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

SUMMARY RECORD OF THE 2nd MEETING

Held at Headquarters, New York,
on Monday, 5 April 1981, at 3.00 p.m.

Chairman: Mr. BURWIN (Libyan Arab Jamahiriya)

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copy of the record. They should be sent within one week of the date of this
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The meeting was called to order at 3.35 p.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX)
BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 6-9
(continued) (E/1978/8/Add.32)

1. Mr. AKAO (Japan) commended the Canadian Government on its comprehensive report covering efforts at the federal and provincial levels to implement the rights covered by articles 6-9 of the Covenant (E/1978/8/Add.32). Since the matters covered by those articles appeared from the report to fall chiefly within the jurisdiction of the provincial governments, he would like to know how the Federal Government co-ordinated the different regulations and standards of the various provinces, and whether the Continuing Federal-Provincial Committee of Officials Responsible for Human Rights was effective in achieving that co-ordination.
2. Mr. NOLAN (Observer for Canada) said that responsibility for the co-ordination of standards depended on the sector concerned. In addition to the committees concerned with observance of human rights standards, there were also continuing meetings of the federal and provincial Ministries of Health and Ministries of Labour. There was thus a continuous flow on information concerning the development of standards in each area covered by the Convention.
3. Mr. BORCHARD (Federal Republic of Germany) congratulated the Canadian Government on its excellent report. He had found the information on page 46 on types of union-management contractual arrangements particularly interesting and would welcome a numerical breakdown of types of arrangement from non-union shop to closed shop. He was especially interested in the Rand formula shop and the rights enjoyed by employees under that system. In connexion with the information on sickness benefit, on page 53 of the report, he wondered what percentage of salary the benefit constituted, and whether claimants received nothing during the two-week waiting period.
4. Mr. NOLAN (Observer for Canada) said that he would provide the breakdown requested as soon as possible. Regarding the Rand formula, he said that the terms of the Labour Act required workers to be fully represented at all levels. Although there was a two-week waiting period before a worker could receive sickness benefits, if he was in real need, social assistance was available. In the unionized sectors there were a number of private plans - over and above that provided by the Unemployment Insurance Act - where benefits constituted 70 per cent of salary. In general, sickness benefit was not related to wages. It was, however, a contributory plan and depended on the rate of contribution.
5. Mr. BERGTHUN (Norway) said that the Canadian report confirmed his impression from other human rights meetings in the United Nations that Canada was making an active effort to implement its obligations under the Covenant. As the representative of a country with a centralized form of government, he had found it very interesting to see how a Federal State implemented its obligations. There

(Mr. Bergthun, Norway)

were certain positive aspects to the complicated procedures in Canada. The fact that several government agencies interacted in safeguarding rights tended to clarify the matters under review and made for more enlightened procedures for implementing the Covenant. An important prerequisite for the implementation of the Covenant, however, was that people should be aware of their rights, particularly in the field of social security benefits. The rules tended to be complicated, and those most lacking in resources were frequently the least able to understand them. He wondered whether any studies had been undertaken in Canada to show to what extent those really in need of social security benefits received them.

6. Mr. NOLAN (Observer for Canada) said that the system of social services delivery was very complex. Some areas had good information on recipients while others did not. He would like to review the matter with his colleagues in the Federal-Provincial Committee and provide the information at a later stage.

7. Ms. DAY (Observer for Canada) said that social security benefits in respect of unemployment and welfare and the Canadian Pension Plan were well-known to most of the population and were given a good deal of publicity. In other areas covered by the report, such as job creation, where there was a multiplicity of programmes, it would perhaps be fair to say that the public was less well-informed of what assistance was available.

8. Mr. MRATCHKOV (Bulgaria) also congratulated the Canadian Government on its very full report. He had been struck, however, by the fact that the report reflected data for 1977 although it was being discussed four years later. He appealed to the Secretary and to the members of the Working Group to make a greater effort to see that the reports submitted contained more up-to-date data in the social field, where the situation often changed very rapidly. He noted from the report that the right to work was recognized in Canada. It was not enough, however, for the right to be recognized in law; it must also be put into effect. He would therefore like more specific data on the legal safeguards for enjoyment of that right. He would also like more recent figures for the unemployment rate among women and young people. He had been much struck by the wide disparity between the average annual earnings of women and men, as given in table 5 of the Annex, and would welcome further information in that respect.

9. Mr. NOLAN (Observer for Canada) said that an effort had been made to update the information in the report, in some instances to 1980 and even June 1981. He would obtain the unemployment figures for youth and women and provide them at a later stage.

10. Ms. DAY (Observer for Canada) said that Canada was seriously concerned over the discrepancy between the average earnings of men and women. Part of the reason was that some occupations had traditionally been regarded as "male" or "female", with a resulting disparity in wages. Equal-pay legislation was in force at the federal level and in the province of Quebec and efforts were being made to address the problem. Canada was also beginning to move forward with affirmative action, and as women moved into occupations traditionally performed by men, women's wages would be favourably affected. Canada was carefully monitoring progress in that area.

11. Mr. VEITIA (Venezuela) associated his delegation with the congratulations to the Canadian Government on its wide-ranging report. He noted that job protection was a matter of permanent concern to workers and asked about protection they had against unfair termination of employment under various specific collective agreements (page 161 of the report).
12. Mr. NOLAN (Observer for Canada) said that the information on page 161 referred specifically to Prince Edward Island. Under federal legislation, which covered about 10 per cent of the work force, unionized workers were protected against arbitrary termination of employment, and the burden was on the employer to prove that such termination was warranted. In non-unionized work coming under federal legislation, persons who had been in employment for one year were protected from dismissal without just cause. In the Federal Public Service, which was largely unionized, rights won by collective bargaining included the right of appeal against dismissal and third-party protection. In Prince Edward Island, permanent civil servants could only be removed from office on the authority of the Lieutenant-Governor. There were regular meetings of the Ministries of Labour to monitor developments in the area of arbitrary dismissal.
13. Mr. ALLAFI (Libyan Arab Jamahiriya) asked how much protection a local employee could obtain from the federal authorities.
14. Ms. DAY (Observer for Canada) said that it would depend on whether the employment sector was under provincial or federal jurisdiction. As stated in the report, some 10 per cent of the national labour force came under federal jurisdiction because it worked in organizations which crossed provincial boundaries, such as telecommunications, federally-chartered banks, railways, and so forth. Workers in those sectors were governed by the Canada Labour Code and by federal legislation. All other workers in the provinces were governed by provincial labour standards and human rights codes.
15. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that he felt duty-bound to point out that he had not been able to read the Canadian report in his own language. He questioned whether the Working Group would have gone ahead with its consideration of the report had the only language available been Russian instead of English.
16. He referred to section B of the chapter on federal measures under article 8 of the Covenant, where the statistics showed that fewer than one third of all Canadian workers were unionized. He wondered why the proportion was so low; was there a lack of interest or was there in fact some obstacle to unionization?
17. The point made by the representative of Bulgaria concerning the pay differential between men and women performing the same work was very pertinent. The section of the report devoted to article 7 of the Covenant and table 5 of the annex made clear that the gap had widened in recent years. He would like an explanation of that phenomenon and asked what action the Canadian Government was taking to correct it, especially in view of the terms of article 7 (a) (i) of the Covenant.

(Mr. Sofinsky, USSR)

18. He referred to the situation of the Canadian Indians. The statement in section B, paragraph 6, of the chapter of the report on federal measures under article 6 that there were no legal barriers to Indians choosing or accepting employment seemed to be borne out by the description of the employment measures also given in that chapter. However, it emerged from the report that inequalities and restrictions persisted for the Indians as a result of inadequate education, poor skills and insufficient experience and the geographical isolation of their communities. It was clear that legislative measures in themselves were not enough and he would be interested to know what level of practical implementation existed in the form of effective economic remedies.

19. Mr. NOLAN (Observer for Canada), replying to the Soviet representative's question regarding trade unions, said that, as could be seen from the statistics given in the report, there was a growing trend towards unionization, while at the same time, at the federal level, expanded legal protection was being introduced, especially against wrongful dismissal. However, it was not easy to understand why the proportion of unionized workers remained so low, since existing legislation permitted and indeed promoted unionization.

20. Ms. DAY (Observer for Canada) said that one factor affecting unionization was the predominance in the provinces of very small businesses employing fewer than 10 people, a situation which was less conducive to unionization than the existence of fewer larger businesses.

21. With regard to the question of equal pay, since the report had been completed, legal suits involving women brought under the new Federal equal-pay laws had yielded some very substantial settlements. The legislation had come into effect only in 1977 and the process was therefore only just beginning, but she hoped that there would be further settlements of the same kind which would have an impact on the earnings situation and on people's perception of the problem. A further complication was that the equal-pay laws came under the jurisdiction of each province, only two of which so far applied the ILO standard of equal pay for equal work. However, the trade union movement was also increasingly active in that area and changes were being brought about in the rates of pay of women through collective bargaining.

22. On the Indian employment question, it was true, as the representative of the USSR had said, that the Indian population was disadvantaged owing to inadequate education and skills and to the isolated parts of the country in which they had traditionally lived. They were now faced with the hard and unwanted choice of either leaving their traditional homes or staying in areas of very low unemployment. While much remained to be done, there were a large number of practical economic measures being taken; in her own province of Saskatchewan, where 75 per cent of the population were Indians, new resources were being developed on the basis of the requirement that the jobs created must go to the Indian communities. There were also training programmes being mounted, especially in trades where there was a shortage of skilled labour.

23. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that he did not understand how the predominance of small businesses explained the low level of unionization in Canada. Unions, after all, transcended businesses; moreover, it was generally in the smaller undertakings that protection was most needed.
24. Ms. DAY (Observer for Canada) said that she had not meant to imply that there was any less need for protection in smaller businesses; she had simply stated the observed fact that in the provinces, there was far less trade union representation in very small places of employment.
25. Mr. MARDOVICH (Byelorussian Soviet Socialist Republic) emphasized the inconvenience caused by the lack of a Russian translation of the report. Nevertheless, it had been interesting to see how the different levels of government in Canada related to one another on the particular issues covered by articles 6 to 9 of the Covenant.
26. He had been disturbed to see the great discrepancy which existed between the remuneration of women and men, especially in view of the statement in section A of the chapter of the report on federal measures under article 7 that contracts must contain non-discrimination clauses. It would be useful to know exactly how that obligation was embodied in legislation. Some of the glaring discrepancies which emerged from table 5 of the annex could perhaps be explained, as the observers for Canada had suggested, by the fact that traditionally certain professions and occupations were regarded as "male" and others as "female". However, that did not explain why the phenomenon was becoming more rather than less widespread, nor did it apply to the sales and services categories, where earnings of men were still approximately double those of women. It would be valuable to have a fuller explanation of the measures being introduced to prevent the disparity from widening further and a clearer picture in general of the role of the Government and related legislation.
27. With respect to unemployment, he wished to know to which year the national average figure of 8.4 per cent cited in the report applied and what principles were used to compile the statistics. Also, it was not clear whether that percentage included partial or temporary unemployment; if not, what was the percentage of partial employment in terms of the total labour force? It would also be valuable to have a few comments regarding the measures taken in accordance with article 6, paragraph 1, of the Covenant which required States parties to take appropriate steps to safeguard the right to work.
28. Mr. NOLAN (Observer for Canada) said that his Government was acutely aware of the need for legislative measures and affirmative action programmes in favour of women, the disabled and other groups currently at a disadvantage in employment. A working group of the Federal Provincial Committee was very actively engaged in studying the question and a large number of activities had been launched in the last few years, particularly with respect to women, including the appointment of a Minister with special responsibility for the status of women, the organization of specific vocational training in non-traditional occupations, and the increased provision of day care for children. In addition, there existed a large number of

(Mr. Nolan, Observer, Canada)

women's task forces and government-funded groups which made recommendations directly to the Government concerning action needed to improve the situation.

29. On the question of unemployment, he undertook to supply full statistics as soon as possible, explaining the detailed breakdown and method of calculation of the figures given in the report.

30. Mr. ADOSSAMA (International Labour Organisation) said that in its annual report for 1982, the ILO Committee of Experts had considered the position of Canada in relation to a number of important ILO Conventions ratified by that Government, including those on employment policy, discrimination in employment and occupation, equal pay, abolition of forced labour and freedom of association. He wished to convey to the Canadian Government a few comments which related to issues covered by articles 6 to 9 of the Covenant.

31. With respect to employment policy, the important question had been raised in the Committee of the appropriateness of existing economic strategies as instruments for providing work for all who were available for jobs and seeking employment. Additional information was also sought concerning the implementation of the principle of equal pay for men and women. Further, certain legislative changes had been requested by the Committee to ensure the full observance of the Convention on Freedom of Association. The Committee had also drawn attention to certain studies carried out by the Canadian Department of Labour concerning the extent of implementation of the ILO Conventions on occupational safety and health and social security. Those studies shed some light on the extent of realization of the rights enshrined in articles 7 and 9 of the Covenant.

32. The CHAIRMAN said that, if he heard no objections, he would take it that the Working Group had thus concluded its consideration of the report of Canada contained in document E/1978/8/Add.32.

33. It was so decided.

ELECTION OF OFFICES (concluded)

34. The CHAIRMAN announced that Mr. Karl Borchard (Federal Republic of Germany), Mr. Nobutoshi Akao (Japan) and Mrs. Carmen Silva de Araña (Peru) had been nominated for election as Vice-Chairmen of the Working Group.

35. Mr. Borchard, Mr. Akao and Mrs. de Araña were elected Vice-Chairmen by acclamation.

36. The CHAIRMAN announced that Miss Ljudmila Boshkova (Bulgaria) had been nominated for election as Rapporteur of the Working Group.

37. Miss Boshkova was elected Rapporteur by acclamation.

The meeting rose at 4.45 p.m.

