



Economic and Social Council

Distr.
GENERAL

E/1985/WG.1/SR.16
6 May 1985

UN LIBRARY

ORIGINAL: ENGLISH

AUG 18 1986

First regular session, 1985

UN/SA COLLECTION

SESSIONAL WORKING GROUP OF GOVERNMENTAL EXPERTS ON THE
IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 16th MEETING

Held at Headquarters, New York,
on Thursday, 2 May 1985, at 10.30 a.m.

Chairman: Mr. KORDS (German Democratic Republic)

CONTENTS

Consideration of reports submitted in accordance with Council resolution 1988 (XL)
by States parties to the Covenant concerning rights covered by articles 6 to 9
(continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.50 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (XL)
BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 6 TO 9
(continued)

Report of the German Democratic Republic (E/1984/7/Add.3) (continued)

1. At the invitation of the Chairman, Mr. Schlegel (German Democratic Republic)
took a place at the table.

2. Mr. SCHLEGEL (German Democratic Republic), replying to the questions asked at
the Working Group's 12th meeting, said that he would group his answers under
subjects.

3. In the first place, the right of work was guaranteed for every citizen, even
under conditions of intensive production, because it was related to socialist
ownership of the means of production under a planned socialist economy which
ensured full employment. The number of people employed had increased from
approximately 7,700,000 in 1970 to 8,000,000 in 1977 and 8,300,000 in 1982. The
proportion of people of working age employed had reached 93 per cent in the early
1980s and had increased since then. Working men were employed full-time, but women
only if they so wished. Special social measures were being taken to encourage
women to work, as was explained in the supplementary report.

4. In the period under review, the Government had taken a number of measures to
ensure adequate manpower for the national economy and enough jobs for the working
people as the use of intensive production methods increased. Plans included a
target figure for the assignment of manpower available through job redundancies to
new tasks, and provided for integrated planning of the elimination of jobs and the
release of manpower for use in priority industries, for advance training for new
jobs, and for co-operation between firms and local bodies in ensuring the release
of manpower. In 1983 and 1984 alone, 150,000 workers had changed their places of
work, the majority being assigned to new jobs in their old enterprise. Working
people were given full support by the enterprise and the State authorities, so as
to ensure that moves to another workplace involved no interruption of work and no
financial loss.

5. The successful implementation of the country's economic intensification
strategy had led to new ways of using the labour potential and to advances in
socialist rationalization. Labour productivity had risen by 68 per cent between
1971 and 1980 and by 7.7 per cent in 1984, resulting in a 5 per cent increase in
national income. It was important that manpower released through rationalization
in an enterprise should be used for further intensifying production, for example by
expanding shift work, and for improving the manufacture of consumer goods.

/...

(Mr. Schlegel, German Democratic Republic)

6. Under the Labour Code, enterprises were obliged to provide and pay for training courses for the workers and give them time off to attend without loss of pay. Changes in employment contracts had to be agreed with workers at least three months in advance. In the case of a change of workplace resulting from structural changes in the economy, the enterprise was obliged by law to take into account the social concerns and needs of workers, in particular women with children, older workers and workers with diminished ability.

7. In reply to a question by the expert from Tunisia, there were two reasons for the decrease in the agricultural labour force: higher productivity in agriculture, resulting from the consolidation of farms into co-operatives and the increased use of agricultural equipment; and the demand for workers in industry which had resulted in migration to the towns, especially by young people.

8. In reply to a question by the expert from Senegal, the minimum age for starting work was 16, the age at which compulsory secondary education ended.

9. A question had also been asked about the age structure of the labour force. Over the past two years the proportion between apprentices, students and pupils, on the one hand, and working people, on the other, had been changing. The proportion of workers was on the increase, a trend likely to continue until 1990.

10. A number of questions had been asked on salary increases. The real income of the population had risen from 890 marks a month in 1960 to 1,326 in 1970 and 2,338 in 1983. The index of consumer price-linked real income, taking 1960 as 100, had been 242 in 1983. In relation to the consumer price index, real incomes had almost doubled since 1970. Incomes in terms of money had increased systematically - from 1975 to 1982, for example, by 27 per cent, comprising increases in wages, salaries, pensions, student grants, and so forth.

11. In reply to a question from the expert from Japan, the average full-time monthly income for workers and employees had risen from 897 marks in 1975 to 1,089 marks in 1983. The number of workers' and employees' households in the higher income brackets had risen considerably; those with a net monthly income of over 1,600 marks had increased from 26 per cent in 1970 to over 50 per cent in 1983. That did not take account of benefits and allowances financed from public funds to cover material and cultural living conditions.

12. The minimum wage guaranteed to all fully-employed working people was 400 marks a month. There were different performance-based rates for six different wage groups. The annual increase in wages - a real increase because there was no inflation in the German Democratic Republic and basic commodity retail prices, rents and fares were stable - was between 4 per cent and 5 per cent. Increases differed according to occupational groupings. For example, there had been a special increase in recent years for medical personnel, to stimulate higher performance, which in turn enabled the State to make further increases in other branches and thus avoid discrimination.

(Mr. Schlegel, German Democratic Republic)

13. With regard to questions raised by the experts from the Union of Soviet Socialist Republics and Senegal, the German Democratic Republic attached the greatest importance to vocational and advanced training. Article 25 of the Constitution provided that all young people had the right and duty to learn a vocation, irrespective of sex, economic situation or social origin, and be guaranteed an apprenticeship and an appropriate job on completion of training.

14. Apprentices were provided with low-cost living accommodation, and under article 140 (1) of the Labour Code, the training enterprise had to offer the apprentice, six months before completion of his training, employment in the enterprise corresponding to the vocation in which he had been trained. Vocational training was provided free and organized by the State, as part of the integrated socialist educational system. Being closely related to the national economy, it could respond flexibly to changes or new requirements in production. Steps were now being taken to improve vocational training to meet the demands of a developing society and the transition to intensively-expanded production. As from 1 September 1987, 75 per cent of apprentices would be trained under the new programmes. Under the decree of 21 December 1984 on skilled trades, a broad-based education with specialized knowledge was to be provided in each of 300 trades. The German Democratic Republic had been sharing its experience in vocational training both bilaterally and through United Nations agencies. Close co-operation was maintained with UNESCO and the ILO.

15. The expert from France had asked about two of the criteria for admission to higher education: achievement motivation and political and moral maturity. The regulations for admission specified equal requirements for all applicants and took into consideration performance, the interests of society and development in all spheres of social life. There were no conditions concerning world outlook and no restrictions regarding political views. The German Democratic Republic adhered strictly to all the relevant provisions of international law against racism, racial discrimination, apartheid, fascism and neo-fascism. Article 25 of the Constitution guaranteed equal rights to education for all.

16. In reply to a question on fellowships, since 1981 all full-time university and technical college students had received, irrespective of parents' or spouse's income, a monthly grant of 200 marks a month, or 300 in special cases; for students with children, 50 marks a month was allowed for each child. Students could also qualify for a proficiency bonus of up to 150 marks a month on the basis of academic performance. Eleventh and twelfth grade school pupils received a grant of between 110 and 150 marks a month.

17. Regarding a question on workers in co-operative farms, co-operatives played an important part in agriculture, owning 87.5 per cent of agricultural land, 89 per cent of livestock and 80 per cent of fixed agricultural assets. State-run farms cultivated 6.9 per cent of agricultural land and the remaining land was owned by church institutions. Land in co-operative farms remained the property of the farmer, but the co-operative decided how it should be used. Co-operative farmers

(Mr. Schlegel, German Democratic Republic)

also had an average of half a hectare of private agricultural land and received assistance including supplies of material and equipment. Income from private holdings belonged to the farmer.

18. In reply to a question from the expert from Senegal, in accordance with practice in the German Democratic Republic, the Co-operative Farms Act had been discussed in public for six months and thereafter approved by the twelfth Farmers' Congress before being adopted by the People's Chamber.

19. Regarding trade union rights, the experts from Bulgaria, Senegal, France and Denmark had posed a number of questions, one of them on the possibility of forming trade unions outside the Confederation of Free German Trade Unions.

20. Trade union members participated in the elaboration of plans for economic development, and no plan was adopted by any enterprise without trade union consent. The unions organized workers' participation in management and planning, shared responsibility in vocational training for apprentices, participated widely in youth education - over 27,000 workers were currently assisting in the training - pursued a performance-oriented wages policy, exercised the right to collective bargaining and administered the social insurance scheme for wage earners and salaried employees.

21. In response to the expert from Spain, within the enterprise trade union branches there were 12,389 social insurance councils, with 69,733 members acting on behalf of branch committees. The trade unions also supervised industrial safety regulations, including safety standards for equipment and processes, were responsible for catering facilities at the enterprises, in canteen, organized workers' holidays at reduced cost and ensured access for their members to a wide range of cultural activities. They exercised far-reaching rights in the enterprises, including participation in managerial meetings and inspection of documents including personnel records. They also organized the solidarity movement in support of the struggle of peoples for national liberation and social progress.

22. With reference to the question whether trade unions could be set up outside the existing national confederation, his country's legislation and practice was in accordance with article 8 of the Covenant. Under articles 29, 44 and 45 of the Constitution, citizens had the right to form independent trade unions whose activities could not be obstructed. However, the working people wished to have a single confederation uniting all trade unions because divisions had harmed their interests in the past. The freedom of association provided for by the Covenant was not an end in itself. The existence of a single confederation did not exclude the discussion of different approaches to solving problems and its statutes stipulated that it united all workers without discrimination. The trade unions enjoyed unprecedented rights and it would be alien to his Government to dictate how they should exercise their right to freedom of association.

(Mr. Schlegel, German Democratic Republic)

23. Co-operative farmers could not join trade unions under the confederation's statutes because they owned their own means of production and were therefore not workers as defined in ILO Convention No. 87. However, they were guaranteed all the rights enjoyed by workers in other fields and could exercise the right to freedom of association by joining the Farmers' Mutual Aid Association. Workers employed by agricultural co-operatives were in a different position since they were not members and were therefore able to join the trade union for agriculture, food and forestry.

24. With reference to questions about the protection of workers' rights in disputes with their enterprises, the trade unions represented workers' interests and many managers had difficulties in meeting their demands under the Labour Code. The courts could decide if a decision to terminate employment was invalid and, in such cases, the individual concerned had to be rehired on the same terms as before and compensated by the enterprise for any loss suffered. Article 301 of the Labour Code empowered trade union committees to represent workers in court proceedings on matters of labour law and provided that courts should report their findings to the executive committees of the national trade union confederation within their areas of jurisdiction. All citizens were of course free to go to court and employ lawyers to defend their interests.

25. The Dispute Commissions were one of the two varieties of social courts, the other being the Arbitration Commissions which operated in the field of housing. Disputes Commissions operated in all enterprises and institutions. They dealt with labour disputes, petty misdemeanours and minor civil offences and their members were elected by workers for the same term of office as trade union officials, who had special responsibility for their activities.

26. With regard to the right to strike, conditions under socialism were totally different from those in capitalist society. Since exploitation had been abolished and there was no contradiction between the State and the trade unions, the right to strike was outmoded. The working people had the right to share in decisions and any embodiment of the right to strike in legislation was unnecessary. It was clear from the fact that the issue was not raised during public discussion of the draft Labour Code that working people did not see any need to legislate for the right to strike.

27. With regard to the questions about industrial accidents, much progress had been made in ensuring safe and healthy working conditions. During the last decade, over 2 million workplaces had been redesigned or reorganized. As a result, efficiency had increased and notifiable industrial accidents had fallen by 12 per cent. Such successes vindicated government guidelines which had envisaged co-ordinated measures to improve working conditions, the reduction of accidents, the reduction of physically hard and dangerous work, the reorganization of monotonous jobs and measures to combat occupational diseases.

28. The directors and senior staff of enterprises and institutions shared the responsibility for protecting workers against occupational accidents, according to their management level and field of competence. Senior staff members had to ensure

/...

(Mr. Schlegel, German Democratic Republic)

industrial safety within their field of duty. To enable directors to cope with their greater responsibility, they were assisted by specialist safety inspectors. The senior staff and safety inspectors involved would share the blame for accidents with the director of an enterprise according to their degree of responsibility.

29. An example of a verdict in the case of an occupational accident was not readily available, but such cases would be included in the next periodic report. On the other hand, accident statistics were available and could be supplied on request. Occupational accidents had to be reported if they resulted in inability to work for more than three days. In addition to notifying such cases to the State Secretariat for Labour and Wages, directors had to analyse accidents and sickness rates regularly and were called to account if they failed to do so. All employees were covered by social insurance against accidents and were entitled to the whole of their average wage when ill. They had the right to full compensation from the enterprise in cases of occupational accident or disease.

30. In reply to the question about holidays for apprentices, they all enjoyed 24 working days' leave per year. Young workers who were not apprentices had 21 working days' leave a year.

31. On the question of rents, they had been stable for many years and amounted on average to 2.8 per cent of family incomes.

32. The German Democratic Republic had five political parties representing workers, farmers, people of Christian belief, craftsmen, scientists and intellectuals, and the self-employed and private employers. All the parties operated independently and took part in the administration of the country and their members participated actively in the trade unions.

33. On the question of women's participation in decision-making bodies, they held every second managerial position in the distributive sector and every third in higher education. One in three agricultural co-operatives and one in five schools were headed by women, and they accounted for half of all the country's judges. In the trade unions, where they represented over 52 per cent of the membership, women accounted for a roughly equivalent proportion of all members and office holders of trade union committees, including the National Executive.

34. Finally, in reply to the question raised by the representative of Japan, the German Democratic Republic would be agreeable to revising the periodicity of reports to three years so as to allow more time for their proper preparation.

35. Mr. BENDIX (Denmark) said that he would like clarification of the last remark since a three-year cycle would mean a nine-year gap between reports on each of three groups of articles.

36. Mr. SCHLEGEL (German Democratic Republic) said that his remark did not represent a final position. His country favoured discussing the possibility of reporting on implementation of the whole Covenant every third year rather than dealing with groups of articles in separate stages.
37. Mr. IIYAMA (Japan) suggested that further discussion of the subject should be deferred since it was due to be considered as a separate agenda item.
38. It was so decided.
39. The CHAIRMAN said that the Working Group had concluded its consideration of the second periodic report of the German Democratic Republic.

The meeting rose at 12.15 p.m.