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

SUMMARY RECORD OF THE 10th MEETING

Held at Headquarters, New York,  
on Monday, 29 April 1985 at 10.30 a.m.

Chairman: Mr. KORDS (German Democratic Republic)

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by States parties to the Convention concerning rights covered by articles 6 to 9  
(continued)

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The meeting was called to order at 11 a.m.

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

Second periodic report of Romania (E/1984/7/Add.17)

1. At the invitation of the Chairman, Mr. Tanasa (Romania) took a place at the table.

2. Mr. TANASA (Romania), introducing the report, said that articles 6 to 9 of the Covenant gave legal expression to a number of fundamental rights, first and foremost the right to work, failure to respect which would jeopardize the enjoyment of all other human rights. The fundamental objectives of Romania's economic and social policy were to ensure the material, juridical and moral conditions which would guarantee full enjoyment of the rights under articles 6 to 9 of the Covenant, without any discrimination; the report contained ample evidence of Romania's implementation of those articles. Since the report was based on information available up to 1982, he would be providing some additional information covering the past two years.

3. For Romania, a backward agricultural country at the end of the Second World War, industrially weak and with low per capita income, assuring the right to work, (art. 6 of the Covenant), to equitable remuneration and just and favourable conditions and to social welfare and other economic and social rights, had been no easy matter. Great efforts had been needed to create a powerful industrial sector with a view to absorbing manpower surpluses from the rural areas and from population growth, train large numbers of staff, establish a modern education system and improve living conditions. Recent statistical data bore witness to the increase and diversification of industrial production, with special attention to agriculture, the second basic branch of the country's economy.

4. Despite the difficulties resulting from the complex nature of economic development and from the effects of the world economic crisis - particularly severe for the developing countries - the Romanian Government was striving, through sustained national effort and wide participation in international co-operation, to maintain a high growth rate and to implement an economic and social policy that would ensure the full enjoyment of fundamental economic, political, social and cultural rights for the whole population. Every citizen was entitled to a secure job, according to his training and capabilities, and to progressively increasing remuneration. The exercise of the right to work in Romania, a socialist developing country with a planned economy, had been achieved during the past two years in the context of continuous economic development - with net industrial output increasing by 5.1 per cent in 1983 and 8.4 per cent in 1984 - which had produced a large number of jobs every year. In 1984 10.5 million out of a total population of 22.7 million had been actively employed in the economic and social sector, 71 per cent being employed in industry and other non-agricultural sectors and 29 per cent in agriculture; whereas in 1965 only 43.5 per cent of 9.6 million

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actively employed had been working in non-agricultural sectors and 56.5 per cent in agriculture. The year 1984 had also seen 269,000 newcomers to the job market, with professional, vocational and specialist secondary training, while 37,000 people had graduated at the higher level in engineering, economics, teaching and medicine. Nearly 40 per cent - over 3 million - of the total number of people employed were women, compared with 1 million in 1965.

5. A fundamental element of the Government's economic and social policy was the steady creation of new jobs and the training of qualified staff for the purpose, especially women and young people. Over 5,500,000 jobs had been created between 1950 and 1984. In recent years education, which was provided free and was compulsory up to the tenth grade, had been more closely linked with production and research, thus helping to ensure that school-leavers were better trained and qualified. During the current school year 5,600,000 students, a quarter of the country's population, were being enrolled at all levels from kindergarten to university. The education laws provided that, concurrently with their general education leading to access to higher education, pupils could pursue vocational training to acquire job-related skills. All school-leavers were entitled to secure employment in the production sector on completion of 10 years of general education. The higher education system provided for the training of specialists in all fields and included places for a large number of young people from other countries.

6. Other measures to promote the right to work and the full use of manpower included the balanced and harmonious distribution of productive forces throughout the country as a basic prerequisite for equal development and equal opportunities for all the inhabitants. Industrial sites had been established in every county to provide new job opportunities, thus ensuring greater stability of labour resources, integration of inhabitants in their native places, improvement of working conditions, higher incomes and the development of social and cultural services. Romania had 40 counties, which were territorial administrative units similar to the English counties or the French départements. In that connection he noted that the word "country" had been used instead of "county" in certain cases in the English version of the report. In order to ensure the balanced development of the counties, a policy of graduated investment of financial and other national resources had been pursued.

7. Regarding the right to just and favourable conditions of work (art. 7 of the Convention), Romanian legislation and practice were based on non-discriminatory implementation of the principle of remuneration based on amount and quality of work and equal pay for equal work. In providing for incentives and establishing levels of remuneration, factors such as complexity of work, degree of stress, level of professional qualification and seniority were taken into account. Care was taken to maintain an equitable relationship between the highest and lowest levels of remuneration. The labour legislation contained specific provisions on minimum remuneration levels in all sectors of the economy, based on the general level of labour productivity and the national income, with periodic increases for

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all job categories. In the latest round of increases, completed in August 1984, average net pay had risen to 2,925 lei a month, compared with 337 lei in 1950 and 1,028 in 1965. Incentives for uninterrupted service had also been increased.

8. Other incentives were provided, for example by a system of global remuneration under which the whole personnel of an enterprise, or a sub-unit or section, was paid for carrying out specific tasks. Apart from remuneration for work done, the entire population benefited from socio-cultural expenditure, financed from the State budget and from social activity funds belonging to enterprises, the public, co-operative organizations and trade unions, education, culture, medical assistance, health care, support of large families, physical training and so forth.

9. An extensive home-building programme was under way, involving the construction of some 280,000 new houses in the period 1983-1984 with State and public finance. By the end of the five-year plan 700,000 apartments would have been completed. Today, a new house was completed every three minutes and 500 families a day moved into new houses.

10. Working conditions were steadily improving, as a result of Romania's constant concern for job security and health protection at work. National legislation imposed specific obligations on all ministries, economic units and other institutions at every place of work, and all management bodies had a legal duty to secure all the conditions necessary to prevent accidents at work and ensure workers' health protection. Compliance with regulations on job security and health protection was subject to inspection by State authorities, and the trade unions had rights and duties in that field. Any breach of the regulations entailed disciplinary, administrative, financial and penal sanctions. During the past few years there had been a gradual reduction in the working week, with a view to achieving a 46-hour week - or less in the case of dangerous or unhealthy work - without affecting levels of pay. It was hoped ultimately to achieve a 44-hour week.

11. The trade union movement had a long tradition of unity, ensuring strong action in defence of the rights and interests of trade union members and the working class. The right of association was respected, and a wide range of activities was guaranteed by the Constitution and the laws. In recent years the application of the new economic and financial mechanism had been improved and expanded on the basis of the principles of worker self-management and financial self-administration; working people were able to participate in the fund for socio-economic development and share the benefits, thus increasing their role as owners of the means of production, as producers and end-users, and as true masters of all material and spiritual assets.

12. Within the framework of self-management, which embodied direct participation by all working people in decision-making, the trade unions, as the authentic representatives of the working people, had a wide range of rights and were actively participating in economic and social life. For example, the Chairman of the General Union of the Trade Unions of Romania was a de jure member of the Government, and the General Union expressed its opinion on all draft laws relating

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to the rights and duties of working people. The trade unions also had special rights and duties in respect of job security, health protection, vocational training, working conditions, pension allowances, social security and so forth. In accordance with the law, they organized and supervised the machinery for settling disputes between workers and enterprises.

13. Under collective management, general assemblies, workers' committees and enterprise boards ensured direct participation by all the workers in the formulation and implementation of plans and the achievement of programmes. The general assemblies were also responsible for approval and termination of collective working agreements, appointment of staff, approval of funds for social activities, establishment and review of working regulations and approval of the allocation of the benefit-sharing fund. The chairman of the trade union in each enterprise was de jure chairman of the general assembly. According to the law, the workers' council as an executive body, was responsible for training, recruitment, promotion and improving the qualifications of the working staff.

14. With regard to article 9 of the Covenant, Romanian legislation provided a wide variety of measures on social security entitlement in case of illness or injury at work, allowances for convalescence, temporary incapacity, maternity leave, pensions and so forth. Working people received free medical care, and free medicines and health care items when in hospital. The number of hospital beds had reached 211,800 in 1984, averaging 9.4 per 1,000 inhabitants, and the number of physicians 46,300, or one per 489 persons.

15. All working people had the right to a pension, at age 57 for women and 62 for men, with the possibility of retiring two years earlier at their own request. In sectors involving heavy work, retirement was earlier. Social security pensions had shown a steady rise in recent years, the latest increase, in August 1984, averaging 12 per cent, but higher for the lower pensions. The State system of children's allowances included additional support for large families and a grant of 1,000 lei for each child after the first two. In 1979 an additional 500 million lei had been allocated to children's allowance as a result of reductions in military expenditure.

16. He wished to emphasize that, as was clear from the report, under the Constitution and laws of the country all citizens, irrespective of nationality, sex or religion, enjoyed all the rights embodied in articles 6 to 9 of the Covenant. In some cases, where measures were taken to even up the level of development in the different counties, counties with populations of non-Romanian origin received a larger share of investment than those with populations of Romanian origin. A special education system from kindergarten to higher level was provided for citizens of Hungarian, German and other origin, with teaching in their mother tongues. Those citizens worked alongside Romanian nationals at all levels up to enterprise management. They were also represented in local and national government and in Parliament, in proportion to their numbers.

17. Women enjoyed equal rights with men, without discrimination. They were a vital force in all sectors of economic and social life and represented 41.5 per cent of workers in industry, 43 per cent in science, 65 per cent in

(Mr. Tanasa, Romania)

education, culture and the arts and 75 per cent in health care. They also played their part in management, local and national administration, government and Parliament.

18. Mr. DICHEV (Bulgaria) said that he would welcome more information about the Labour Code mentioned in paragraph 2 of the report and, in particular, about any new features which it contained. He would also like to have further details about youth employment in Romania and especially about the sectors in which young people were working. He wanted to know which were the priority sectors mentioned in paragraph 9 of the report and what the trends were in industry, agriculture and other branches of the economy. He would also welcome more detailed explanations of how the job placement scheme mentioned in paragraph 11 and the workers' general assemblies referred to in paragraph 15 operated.

19. With reference to the efforts made to integrate women into socio-economic activities, he wondered what specific measures had been taken and what results had been achieved. He also wished to know, with reference to paragraph 32 of the report, to what extent Romanian qualifications were recognized in other countries and with what consequences.

20. Turning to rights covered by article 7 of the Covenant, he asked whether wages were paid at shorter intervals than once a month. He also wished to know more precisely what the wage supplements and bonuses mentioned in paragraphs 48 and 49 were and what were the results of their payment. Finally, he would welcome more information on the implementation and results of the decree on remuneration in co-operative agriculture mentioned in paragraph 90 of the report.

21. Mr. HOPPE (German Democratic Republic) said that he would like more information about the national programme mentioned in paragraph 27 of the report and about what the measures taken to integrate women in socio-economic activities had achieved. He would also like to know more about the administration's efforts to retrain persons incapacitated for work by accidents or illness.

22. Paragraphs 112, 113 and 140 all referred to promotion; who took decisions on the subject, and who served on the promotion boards mentioned?

23. Finally, he wished to know more about the young people's organizations referred to in article 27 of the Romanian Constitution and how they helped to protect the trade union rights of the young.

24. Mr. IYAMA (Japan) said that he wished to know if the Romanian Constitution made work a duty as well as a right, and how many foreign workers there were currently in Romania. Paragraph 35 of the report said that the languages of non-Romanian nationalities were used for purposes of instruction. Which languages were so used?

25. Turning to the right to social security under article 9 of the Covenant, he asked what percentage of the State budget was allocated to providing social security benefits. He also wondered, with reference to paragraphs 148 and 150 of

(Mr. Iiyama, Japan)

the report, what percentage of pensioners' incomes derived from the State and what from other sources. Finally, with reference to paragraph 159, he wished to know who contributed to the mutual aid funds established to assist the elderly.

26. In conclusion, he wondered if Romania had found the two-year cycle for periodic reports on the implementation of rights under articles 6 to 9 of the Covenant too burdensome.

27. Mr. TEXIER (France) said that he would welcome a further explanation of the employment figures in paragraphs 7 and 9 of the report, since they seemed to be contradictory. He would also like to have details of the numbers and nationalities of the non-Romanian young people studying in Romania mentioned in paragraph 34.

28. More information about the deductions from remuneration mentioned in paragraph 46 and why they were made, would be useful. He would also like to know whether the wage increases granted in recent years represented an equivalent increase in purchasing power or if Romania, too, suffered from the effects of inflation. With reference to paragraph 56 of the report, he asked what accounted for the difference between the minimum scheduled rate of remuneration and the minimum income per month quoted. He would also like to know more precisely how the shares of individual workers under the profit-sharing legislation mentioned in paragraph 77 of the report were calculated.

29. He wished to know more about the special measures for the protection of women and young people mentioned in paragraph 101 (a). On the subject of promotion, he wondered if the practical test or competitive examination mentioned in paragraph 112 was always obligatory and if other criteria were taken into account, such as seniority. He also wanted to know what was the minimum legal age of employment.

30. On the subject of trade union rights, he wondered whether Romanian law guaranteed the right to strike and, if so, whether and how it was used.

31. The report mentioned that women retired from work five years earlier than men. In other countries, the trend seemed to be towards having the same retirement age for both sexes, at the request of women asking for equality of treatment. He therefore wondered why women retired at an earlier age in Romania.

32. Mrs. BUTRAGUEÑO (Spain) said that she too would like clarification of the report's statistics for new jobs. In particular, in which sectors were the 1.25 million new jobs created between 1976 and 1982 to be found, and were they for young people completing their education or for any kind of worker?

33. With reference to paragraph 67, she wondered if the proportional reduction of a worker's remuneration when he failed to meet requirements meant that his income might fall below the guaranteed minimum wage.

34. She would welcome a more detailed explanation of the programme to help women in general and to promote more of them to managerial posts. Was such promotion envisaged only in sectors where women had worked traditionally, or in other sectors too?

(Mrs. Butragueño, Spain)

35. Like the representative of France, she wondered if the time had not come to reconsider the traditional policy of discriminating between men and women in respect of their ages of retirement. In her view, the two sexes should be treated alike, whether they wished to retire early or late.

36. The paragraphs about the establishment of workshops to enable those who would not normally be part of the work-force to take part in the economic life of the country were particularly interesting. Were pensioners allowed to work in such establishments, and to receive payment for such work in addition to their retirement pensions?

37. Finally, she wanted to know why special provision was made for the pensions and other national insurance benefits of lawyers but not, apparently, for members of other professions, such as doctors, engineers and so on.

38. Mr. BEN HAMIDA (Tunisia) said that the introduction by the representative of Romania contained a wealth of information. He also expressed satisfaction at the information contained in the report itself, drawing particular attention to the efforts made by the Romanian Government in the areas of employment and vocational training and the measures it had taken to integrate the disabled in society.

39. He noted that article 146 (g) of Act No. 28 of 28 December 1978 guaranteed pupils and students the right to employment upon completion of their studies, and requested further information regarding Romania's experience in implementing that provision. While the establishment of a link between the labour market and the number of graduates might help stabilize the labour market and prevent unemployment, it might also create problems. Consequently, he asked whether the Romanian Government had encountered any difficulties in implementing that policy. He also wished to know the exact number of vocational training centres in Romania.

40. It was evident from the report that the Romanian Government had taken a great number of legislative measures to make working conditions safer. Paragraph 110 stated that penalties could be imposed for violations of Decree No. 400/1981, one of the measures in question, and that such violations would entail disciplinary, material, civil, contraventional or penal responsibility. It would be helpful to have more specific information about the nature of that system of responsibility.

41. Mr. BENDIX (Denmark) said that the extensive additional information and figures which the representative of Romania had provided in his introduction had greatly enhanced the Working Group's ability to evaluate the contents of the report. However, the statement by the representative of Romania that women comprised nearly 40 per cent of the total labour force led him to assume that the correct figure for the total labour force was the one given in paragraph 9, and not paragraph 7, of the report. He would appreciate it if the representative of Romania could explain the apparent discrepancy between those figures.

42. He asked whether measures had been taken to reduce the number of hours worked per week by persons working in the agricultural, forestry and construction sectors as had been done in other sectors.



(Mr. Bendix, Denmark)

43. The information contained in paragraph 67 appeared to contravene the provision of article 7 of the Covenant which guaranteed equal remuneration for work of equal value. That seemed to be especially true in view of the fact that paragraph 76 stated that, as of 1985, the variable component of wages would account for 25 per cent of total wages: a worker thus stood to lose up to a quarter of his total pay. Any statistics relating to the situation with regard to the components of remuneration prior to 1985 would be useful in clarifying that matter; it would also be useful to know whether the variable component of remuneration had increased in relation to comprehensive performance pay in recent years.

44. The expert from Bulgaria had inquired about the bonuses and supplements paid to persons engaging in unhealthy or dangerous work; in addition, paragraph 101 (h) indicated that such persons were supplied with special foods to increase their stamina. He questioned whether such measures constituted the most appropriate way to implement the Covenant; it might be preferable to eliminate such jobs rather than offer the bonuses described in the report.

45. He welcomed the fact, noted in paragraph 114, that women had been promoted to occupy 27 per cent of various managerial functions. However, he wished to know if that high percentage had been achieved by means of positive discrimination, and whether it was a permanent or a temporary feature.

46. The right of workers to purchase shares in the units in which they worked, described in paragraphs 82 to 89, was a very interesting development. The report stated that the annual rate of return of units with worker participation was 6 per cent; for purposes of comparison, it would be interesting to have some general information regarding rates of return and interest rates in Romania. He also asked whether the average monthly wages shown in paragraph 51 applied to the agricultural and industrial sectors or to the industrial sector alone.

47. Finally, with regard to the provisions listed in paragraphs 34 to 36, on opportunities available to members of linguistic minorities, he asked whether such opportunities were intended as a means of securing foreign labour for the country.

48. Mr. AIDARA (Senegal) drew attention to paragraph 123 of the report and asked what proportion of the total labour force was under 18 years of age. Since paragraph 7 implied that unemployment existed in Romania, what was the unemployment rate? He also sought more information about the wage scale in Romania: was the average salary adequate to cover all workers' needs, particularly housing needs? More information with regard to the housing situation in Romania would be useful in that connection.

49. Paragraph 46 of the report stated that deductions from remuneration for work done were permissible only in the cases and conditions specified by law. Since such deductions were most likely some form of taxation, he wished to know what the rate of taxation on wages was in Romania.

50. With regard to the provisions for labour inspection described in paragraphs 101 - particularly subparagraph (m) - and 102, he wished to know the exact nature of such inspections and the regularity with which they were carried

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(Mr. Aidara, Senegal)

out. With regard to trade union rights, he asked whether there were any trade unions which functioned outside the General Union of the Trade Unions of Romania. He also wished to know whether the right to strike was recognized in Romania and, if so, how it could be exercised. In conclusion, he commended the Romanian Government for the efforts it had made to promote the employment of women, the disabled and the aged.

51. Mr. LUKYANOVICH (Union of Soviet Socialist Republics) said he shared the high opinion of the report of Romania expressed by other experts. He was particularly grateful to the representative of Romania for having updated the information contained in the report. As most of the clarifications he sought had been requested by other experts, he simply wished to ask what rights were afforded to foreigners in Romania and what limitations were placed on those rights.

52. In addition, while his country shared a common economic and social system with Romania, the actual situation in the two countries differed in accordance with the specific requirements of each. He therefore sought additional information on the role of women in Romania, particularly with regard to their opportunities for employment and promotion.

53. Mr. AZIZ (International Labour Organisation) said he wished, in connectin with the report of Romania, to apprise the Working Group of some of the comments which the ILO Committee of Experts on the Application of Conventions and Recommendations had made in its seventh report on progress in achieving observance of the provision of the Covenant (E/1985/63). In that connection, he drew attention to the paragraphs contained in part II.B of the report which dealt with Romania's implementation of articles 6 and 8 of the Covenant.

The meeting rose at 1.05 p.m.