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

Reports submitted in accordance with Council resolution 1983 (IX)
by States Parties to the Covenant concerning rights covered by
articles 6 to 9

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

19 June 1978

The Byelorussian Soviet Socialist Republic ratified the International Covenant on Economic, Social and Cultural Rights in 1973. Neither the ratification of the Covenant nor its entry into force required any changes in or additions to existing legislation in the Byelorussian SSR.

The Great October socialist revolution brought the Byelorussian people liberation from social and national subjugation, and raised them to conscious historical creativity. It marked a radical change in the fortunes of the Byelorussian people, as well as those of other nations and nationalities of former tsarist Russia. Having embarked on the course of socialist revolution, the workers and peasants of Byelorussia, with the help of the Russian proletariat, achieved statehood for the first time in their history, creating the Byelorussian Soviet Socialist Republic.

The amalgamation of the Byelorussian SSR and other soviet republics into a single union State - the Union of Soviet Socialist Republics - gave the peoples of our country greater strength and opportunities for the introduction of radical social and economic changes, the construction of socialism and the defence of its great conquests.

The Byelorussian Soviet Socialist Republic enjoys equal rights with the other republics in the Union of Soviet Socialist Republics, which embodies the state unity of the Soviet people and welds together all nations and nationalities in a joint force for the building of communism.

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Since the entry into force of the International Covenant on Economic, Social and Cultural Rights, a major event has occurred in the life of the Byelorussian people, and all the peoples of the USSR, marking a new historical stage in the development of socialist democracy and the process of perfecting Soviet law - the adoption of the new Constitution of the USSR.

On 14 April 1978 the extraordinary ninth session of the ninth convocation of the Supreme Soviet of the Byelorussian Soviet Socialist Republic adopted the new Constitution of the Byelorussian Soviet Socialist Republic. The new Constitution consolidates the foundations of the political and economic system of mature socialism and makes manifest the humanistic content of the socialist way of life as well as those ideological and moral values that characterize people living in a socialist society.

The preamble of the Constitution of the Byelorussian SSR states:

"As a result of the creative activity of the Soviet people under the leadership of the Communist Party, a developed socialist society has been built in the USSR - a society of true freedom for working people, in which powerful productive forces have been created and mature socialist social relations have become established, in which the well-being and culture of the people are constantly rising and the unbreakable alliance of the working class the collective-farm peasantry and the people's intelligentsia has been strengthened, and in which a new historical community of people has been formed - the Soviet people."

The Constitution goes on to state:

"Under conditions of socialism, thanks to the consistent pursuit of the Party's Leninist national policy, and with the comprehensive fraternal assistance of the great Russian people and the peoples of all the Soviet republics, the workers of Byelorussia have achieved immense successes in the development of the economy, science and culture."

The new Constitution of the Byelorussian SSR also defines the essential characteristics of the economic system of a socialist society. It reflects the special features of production relations characteristic of the stage of developed socialism. Article 10 of the Constitution of the Byelorussian SSR states as follows:

"The foundation of the economic system of the Byelorussian SSR is socialist ownership of the means of production in the form of State property (belonging to all the people) and collective-farm and co-operative property.

"Socialist ownership also embraces the property of trade unions and other public organizations which they require to carry out their purposes under their rules.

"The State protects socialist property and provides conditions for its growth.

"No one has the right to use socialist property for personal gain or other selfish ends."

In addition to State property, which is defined in article 11 of the Constitution of the Byelorussian SSR as "the common property of the Soviet people" and "the principal form of socialist property", and collective-farm and co-operative property, there exists in the Byelorussian SSR the personal property of citizens, the basis of which is formed by their earned income (art. 13 of the Constitution of the Byelorussian SSR). The supreme goal of social production under socialism is "the fullest possible satisfaction of the people's growing material, cultural and intellectual requirements" (art. 15).

The social basis of the Byelorussian SSR, according to article 19 of the Constitution, is "the unbreakable alliance of the workers, peasants and intelligentsia". The State helps to enhance the social homogeneity of society and pursues the aim of giving citizens more and more real opportunities to apply their creative energies, abilities and talents and to develop their personalities in every way (arts. 19 and 20 of the Constitution of the Byelorussian SSR).

The new Constitution of the Byelorussian SSR raises to a higher, qualitatively new level the process of safeguarding all the rights and freedoms of every citizen and the people as a whole. In this connexion it should be stressed that the implementation of all the provisions of the Charter of the United Nations, the International Covenants on Human Rights and other United Nations documents relating to human rights is fully guaranteed and ensured in the Byelorussian SSR.

In a special chapter of the Constitution of the Byelorussian SSR, entitled "Fundamental rights, freedoms and duties of citizens of the Byelorussian SSR" it is stated that:

"Citizens of the Byelorussian SSR enjoy in full the social, economic, political and personal rights and freedoms proclaimed and guaranteed by the Constitution of the USSR, the Constitution of the Byelorussian SSR and by Soviet laws. The socialist system ensures enlargement of the rights and freedoms of citizens and continuous improvement of their living standards as social, economic and cultural development programmes are fulfilled" (art. 37).

In addition to the Constitution (Fundamental Law), the Byelorussian SSR has a harmonious system of legislation aimed at genuinely safeguarding the broad democratic rights and freedoms of citizens and ensuring that problems affected by the International Covenants on Human Rights are dealt with in both legal and practical terms. In accordance with Economic and Social Council resolution 1988 (LX), a brief survey of the implementation in the Byelorussian SSR of the provisions of articles 6-9 of part III of the International Covenant on Economic, Social and Cultural Rights is presented below, with due regard to the principles contained in parts I and II of the Covenant.

The right to work and to the choice of a trade or profession (art. 6 of the Covenant)

The Constitution of the Byelorussian SSR includes the right to work among the basic rights of citizens. Article 38 of the Constitution states as follows:

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"Citizens of the Byelorussian SSR have the right to work (that is, to guaranteed employment and pay in accordance with the quantity and quality of their work, and not below the State-established minimum), including the right to choose their trade or profession, type of job and work in accordance with their inclinations, abilities, training and education, with due account of the needs of society.

"This right is ensured by the socialist economic system, steady growth of the productive forces, free vocational and professional training, improvement of skills, training in new trades or professions, and development of the systems of vocational guidance and job placement."

A number of other provisions of the Constitution of the Byelorussian SSR emphasize the special importance of socially useful work under socialism. Article 14 of the Constitution of the Byelorussian SSR states that the source of the growth of social wealth and of the well-being of the people, and of each individual, is the labour, free from exploitation, of Soviet people. The same article emphasizes that "Socially useful work and its results determine a person's status in society. By combining material and moral incentives and encouraging innovation and a creative attitude to work, the State helps to transform labour into the prime vital need of every Soviet citizen".

Of immense political and economic significance is the fact that the Constitution of the Byelorussian SSR reflects such an important feature of the socialist system as the grouping together of people in work collectives, which are in essence the nuclei of the entire social organism of the country, in accordance with the principle of joint labour. The Constitution states that.

"Work collectives take part in discussing and deciding State and public affairs, in planning production and social development, in training and placing personnel, and in discussing and deciding matters pertaining to the management of enterprises and institutions, the improvement of working and living conditions, and the use of funds allocated both for developing production and for social and cultural purposes and financial incentives."

"Work collectives promote socialist emulation, the spread of progressive methods of work, and the strengthening of production discipline, educate their members in the spirit of communist morality, and strive to enhance their political consciousness and raise their cultural level and skills and qualifications." (art. 3).

The labour legislation in effect in the Byelorussian SSR is a developed branch of law covering a broad range of social and labour manuals. The Fundamental Principles governing the Labour Legislation of the USSR and the Union Republics approved by the USSR Act of 15 July 1970, and the Labour Code of the Byelorussian SSR, adopted on 23 June 1972, are important in this connexion.

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Article 2 of the Byelorussian Labour Code provides that:

"The right of citizens to work in the Byelorussian SSR is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the removal of the possibility of economic crises and the abolition of unemployment.

"Manual and non-manual workers exercise their right to employment by signing a contract of employment at an enterprise, establishment, institution or organization. They have the right to a wage or salary guaranteed by the State in proportion to the quantity and quality of labour contributed. They have the right to leisure and rest in conformity with the laws on the working day and working week and on annual paid leave, the right to healthy and safe working conditions, the right to free occupational and advanced training, the right to unite in trade unions, the right to take part in the management of production and the right to material maintenance in old age and in case of sickness or disability at the expense of the State through State social insurance."

The complete absence of unemployment, which was eliminated in our country some 50 years ago, provides vivid evidence of how fully the right to work is implemented in the Byelorussian SSR. Generations of Soviet people have grown up in a society in which full employment has been achieved, in which the number of jobs available consistently exceeds the number of persons seeking work, and in which everyone can freely choose his place of work in accordance with his inclinations, abilities and qualifications.

Remarkable prospects for fruitful labour and new creative achievements are opened up by the provisions of the law on the State five-year plan for the development of the economy of the Byelorussian SSR in 1976-1980, which was adopted by the Supreme Soviet of the Byelorussian SSR on 19 November 1976. The main task of the five-year plan is to ensure the consistent implementation of the policy of the Communist Party aimed at raising the material and cultural living standards of the people through the dynamic, balanced development of social production and the enhancement of its efficiency, the acceleration of scientific and technical progress, increased labour productivity, and all-round improvement in the quality of work in all sectors of the national economy.

The balanced, dynamic development of social production creates limitless opportunities for every worker to exercise in actual fact his right to work. Every citizen of the Byelorussian SSR freely chooses his work in any sector of the national economy in accordance with his inclinations, trade or profession, area of specialization and qualifications. Manual and non-manual workers exercise their right to work by signing a contract of employment with an enterprise, institution or organization on the basis of their freely expressed wishes (arts. 2, 15 and 18 of the Labour Code of the Byelorussian SSR) while collective farmers do so by voluntarily joining a collective farm.

The labour rights of citizens are protected by law and are upheld by the State organs as well as by the trade unions and other public organizations. Legislative provision is made for a number of legal guarantees of the right to work and the freedom to sign a contract of employment. Management is forbidden to refuse to hire an applicant without valid reason.

Management is forbidden to demand the performance of work not stipulated by the contract of employment. Transferring a manual or non-manual worker to another post is permitted only with the consent of the person concerned (arts. 24 and 25 of the Labour Code of the Byelorussian SSR).

A worker may, for any reason and at any time, annul a contract of employment signed for an indefinite term by giving management two weeks' notice (art. 31 of the Labour Code of the Byelorussian SSR) whereas management can annul a contract of employment on its own initiative only on a limited number of grounds, which are enumerated in the law (arts. 33 and 34 of the Labour Code of the Byelorussian SSR).

The fact that the law enumerates the grounds on which a worker may be dismissed on the initiative of management represents an important legal guarantee of the right to work enjoyed by manual and non-manual workers. A similar guarantee, confirming the restrictions on management's right to dismiss a worker, is provided by the requirement that the local trade union committee first give its consent to a dismissal. The annulment of a contract of employment on the initiative of management is prohibited without the prior consent of the local trade union committee and a worker who has been unlawfully dismissed must be reinstated in the post he held previously. A worker who feels that he has been unlawfully dismissed has the right to take his case to court, and, if the court finds that he was dismissed without proper cause, it rules that he be reinstated in his post and paid for his period of enforced idleness (arts. 35, 217 and 218 of the Labour Code of the Byelorussian SSR).

Like other Constitutional rights and freedoms, the right to work guaranteed by the law is truly universal in character and is implemented on the basis of genuine equality of all citizens, without discrimination of any kind. Article 32 of the Constitution of the Byelorussian SSR states that:

"Citizens of the Byelorussian SSR are equal before the law, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status."

"The equal rights of citizens of the Byelorussian SSR are guaranteed in all fields of economic, political, social and cultural life."

Article 34 of the Constitution of the Byelorussian SSR constitutes a guarantee of national equality and removes any possibility of discrimination on national grounds in the implementation of the rights accorded to citizens, including the right to work; this article provides as follows:

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"Citizens of the Byelorussian SSR of different races and nationalities have equal rights.

"Exercise of these rights is ensured by a policy of all round development and drawing together of all the nations and nationalities of the USSR, by educating citizens in the spirit of Soviet patriotism and socialist internationalism, and by the possibility of using their native language and the languages of other peoples of the USSR.

"Any direct or indirect limitation of the rights of citizens or establishment of direct or indirect privileges on grounds of race or nationality, and any advocacy of racial or national exclusiveness, hostility or contempt, are punishable by law."

The Labour Code of the Byelorussian SSR supplements these Constitutional norms with a direct reference, in article 16, to the inadmissibility of any limitation of rights or granting of privileges on the basis of sex, race, nationality or attitude towards religion when employing a worker. Article 77 of the Labour Code of the Byelorussian SSR explicitly prohibits any reduction in rates of pay on account of sex, age, race or nationality.

Byelorussian legislation consistently applies the principle of equal rights of men and women, as laid down in article 33 of the Constitution of the Byelorussian SSR:

"Women and men have equal rights in the Byelorussian SSR.

"Exercise of these rights is ensured by according women equal access with men to education and vocational and professional training and equal opportunities in employment, remuneration and promotion and in socio-political and cultural activity, and by special labour and health protection measures for women; by providing conditions enabling women to combine work and motherhood; and by legal protection and material and moral support for mothers and children, including paid leave and other benefits for pregnant women and mothers and the gradual reduction of working time for women with small children."

At the present time, women in the Byelorussian SSR constitute over 50 per cent of the manual and non-manual workers in the national economy.

The following statistics bear witness to the political and labour activity of women in the Byelorussian SSR. There are at present 159 women deputies in the Supreme Soviet of the Republic, or 37 per cent of the total number of deputies. In the regional, city, district, settlement and village councils there are 79,815 deputies, of which 47.9 per cent are women.

Half the workers in scientific establishments are women. Women also comprise more than half the number of employees in State and economic administrative organs and the administrative organs of co-operative and public organizations. As of 14 November 1975, 52.8 per cent of specialists with higher education and 64.6 per cent of specialists with specialized secondary education, were women.

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In 1976 there were 13,328 women among 33,172 scientific workers, and 2,769 of them had doctor of science or candidate of science degrees. The existence within the highest organ of State power in the Republic - the Supreme Soviet of the Byelorussian SSR - of a Standing Commission on women's working and living conditions, maternity and child welfare, shows the great concern felt for working women.

Terms of contracts of employment offering conditions for manual and non-manual workers which are inferior to those provided for by current legislation or which contradict this legislation in any other way are null and void (art. 5 of the Labour Code of the Byelorussian SSR).

Persons guilty of violations of labour legislation are liable to disciplinary, administrative and, where appropriate, criminal penalties (art. 13⁴ of the Criminal Code of the Byelorussian SSR).

Byelorussian labour legislation makes provision for the right of workers to free vocational training and free advanced training. The Byelorussian SSR has a harmonious system for vocational training and advanced training, which takes a number of forms: fixed educational establishments, i.e. urban and rural vocational-technical schools; in specialized secondary educational establishments training specialists and technicians for industrial and agricultural enterprises and for cultural, health and educational establishments; and in higher educational establishments training highly skilled specialists for all branches of the economy. All these forms of training can be taken advantage of either with or without interruption of employment.

At the same time, in accordance with article 187 of the Labour Code of the Byelorussian SSR, the management of enterprises organizes at such enterprises individual and group training, course instruction and other forms of industrial training for manual and non-manual workers, especially young persons, including training to improve their skills and, in the case of persons who have engaged in practical work, to learn new skills. Manual workers with considerable industrial experience and foremen may, without interruption of employment, improve their skills in schools for foremen.

Management and engineering and technical personnel improve their skills in the advanced training faculties of higher and specialized secondary educational establishments and through short-term courses offered by ministries, departments, large enterprises, research institutes, etc.

Time spent in training and retraining is counted as work time, and there is an extensive system of benefits for persons combining work with study. Persons who engage in full-time study are granted stipends. Manual and non-manual workers following part-time industrial training or study courses at educational establishments are provided by the management with the necessary conditions to enable them to combine work and study.

If a manual or non-manual worker is recommended for a more skilled post or for promotion, his industrial training achievements, his general or vocational education and the completion of higher or specialized secondary education must be taken into account (art. 191 of the Labour Code of the Byelorussian SSR).

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The provision of various types of job training in the Byelorussian SSR is the responsibility of the appropriate State organs. Thus vocational and technical training is directed by the State Committee of the Council of Ministers of the Byelorussian SSR for Vocational and Technical Training, while the on-the-job training and advanced training of workers is directed by the State Committee of the Council of Ministers of the Byelorussian SSR for Labour.

Employment of the broad masses of the urban and rural population, including young people graduating from general education schools and vocational-technical schools, is also the concern of other State bodies responsible for securing employment for specific categories of citizens. In the approach to these matters, the plan basis for the development of the main branches of the economy is strictly respected. The State Planning Committee of the Council of Ministers of the Byelorussian SSR draws up advance plans for the economy's need for personnel, as well as setting regular yearly targets for labour resources. The planning bodies of the Republic determine the possibility of satisfying the demand for labour in enterprises, building projects and organizations.

The right to just and favourable conditions of work
(art. 7 of the Covenant)

In the Byelorussian SSR the principle of pay in accordance with the quantity and quality of work, and not below the State-established minimum, is applied. This is guaranteed by article 38 of the Constitution of the Byelorussian SSR.

The Constitution of the Byelorussian SSR provides that the State exercises control over the measure of labour and of consumption in accordance with the principle of socialism: "From each according to his ability, to each according to his work" (art. 14). In this connexion, the State promotes the elimination of the "essential distinctions between town and country and between intellectual and physical labour" (art. 19) and "concerns itself with improving working conditions and the protection of labour and with reducing and ultimately eliminating all arduous physical labour through comprehensive mechanization and automation of production processes in all branches of the economy" (art. 21).

In accordance with the decisions of the Twenty-fifth Congress of the Communist Party of the Soviet Union, there are plans to strengthen the incentive value of pay for work performed, to increase each worker's income according to his personal contribution to the development of social production through his work and raise his productivity.

On the basis of increased labour productivity, the State "consistently pursues a policy of raising the level of pay and real income of workers" (art. 23).

In the context of the planned management of the economy, State regulation of wages ensures that workers receive equal pay for equal work. The Byelorussian Labour Code defines the modus operandi of the system of centralized establishment of wages by the State with the participation of the trade unions: "The work of

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manual workers shall be remunerated on the basis of tariff rates (monthly salaries) fixed by the central bodies. The management of the enterprise or establishment shall, in agreement with the works union committee, classify jobs in accordance with different tariff categories and workers according to categories of skill, in conformity with the provisions of the tariff (wage rates) and skills handbook" (art. 80 of the Labour Code of the Byelorussian SSR). It also provides that: "The work of non-manual workers shall be remunerated on the basis of monthly salary rates fixed by the central bodies. The salaries of non-manual workers shall be fixed by the management of the enterprise or establishment on the basis of the post they occupy and their skills" (art. 81 of the Byelorussian Labour Code).

Articles 5, 77 and 78 of the Labour Code clearly stipulate that the fixing of conditions of payment for labour which are contrary to the normative provisions is impermissible. Officials responsible for any substantial violation of labour legislation are liable under article 134 of the Criminal Code of the Byelorussian SSR.

The State consistently pursues a policy of raising the level of pay and real income of workers. Over the past 10 years the real income of workers in the Byelorussian SSR almost doubled. During the tenth five-year plan period, 1976-1980, a 21.5 per cent increase is planned in the real per capita income of the population.

An important role in the formation of the real income of the population is played by the social consumption funds established to satisfy more fully the needs of the Soviet people (art. 23 of the Constitution of the Byelorussian SSR). The social consumption funds provide the workers with free training and advanced training, free medical care, allowances, pensions, students' grants, paid regular leave, free and reduced-rate passes to sanatoria and rest homes, funds for the maintenance of children in pre-school children's establishments and a number of other grants and benefits, as provided in article 101 of the Labour Code of the Byelorussian SSR and in other provisions.

Social consumption funds are formed from the income of enterprises and not from the taxes levied on the incomes of citizens.

The State, with the broad participation of public organizations and work collectives, ensures the growth and just distribution of these funds so that all members of society may have equal opportunities to enjoy the fundamental constitutional rights to education, to leisure, to health protection, to housing and so forth. In the ninth five-year plan period, grants and benefits under the social consumption funds amounted to 13.1 billion roubles, and the total sum involved will rise by about 30 per cent during the tenth five-year plan (1976-1980).

Articles 131-134 of the Labour Code of the Byelorussian SSE prescribe measures for the encouragement of exemplary fulfilment of duties, achievements in socialist emulation, increased labour productivity, improvement of the quality of products, irreproachable work over many years, innovations in work and other labour achievements. These incentives include public commendation, bonus or gratuity, award of a gift or recompense, award of a diploma of honour and entry of the

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worker's name in a Book of Honour or Roll of Honour. It should be noted in particular that in accordance with these provisions, manual and non-manual workers who perform their tasks successfully and conscientiously are granted privileges with respect to social and cultural services and household amenities and are favourably considered for promotion. Promotion is understood to mean the assignment of work requiring higher qualifications or transfer to a higher post. For outstanding labour achievements manual workers, collective farm workers and non-manual workers are recommended for the award of orders and medals of the USSR, diplomas of honour and titles of honour.

Especially important as a guarantee of the right to just and favourable conditions of work are measures for protecting the health of workers and increasing labour safety and hygiene. Article 40 of the Constitution of the Byelorussian SSR reads:

"Citizens of the Byelorussian SSR have the right to health protection.

"This right is ensured by free, qualified medical care provided by State health institutions; by extension of the network of therapeutic institutions and institutions for improving the health of citizens; by the development and improvement of safety and hygiene in industry; by carrying out broad prophylactic measures; by measures to improve the environment; by special care for the health of the rising generation, including the prohibition of child labour, excluding the work done by children as part of the school curriculum; and by developing research to prevent and reduce the incidence of disease and ensure citizens a long and active life."

In accordance with the Constitution and the Health Act of the Byelorussian SSR, medical aid is supplied free of charge. Specialized medical aid is provided in polyclinics, hospitals and dispensaries; citizens can receive first aid and medical aid at home, treatment in sanatoria and health resorts, and many other forms of health care. Special care is given to women's and children's health.

In 1971-1975, the Byelorussian SSR provided 11,600 beds in new hospitals and separate medical blocks and built polyclinics with a capacity of 21,900 patients per shift. In 1976 it had 31 doctors and 118 hospital beds per 10,000 head of population. Measures will continue to be taken over the period 1976-1980 to improve medical aid for the population still further. The number of hospital beds, for instance, will be increased by 11.9 per cent.

Under Byelorussian labour legislation, the right to healthful and safe working conditions is among the most important labour rights of citizens (art. 139 of the Byelorussian Labour Code). In conformity with this requirement, an extensive system of measures to ensure these conditions has been developed and is being applied. An important place among these is occupied by measures directly involving the workers: periodic medical examinations, preventive treatment, the provision of therapeutic and prophylactic diets where necessary, and the issue, free of charge, of special clothing, footwear and other items for individual protection. However, the system consists primarily of specific requirements imposed on the management of enterprises, establishments and organizations, which under article 139

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of the Labour Code of the Byelorussian SSR are required to ensure healthful and safe working conditions. "Management shall be responsible for the introduction of modern safety engineering to prevent industrial accidents and for providing conditions of hygiene to protect manual and non-manual workers against occupational diseases." Management must ensure the necessary technical equipment for all work posts and establish working conditions there that conform to the rules for the protection of labour and regulations governing safety techniques, health rules, etc. (art. 143 of the Labour Code of the Byelorussian SSR).

Byelorussian labour legislation provides for the compulsory observance of normative requirements for labour protection during the construction and operation of industrial buildings, plant and equipment (art. 140 of the Labour Code of the Byelorussian SSR), prohibition of the operation of enterprises not meeting labour-protection requirements (art. 141 of the Labour Code of the Byelorussian SSR), and prohibition of the mass production of models of new machines and other equipment not meeting labour-protection requirements (art. 142 of the Labour Code of the Byelorussian SSR).

According to article 159 of the Labour Code of the Byelorussian SSR, enterprises, establishments and organizations are liable in damages for any prejudice caused to the health of manual or non-manual workers in connexion with the fulfilment of their work obligations. Regulations on safety techniques govern matters relating to the ensuring of safe working conditions from the standpoint of the construction of machines, machine-tools and mechanisms, and health rules and regulations govern the sanitary and hygienic maintenance of enterprises, the lighting and ventilating equipment, the necessary anti-noise and anti-dust measures, the rules for providing therapeutic and prophylactic diets, special clothing, and the like. In accordance with article 143 of the Labour Code of the Byelorussian SSR, these rules and regulations are uniform, that is, compulsory in all branches of the economy and for every enterprise, establishment or organization irrespective of sector. They can also be intersectoral, extending to certain specified lines of production or work in all sectors, or in only some; or sectoral, that is, applicable only in one particular sector. Thus the universal and compulsory character of the requirements imposed to ensure a high level of safe and favourable working conditions for all workers is guaranteed.

Substantial amounts are spent every year in the Byelorussian SSR for the purpose of providing healthy and safe conditions of work. In every enterprise, and in general throughout the sectors of the economy, there are long-range comprehensive plans for the improvement of working conditions and labour protection, and sanitary and health measures. Consequently there is a steady reduction in the incidence of industrial accidents and occupational illnesses.

Among the social targets of the tenth five-year plan (1976-1980) for enhancing the economy and welfare of the population, there is none that is more responsible and humane than that of improving public health and establishing working conditions worthy of the socialist era. The tenth five-year plan provides for major labour protection measures. Special importance is attached to the mechanization and automation of arduous types of work. New types of machines, equipment, apparatus

and devices will be introduced to make it possible by mechanizing and automating heavy manual work, to avoid monotony and lack of variety in operations. Plans are being made to increase the output and quality of protective devices, equipment and instruments necessary for establishing safe and healthy working conditions. Great attention is being paid in the Byelorussian SSR to the activities of institutes undertaking research on occupational safety and hygiene, and there is an extensive programme of work in progress to solve the scientific and technical problems of occupational safety.

Of great importance in ensuring the right to just and favourable working conditions is the granting of guaranteed rest and leisure to workers. Article 39 of the Constitution of the Byelorussian SSR states:

"Citizens of the Byelorussian SSR have the right to rest and leisure.

"This right is ensured by the establishment of a working week not exceeding 41 hours for manual and non-manual workers, a shorter working day in a number of trades and industries, and shorter hours for night work; by the provision of paid annual holidays, weekly days of rest, extension of the network of cultural, educational and health-building institutions, and the development on a mass scale of sport, physical culture and tourism; by the provision of neighbourhood recreational facilities and of other opportunities for rational use of free time.

"The length of collective farmers' working and leisure time is established by their collective farms."

The normal working week for manual and non-manual workers in the Byelorussian SSR today cannot exceed 41 hours. As economic and other essential conditions evolve, the length of the working week will be gradually reduced (art. 42 of the Labour Code of the Byelorussian SSR).

For some categories of workers, in connexion with their working conditions, and also for persons under the age of 18 years, a shorter working week has been established (arts. 43, 44 and 45 of the Labour Code of the Byelorussian SSR). In 1976 the average duration of the working week in the industrial sectors of the Byelorussian economy was 40.3 hours.

A five-day working week with two rest days is observed for manual and non-manual workers. Where the conditions of work make a five-day working week inexpedient, a six-day working week with one rest day is observed with daily working hours not exceeding seven (art. 46 of the Labour Code of the Byelorussian SSR).

In order to preserve the rights of citizens to rest and leisure, the law prohibits overtime work as a general rule. Overtime is permitted only in exceptional cases, subject to the consent of the trade union, and must not exceed four hours for any worker on any two days in succession, nor exceed 120 hours in any one year (arts. 54, 55 and 56 of the Labour Code of the Byelorussian SSR).

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Work on rest days is forbidden by law (art. 63 of the Labour Code of the Byelorussian SSR). Such work is permitted only in exceptional cases and subject to the consent of the trade union. Each weekly rest day on which work is performed must be compensated by another day of rest. If this is not possible, double rates must be paid for work performed on the rest day (art. 64 of the Labour Code of the Byelorussian SSR).

Workers must be granted annual leave. It is forbidden to give cash compensation in lieu of leave, except where a worker is dismissed before he has used up his annual leave (arts. 66 and 75 of the Labour Code of the Byelorussian SSR). The duration of paid annual leave for adult manual and non-manual workers must be between 15 and 43 working days. In addition, the legislation provides for additional types of leave on account of harmful working conditions, long periods of work and the like.

A considerable amount of work is being done in the Byelorussian SSR to develop organized leisure activities for workers and tourism and to develop treatment at sanatoria and health resorts: new health centres and tourist establishments are being put into operation.

Almost all trips to sanatoria, holiday hotels and leisure centres are available to manual workers, collective farmers, non-manual workers and members of their families on preferential terms, at 70 per cent discount or free of charge, as a result of funds provided by the State social insurance system.

Byelorussian legislation provides a number of special guarantees to ensure the most favourable working conditions for women, taking account of the physical and physiological characteristics of the female organism and the social role of women. Chapter XI of the Byelorussian Labour Code is devoted to the employment of women. Women are granted leave by reason of pregnancy and confinement with full regular wages for 56 calendar days before and 56 days after confinement. In the event of complications during childbirth or a multiple birth, the post-natal maternity leave is extended to 70 days (art. 165 of the Labour Code of the Byelorussian SSR). A woman may, at her request, be granted additional leave without pay until her child reaches its first birthday (art. 167 of the Labour Code of the Byelorussian SSR).

In accordance with the decisions of the Twenty-fifth Congress of the Communist Party of the Soviet Union, there are plans to introduce, during the tenth five-year plan (1976-1980), child-care leave with partial pay for working women until the child reaches the age of one year. Women with children will be afforded greater opportunities to work a partial working day or a partial working week and also to work at home.

Pregnant women, nursing mothers and mothers with infants under one year of age are, if necessary (e.g. for health reasons), entitled to be transferred to other work, retaining the same average remuneration (art. 164 of the Labour Code of the Byelorussian SSR). In addition to the normal mealtime and rest intervals, mothers with infants under one year of age are entitled to additional nursing breaks to feed

the infant; such intervals must be granted at least once every three hours and must be of at least 30 minutes' duration. The intervals must be paid at the average rate of remuneration (art. 169 of the Labour Code of the Byelorussian SSR). It is unlawful to employ women in arduous work, work in unhealthful working conditions or underground work; it is unlawful to employ women for night work, except in cases where there is a special need to do so and such employment is permitted as a temporary measure. It is unlawful to employ pregnant women, nursing mothers and mothers with children under one year of age on night work, overtime or work on rest days or for travelling on missions (art. 162 of the Labour Code of the Byelorussian SSR).

Particularly important in the system of legal guarantees are the rules prohibiting refusal to employ a woman, dismissal of a woman and reduction of a woman's remuneration on account of her pregnancy or the fact that she has a child. Violation of these rules entails administrative and criminal liability under existing Byelorussian legislation.

The pay for work done by women in the Byelorussian SSR is completely equal to the pay received by men, depending on the quantity and quality of production, at the same piecework rates and hourly wage scales. Like men, women receive allowances for all cases of temporary inability to work, as well as old-age and disability pensions.

Great attention is also being given in the Byelorussian SSR to the correct organization and establishment of favourable working conditions for young people. These questions are dealt with in a special chapter - articles 173-186 - of the Labour Code of the Byelorussian SSR.

Under existing legislation it is unlawful to employ young persons under 16 years of age in the Byelorussian SSR. In exceptional cases, it is permissible to employ persons who have reached their fifteenth birthday with the consent of the local trade union committee. In order to protect the health of persons under the age of 18, they may not be employed on arduous work, work in unhealthy or dangerous working conditions or underground work, or on night work, overtime or on rest days. All persons under 18 years of age undergo a preliminary medical examination before being accepted for employment, and after that they undergo a regular medical examination every year until they have reached their eighteenth birthday. If, as a result of a medical examination, it appears that a minor is being employed on work which is contraindicated in view of his state of health, he must be given other, more suitable, work. On medical grounds, such workers may be prescribed dietary foods, or be sent to a sanatorium or rest home or to an overnight preventive clinic.

The work of young persons is lightened by the establishment of shorter working hours for young workers (24 hours a week for those 15 to 16 years of age and 36 hours a week for those 16 to 18 years of age). They are guaranteed remuneration at the same rate as manual and non-manual workers in the corresponding category who work normal daily hours.

The dismissal of manual and non-manual workers under 16 years of age by the management is permissible only with the consent of the district or city Minors Board.

Right to join trade unions (art. 8 of the Covenant)

The right of citizens of the Byelorussian SSR freely to join trade unions is set forth in article 49 of the Constitution of the Byelorussian SSR:

"In accordance with the aims of building communism, citizens of the Byelorussian SSR have the right to associate in public organizations that promote their political activity and initiative and satisfaction of their various interests.

"Public organizations are guaranteed conditions for successfully performing the functions defined in their rules."

Article 7 of the Constitution of the Byelorussian SSR gives public organizations wide powers in deciding State and public affairs:

"Trade unions, the All-Union Leninist Young Communist League, co-operatives, and other public organizations participate, in accordance with the aims laid down in their rules, in managing State and public affairs and in deciding political, economic, and social and cultural matters."

The fact that trade unions, as well as other public organizations, are entitled to initiate legislation in the Supreme Soviet of the Byelorussian SSR (art. 101 of the Constitution of the Byelorussian SSR, art. 229 of the Labour Code of the Byelorussian SSR) testifies to the broad public confidence which trade unions enjoy in the Byelorussian SSR.

The right to form trade unions is considered one of the most important rights of citizens and it is steadfastly implemented. As stated in article 228 of the Labour Code of the Byelorussian SSR, "The trade unions shall act in conformity with the rules and statutes they adopt themselves; they shall not be obliged to be registered with any State bodies". This same article places a responsibility on State bodies, enterprises, establishments, institutions and organizations to give "every assistance to trade unions in their activities".

Existing Byelorussian legislation provides that "trade unions represent the interests of the manual and non-manual workers in the field of production, labour, welfare, living conditions and culture". In particular, it is stated that manual and non-manual workers participate in the management of production through the trade unions (art. 229 of the Labour Code of the Byelorussian SSR). In connexion with this task, the trade unions are given wide powers: the trade unions participate in drawing up and implementing the economic development plans and in the solution of questions bearing on the distribution and utilization of material and financial resources; enlist the manual and non-manual workers in the management of production, organize socialist emulation and mass technical development efforts, and help to promote production and labour discipline.

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The establishment of working conditions, the fixing of wages and salaries, the application of labour legislation and the utilization of public consumer funds in cases specified by legislation are carried out by the enterprises and establishments and their higher organs, jointly or in agreement with the trade unions. The trade unions exercise supervision and control over the observance of labour legislation and industrial safety regulations, and exercise control over the housing and welfare services provided for the manual and non-manual workers.

The trade unions are responsible for State social security and administer the sanatoria, hospital and nursing-home establishments and rest homes for which they are responsible, as well as cultural and educational, holiday and sports establishments.

Co-operation between the State organs and the trade unions at all levels takes place mainly in connexion with tasks relating to the drawing up and implementation of the economic plan - from the State plan on a country-wide scale to the plan for each individual undertaking; the constant raising of the efficiency of social production as a source of growth in the material welfare and culture of the workers; the organization of socialist emulation and the dissemination of advances in knowledge; the raising of the industrial and commercial qualifications of the workers; the introduction of advanced techniques and technology, the improvement of the organization of labour, etc.

Trade unions may not be dissolved by administrative decision. The right to join trade unions is a universal right; it belongs to citizens of all occupations without distinction as to race, nationality, sex or religious conviction. Obstructing the legitimate activities of trade unions and trade union bodies is punishable as a criminal offence (art. 133 of the Byelorussian Criminal Code).

The trade unions play a major role in the solution of questions relating to labour and the welfare and living conditions of each individual manual and non-manual worker. As already indicated, the contract of employment may not be cancelled by the management of an enterprise, establishment or organization without the prior consent of the local trade-union committee. The permission of the trade union is required for overtime work and work on rest days. The law provides additional guarantees for elected trade-union workers carrying out their duties without being released from production. According to article 238 of the Labour Code of the Byelorussian SSR, such workers may not be transferred by the management to another post or have any disciplinary sanction imposed on them without the consent of the local trade-union committee, and they may be dismissed by the management only with the consent of the higher trade-union body.

Existing Byelorussian legislation contains no provisions prohibiting strikes. However, in conditions in which the workers themselves exercise power in the interests of society as a whole on the basis of the nationalization of the principal means of production, the elimination of the exploitation of man by man and the planned development of the national economy, and when the social and political structure of the State is a guarantee that the interests of manual and non-manual workers will be safeguarded, there is no longer any need for the workers to have recourse to that method of protecting their rights.

The trade unions solve their own internal problems independently. Relations within the trade unions are governed exclusively by the rules established by the trade unions themselves. These are set out in their Regulations and the decisions of trade-union organs. The Regulations governing trade unions in the USSR, confirmed at the thirteenth Trade Union Congress, define the rights and functions of the higher trade-union organs, the All-Union Central Council of Trade Unions, the Central Inspection Commission and the Central Committees of the branch trade unions.

All internal trade-union relations, including, for example, financial relations - the establishment of the rate of members' contributions and the expenditure of trade-union resources, and control over the implementation of the trade-union budget - are governed by the instruments of the trade-union organs and are not controlled by the State. The Constitutions of the USSR and the Byelorussian SSR, and existing Byelorussian legislation also do not regulate the organizational structure of the trade unions and, consequently, they permit their number to increase. The organization of trade unions on a production basis, whereby all those working in one enterprise form one trade union, ensures the unity of the trade-union movement and most fully corresponds to their main responsibilities, namely to watch over the interests of the workers and to strengthen control over the observance of labour legislation, and the rules and regulations governing industrial safety and safety measures.

By a decree of the Presidium of the Supreme Soviet of the Byelorussian SSR of 14 August 1956, the Byelorussian SSR ratified the 1948 ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize, and in the reports submitted in accordance with article 22 of the Constitution of the International Labour Organisation, it submitted exhaustive information relating to legislation and practice in the Byelorussian SSR in connexion with the provisions of the above-mentioned Convention.

Right to social security (art. 9 of the Covenant)

Article 41 of the Constitution of the Byelorussian SSR states:

"Citizens of the Byelorussian SSR have the right to maintenance in old age, in sickness, and in the event of complete or partial disability or loss of the breadwinner. This right is guaranteed by social insurance of workers and other employees and collective farmers; by allowances for temporary disability; by the provision by the State or by collective farms of retirement pensions, disability pensions, and pensions for loss of the breadwinner; by providing employment for the partially disabled; by care for the elderly and the disabled; and by other forms of social security."

The procedure for the grant and payment of benefits is governed by the "Regulations respecting the procedure for the grant and payment of State social insurance benefits", confirmed by an ordinance of the Presidium of the All-Union Central Council of Trade Unions of 5 February 1955.

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State pensions in respect of old age, disability and loss of the breadwinner are granted in accordance with the National Pensions Act adopted by the Presidium of the Supreme Soviet of the USSR on 14 July 1956. As stated in article 1 of the Act, pensions are granted and paid to all manual and non-manual workers, persons serving with the armed forces, persons attending higher and specialized secondary educational establishments, to other citizens in the event of their becoming disabled in connexion with the performance of State or public duties, and to members of the families of citizens specified above in the event of loss of the breadwinner. In accordance with article 1 of the Act on Pensions and Benefits for members of collective farms, adopted by the Supreme Soviet of the USSR on 15 July 1969, this right is extended also to collective-farm workers.

The procedure for the grant and payment of pensions is determined by the Regulations confirmed by an ordinance of the Council of Ministers of the USSR of 3 August 1972.

The State social-security rights of citizens are set forth in articles 239-244 of the Labour Code of the Byelorussian SSR. All manual and non-manual workers are covered by compulsory State social security, which is financed by the State. The social-security contributions are paid by the enterprise, establishment or organization without any deduction from the workers' remuneration. Article 241 lists the types of social security benefits: temporary disability allowances, maternity allowances, birth grants, burial grants, old-age pensions, disability pensions, pensions for loss of breadwinner, and length-of-service pensions. State social-security funds are also used to defray the cost of the treatment of manual and non-manual workers at sanatoria and health resorts and at preventive clinics and rest homes, dietary foods, the maintenance of Young Pioneer Camps and other facilities.

According to article 242, temporary disability allowances are paid in the event of sickness or injury, temporary transfer to another post as a result of sickness, where a worker has to take care of a sick member of the family, quarantine, treatment at a sanatorium or health resort and the fitting of a prosthetic appliance, and they may amount to the full earnings of the worker concerned. In the case of sickness or injury, the allowance is paid until the capacity for work has been restored or the disability is declared to be permanent. The amount of the allowance varies only according to the length of service in the enterprise or establishment.

The age at which citizens are entitled, under existing Byelorussian legislation, to an old-age pension is one of the lowest in the world: men are entitled to a pension at the age of 60, and women at the age of 55. Depending on the conditions and the nature of the work, and also in a number of cases specified by law, the pensionable age may be 5 to 10 years lower than the generally established age.

The social-security system covers a variety of health and preventive measures. The most important of these are treatment at a sanatorium or health resort, dietary foods, the organization of the rest time of the workers and members of their families. It is established by legislation that all the passes to sanatoria and rest homes purchased by an undertaking or establishment with social-security funds are issued to workers free of charge or against partial payment of the cost.

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A characteristic of the social-security system is its accessibility to the broad masses of the workers. For example, a manual or non-manual worker or a collective-farm worker is entitled to material security under the social-security system from the first day of his employment, irrespective of the nature of the work - permanent, temporary or seasonal - or the place of work - in a State, co-operative or public enterprise or establishment.

State allocations to social security in the Byelorussian SSR are constantly increasing; this makes possible a systematic rise in the level of security of the workers on reaching old age and in the event of being unable to work, and the expansion of preventive and health activities. Over the past five-year period (1971-1975) expenditure in this area totalled 4.8 billion roubles.

In accordance with the decisions of the Twenty-fifth Congress of the Communist Party of the Soviet Union, further improvement of the social-security system is envisaged during the tenth five-year plan (1976-1980). The aim is to raise the minimum pension rates for manual and non-manual workers and collective-farm workers, and to bring closer together the social security of different categories of workers. Pension benefits for mothers of large families will be expanded and the network of residential homes for disabled persons and the aged will be extended. Measures are also planned to improve industrial training for the disabled and to expand the opportunities for wider participation by the disabled and other categories of pensioners in socially useful work. Expenditure on these objectives in the Byelorussian SSR will increase substantially over the period 1976-1980, to total over 6 billion roubles.
