in co-ordination with the public and private sectors, pursuant to Act No. 23285 and Supreme Decree No. 012-82-TR.

6. Annexed to this report is the material supplied by the Department of Employment, providing statistical data on the level of employment and the extent of unemployment and underemployment in the country.

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

7. With regard to section A of article 7 on remuneration and the principal methods used for fixing wages, it should be pointed out at the outset that the minimum wage is mandatory for all workers under Legislative Decree No. 14192 of 21 August 1962. The minimum wage-fixing machinery was established by Legislative Decree No. 14222 of 23 October 1962 which, in brief, provides that the minimum wage shall be determined by the National Commission on the Minimum Living Wage, based on information gathered by local Commissions. The minimum wage shall be fixed under the terms of a Supreme Resolution adopted by the Ministry of Labour and shall remain in force for two years, with the proviso that, exceptionally when the Ministry of Labour considers that there have been substantial changes in the factors on which it was based, the Ministry may request the National Commission on the Minimum Living Wage to fix a new minimum wage.

8. The nation is divided for the purpose into economic regions, with wages set for each region on the basis of the cost of living: collective labour contracts establishing minimum wages shall prevail when they set a higher amount and they shall be brought into line with the official minimum wage when they set a lower amount.

9. In addition to the texts of the principal laws and regulations, the annex to this report contains information on wage components other than regular salary, and statistical data on wage and cost of living trends in the city of Lima.

10. In relation to section B of article 7 on safe and healthy working conditions, Report No. 009-HS/NP-83 also appears in an annex. It indicates the principal laws, administrative regulations, collective agreements and court decisions for enforcing the relevant legislation and contains statistical information on the number, nature and frequency of occupational accidents and cases of occupational diseases.

#### ARTICLE 8. TRADE UNION RIGHTS

11. As regards the trade union rights covered by article 8, Peru's Political Constitution also recognizes the right of workers to form trade unions without prior authorization, and that no one is compelled to join a trade union or prevented from doing so. Labour unions also have the right to form higher-level organizations which may be dissolved either by agreement among their members or by a resolution of the Supreme Court in the last resort. These principles are also contained in International Labour Organisation Convention No. 87, which was ratified by Peru in Legislative Resolution No. 13281 of 9 December 1959.

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12. The legislation of Peru has also incorporated those principles in laws such as Supreme Decree No. 009 of 3 May 1961 and Supreme Decree No. 021 of 21 December 1962, which regulate the procedures for the official registration of private-sector trade unions. Those Decrees and the measures for their implementation stipulate the right of trade unions to form higher-level organizations, in which administrative posts are to be reserved for Peruvians (Supreme Resolution of 21 July 1950) and membership is to be limited to workers holding valid labour contracts who have been in the job for more than three months (Supreme Resolution No. 29 D.T. of 17 July 1957). The Administrative Labour Authority shall be in charge of the registration of trade unions.

13. The right of workers in the public sector to form trade unions is protected under article 61 of the Constitution and under its Seventeenth General and Transitional Provision, which are governed by Supreme Decree No. 003-82-PCM of 22 January 1982, Supreme Decree No. 026-82-JUS of 13 April 1982, and Executive Resolution No. 134-82-INAP/DIGESNAP of 18 May 1982, establishing inter alia that such trade unions shall be registered with the National Public Administration Institute.

14. The right to strike is protected in article 55 of the Constitution, which specifies that the right may be exercised only in a legal manner. The right of workers in the private sector to strike is regulated by Supreme Decree No. 017 of 2 November 1962. Under the Supreme Decree of 12 May 1950, a strike is regarded as the peaceful suspension of work; the Decree establishes that strikes shall be carried out under the supervision of the Administrative Labour Authority.

15. The right of workers in the public sector to strike is regulated by Supreme Decree No. 0010-83-PCM of 25 February 1983, which specifies that the incumbent in the Ministry and the heads of public institutions shall be the ones to acknowledge the existence of collective work stoppages.

#### ARTICLE 9. RIGHT TO SOCIAL SECURITY

16. The main provisions relating to the right of all persons to social security, covered in article 9, have been annexed to this report, as supplied by the Department of Welfare and Social Security. Here again, the Constitution of Peru protects the right to social security, health and welfare in articles 12 and those that follow. In general, the legal provisions in Peru governing social security can be said to be in accord with the provisions of ILO Convention No. 102 concerning Minimum Standards of Social Security, which was ratified by Peru in Legislative Resolution No. 13284 of 15 December 1959. Thus, Legislative Decree No. 22482 of 27 March 1979 and the measures of implementation contained in Supreme Decree No. 08-80-TR of 30 April 1980, which consolidated the existing legal régimes under Acts Nos. 8433 and 13724, abolished differences in insurance contributions, treatment and benefits between wage-earning and salaried workers, and established a single régime for all workers in the country. Also annexed to the report is complete information on this question supplied by the Peruvian Social Security Institute.

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Annex

Reference material a/, b/

Annex I. Work security, Legislative Decree No. 22126 of 21 March 1978.

Annex II. Minimum wage-fixing standards, Legislative Decree No. 14222 of 23 October 1962.

Notes

a/ The reference material is available for consultation in the files of the Secretariat in the original language, as received from the Government of Peru.

b/ Statistical information referred to in the report is to be submitted by the Government of Peru and will be available for consultation in the files of the Secretariat upon receipt.

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