



Dual Distribution

COMMISSION ON HUMAN RIGHTS

Seventh Session

SUMMARY RECORD OF THE TWO HUNDRED AND NINETEENTH MEETING

held at the Palais des Nations, Geneva,
on Monday, 30 April 1951, at 10.30 a.m.

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(continued).

Present:

Chairman:

Mr. MALIK (Lebanon)

Members:

Australia

Mr. WHITLAM

Chile

Mr. VALENZUELA

China

Mr. YU

Denmark

Mr. SÖRENSEN

Egypt

AZMI Bey

France

Mr. CASSIN

Greece

Mr. EUSTATHIADES

Guatemala

Mr. DUPONT-WILLEMIN

India

Mrs. MEHTA

Pakistan

Mr. WAHEED

Sweden

Mr. BERGSTROM

Ukrainian Soviet Socialist Republic

Mr. KOVALENKO

Union of Soviet Socialist Republics

Mr. MOROSOV

United Kingdom of Great Britain
and Northern Ireland

Miss BOWIE

United States of America

Mr. SIMSARIAN

Uruguay

Mr. CIASULLO

Yugoslavia

Mr. JEVREMOVIĆ

Representatives of specialized agencies:

International Labour Organisation

Mr. JENKS

United Nations Educational, Scientific
and Cultural Organization

Mr. SABA
Mr. THOMAS
Mr. ELVIN

World Health Organization

Mr. BERTRAND

Also present:

Mr. WEIS

Representing the High
Commissioner for Refugees

Representatives of non-governmental organizations:

Category A

World Federation of Trade Unions	Mr. FISCHER
International Confederation of Free Trade Unions	Miss SENDER
International Federation of Christian Trade Unions	Mr. EGGERMANN
World Federation of United Nations Associations	Mr. ENNALS

Category B and Register

Agudas Israel World Organization	Chief Rabbi SHAFRAN
Caritas Internationalis	Mr. PETERKIN
Carnegie Endowment for International Peace	Mrs. CARTER
Catholic International Union for Social Service	Miss de ROMER Mrs. SCHRADER
Commission of the Churches on International Affairs	Mr. NOLDE
Consultative Council of Jewish Organizations	Mr. BENTWICH Mr. MOSKOWITZ
Co-ordinating Board of Jewish Organizations	Mr. MOWSHOWITCH
International Council of Women	Mrs. CARTER
International Federation of Business and Professional Women	Miss TOMLINSON
International Federation of University Women	Mrs. ROBB
International League for the Rights of Man	Mr. de MADAY Mr. BALDWIN
International Union of Catholic Women's Leagues	Miss de ROMER Miss ARCHINARD
Liaison Committee of Women's International Organizations	Mrs. ROBB
Women's International League for Peace and Freedom	Miss BAER
World Jewish Congress	Mr. BIENENFELD Mr. RIEGNER

Secretariat

Mr. Schwelb

Representing the Secretary-
General
Secretary to the Commission

**DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION
(item 3 of the agenda):**

(b) Inclusion in the Covenant of provisions concerning economic, social and cultural rights:

Special provisions on conditions of work and the right to rest and leisure
(E/CN.4/577, E/CN.4/577/Rev.1, E/CN.4/578, E/CN.4/AC.14/2/Add.2,
E/CN.4/NGO/28) (continued).

The CHAIRMAN drew attention to the synoptic table setting out the various proposals submitted for a provision on conditions of work and the right to rest and leisure (E/CN.4/AC.14/2/Add 2). The United States proposal had since been revised to read:

"The States Parties to this Covenant recognize that everyone has the right to just and favourable conditions of work, fair wages, reasonable limitation of working hours, the right to holidays with pay and equal pay for equal work."

The text proposed by the French representative was to be found in document E/CN.4/577.

Miss TOMLINSON (International Federation of Business and Professional Women), speaking at the invitation of the CHAIRMAN, said that her organization had for many years identified itself with the principle of equal pay for equal work, and was at the moment battling for the implementation of that principle by the stronger form of international machinery, through the International Labour Organisation. It was accordingly anxious that the right should be recognized in the draft Covenant, and that nothing in it should be allowed to detract from the principle enunciated in Article 23, (2) of the Universal Declaration of Human Rights, which ran: "Everyone, without any discrimination, has the right to equal pay for equal work." It would be seen that no qualification whatever was attached to the right to equal pay. Any reference to family responsibilities in that connexion, such as that in the French proposal, would be misplaced and contrary to the spirit and intention of the Universal Declaration, clause (3) of which dealt with the position of the family.

Her organization agreed wholeheartedly with the terms of that clause, but maintained that they were entirely distinct from the principle embodied in clause 2 of the Article.

It might be argued that with the improvement in social services of recent years the bread-winner had been relieved of many heavy family responsibilities which had formerly fallen on him. The moment had never been more favourable for according unqualified equality of pay to women. In the reports of the International Labour Organisation on the implementation of the principle of equal pay she could find no mention of any agreement to introduce the consideration of family responsibilities, or any indication that the principle required modification in that direction. Her organization therefore submitted that the right to equal pay should be clearly recognized in the draft Covenant, and that the only qualification attached to it should be that implicit in the clause "without discrimination".

Miss BOWIE (United Kingdom) thought that the representatives of many governments and non-governmental organizations would thoroughly endorse the statement made by the previous speaker. She agreed that it was most unfortunate to associate the element of family responsibility with that of wages, as was done in the French proposal. For to do so would entirely undermine the theory of equal pay for equal work, not only as between men and women, but also as between different grades and classes of workers. The question of family responsibilities came under the heading of social security, provisions relating to which the Commission would be drafting later.

She would illustrate her argument by pointing out that in the United Kingdom family and children's allowances were granted by the State. They had nothing whatever to do with wages, which were a matter for negotiation between trade unions and employers and were not adjusted to the size of the worker's family or to his family commitments. In that respect, the expression "fair wages" was quite satisfactory.

She also believed that the word "specifically", as used in sub-paragraph (a) of the French proposal, would give rise to difficulties, and added nothing

to the proposal's general meaning. It might indeed be invoked as an argument to justify claims for equal pay where it was not intended; for example, in the case of juveniles operating a machine with a skill and speed equal to those of adults.

For those reasons she still considered that the United States proposal was the most satisfactory of those before the Commission.

Mr. CASSIN (France) recognized that, in the matter of the substantive point raised by the United Kingdom representative, the French proposal was faulty, the problem of family responsibilities being indeed quite distinct from that of wages. However, it was a problem which could not be passed over. Nor could it be dealt with under the article of the Covenant relating to social security. It might therefore form the subject of a special paragraph. With regard to the second point raised by the United Kingdom representative, he pointed out that the French word "notamment" meant something quite different from the word "specifically", by which it had been rendered in the English text.

Mr. SIMSARIAN (United States of America) observed that the French text was in some respects incomplete, but also contained one or two unfortunate additions. The first sentence had been conceived in such terms as to limit the conditions to those enumerated in sub-paragraphs (a), (b) and (c). The United States proposal was much wider in scope, and did not pretend to be exhaustive. The word "fair" did not appear in the French text as a qualification of the word "wages". In his view, that was regrettable, since what the Commission was trying to achieve was fair wages for workers. Furthermore, sub-paragraph (a) did not constitute unqualified recognition of the principle of equal pay. It might perhaps be interpreted as meaning that single women could be paid less than married men with families. Work actually done, not family responsibilities, should be the criterion of equal payment for equal work. Nor did the French proposal introduce the concept of "reasonable" limitation of the length of the working day. Indeed, the only new element it introduced was that of safe conditions of work, which he was prepared to introduce into the United States draft, which seemed to him to be superior in every other respect.

Mr. FISCHER (World Federation of Trade Unions), speaking at the invitation of the CHAIRMAN, and referring to the French and United States proposals, said that both texts began with a less felicitous phrase than that used in the corresponding article of the Universal Declaration of Human Rights, which began: "Everyone has the right".

A deliberate confusion of several rights was also noticeable in both those proposals; it was presumably intended to introduce an element of vagueness into their enunciation. The Universal Declaration, on the other hand, devoted a separate article to the problem of the limitation of working hours.

In both proposals the references to the question of wages were less far-reaching than clause 3 of Article 23 of the Universal Declaration, which ran:

"Everyone who works has the right to just and favourable remuneration insuring for himself and for his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection".

In a word, the Universal Declaration laid it down as a principle that wages should at least suffice to ensure the worker's subsistence and that of his family. Nothing of the kind was to be found in the French or United States proposals.

Further, the somewhat arbitrary formulation of the principle of equal wages for equal work in sub-paragraph (a) of the French proposal was not, in his opinion, in conformity with General Assembly Resolution 421(V), which explicitly recognised the equality of men and women in respect to economic, social and cultural rights, and was therefore inadequate.

Finally, the French proposal spoke of the limitation of the working day, instead of that of the working week, despite the fact that the latter was one of the working classes' main demands.

Mr. VALENZUELA (Chile) remarked that the proposals drafted by the World Federation of Trade Unions (E/CN.4/NGO/28) contained two ideas of profound and topical interest. The first was based on the increasingly common

tendency to link the level of wages with the standard of living. In a large number of countries the application of that principle usually had two aspects: first, the legal obligation to guarantee a minimum level of subsistence and to allow a certain amount of leave with pay; second, trade union action designed to peg the wage scale to the cost of living index. An excellent illustration of that tendency was the collective agreement concluded between the United Automobile Workers and the General Motors Corporation in the United States of America, which set an example of how relations between labour and employers should be regulated.

He realized, however, that the implementation of an article in the Covenant containing such detailed provision would give rise to considerable difficulty. In any event, whereas the obligations imposed by the Covenant would be the concern of the signatory States, wage scales would continue to be fixed by collective agreement between the trade unions and the industries concerned. The State could do no more than recommend appropriate standards, or take limited legal measures within the framework of its labour code.

His delegation was accordingly prepared to vote for the United States text. It interpreted the phrase "fair wages", as used in that text, in its broadest sense, that was to say, it understood that the authors were referring to the victories already won by the workers in connexion with the minimum wage and the acceptance of the principle of an adjustable scale of wages related to the cost of living index.

Mr. CIASULLO (Uruguay) associated himself with the Chilean representative's observations. He thought that the article on conditions of work etc. should take account not only of the direct relation to be established between wage scales and the cost of living index, but also of the workers' possibilities of securing increases in their rates of remuneration. The article might, for instance, include some such proviso as: "without prejudice to the participation of workers in the profits of undertakings". Both procedures were practised in Uruguay, where boards composed of representatives of workers, employers and the State met each year to review wage scales in relation to the

various factors susceptible of affecting them, and especially the cost of living index. At the same time, profit-sharing was already being practised by State undertakings in Uruguay, and the question of making it universal was under consideration.

He agreed with the Chilean representative that such provisions might be difficult to implement, but thought it essential to bring the text of the Covenant into line with the social achievements of the twentieth century.

Miss SENDER (International Confederation of Free Trade Unions), speaking at the invitation of the CHAIRMAN, urged the Commission not to introduce the question of family responsibilities into the provision relating to fair conditions of work in connexion with wages, since it must be taken as axiomatic that wages should be adequate to maintain both the worker and his family. There should be no necessity for workers to ask for extra pay because they had families, otherwise married men would be at a disadvantage in seeking employment. She also agreed with the representative of the International Federation of Business and Professional Women that the right to equal pay should be recognised without discrimination.

She further believed that the article under consideration should also require States to prescribe minimum wages and maximum hours of work, and that wages should be adjusted not only to the cost of living index, but also to ensure continuous improvement in living conditions.

As to the non-discrimination formula, it should be so drafted as to cover, not only equal pay for equal work as between men and women, but also all other cases.

Mr. DUPONT-WILLEMEN (Guatemala) wholeheartedly concurred with the views expressed by the Chilean and Uruguayan representatives. The principles they had described were already observed in Guatemala, not only in conformity with legislation on the relations between employers and employed, but also in virtue of a provision of the Constitution.

Mr. CASSIN (France) conceded that, although his proposal conformed in its broad lines with the aims set forth in the Covenant, and did not disturb the latter's general balance, its wording might perhaps be made more specific on certain points. In particular, he agreed that the phrase "due allowance being made for family responsibilities" did not entirely tally with the corresponding provision of the Universal Declaration. He had accordingly re-drafted the French text, and the new wording was to be found in document E/CN.4/577/Rev.1.

He recognized the cogency of the United Kingdom representative's observations about family responsibilities, and was prepared to take into account the point made by the Chilean and Uruguayan representatives that wages did not constitute the sole form of payment for work, but might be supplemented by a share in profits, or by bonuses or the like. That was why he had amended sub-paragraph (a) of his original proposal to read: "remuneration, which should, specifically, provide the worker and his family with a decent living, and which should be equal for all, for equal work". The clear implication was that remuneration should normally be adequate to maintain the family. Furthermore, the Universal Declaration itself, in Article 23, made use of the term "remuneration", which as a more general term was preferable to "wages". The intention of the words "for all" was to rule out any possibility of discrimination.

To cover the point made by the representative of the World Federation of Trade Unions concerning the limitation of the working week, he proposed that reference should be made merely to the limitation of working hours in its most general sense, without mentioning any specific unit of time.

The United States representative had criticised the French proposal on the ground that it failed to stress the idea of fairness sufficiently. He (Mr. Cassin) would point out that the introductory clause of the French proposal mentioned "just and favourable conditions of work", which consequently applied to everything specified thereafter. Furthermore, he had added the word "especially" before the words "in respect of" in the same clause so as to make it impossible to regard the list represented by sub-paragraphs (a), (b) and (c) as exhaustive.

Finally, he would point out that he had refrained from making any suggestions concerning legal provisions in connexion with periodic holidays, because systems varied from country to country, in some of which the length of regular holidays with pay, and the conditions governing them, were already laid down in collective agreements. It was preferable, therefore, merely to acquaint States with the desired aim, leaving it to them to decide on the methods to be adopted for achieving it.

Miss BOWIE (United Kingdom) said that the amended version of the French text still failed to meet her objections to the inclusion of a provision suggesting that wages should be fixed in accordance with the worker's family responsibilities. Her delegation could make no concessions on the principle of the rate for the job. She realized that the French representative was actuated by the best of motives, but the moment the issue of family responsibilities was introduced, the principle was jeopardized. But trade unions must be free to bargain on the basis of that principle.

With regard to the Chilean representative's proposal, she had misgivings about any attempt to be too specific in the provision under consideration. Although it was true that in the United Kingdom some of the trade unions had an agreement under which wages were revised in accordance with the cost of living index figure, there was always a danger that a minimum wage rate might become a maximum, and that a formula for revision might tie down the basic level. The Commission must be sure that in drafting the provision it would not be endangering the freedom of trade unions and employers to bargain for the best terms they could get in the prevailing conditions. She was therefore in favour of the broadest possible wording for the provision. As the representative of the International Labour Organisation had explained, a number of specific conventions had been drawn up by that agency on hours of work and rates of pay. Detailed arrangements in that connexion should be left to the

specialized organizations concerned, such as the trade unions, which were fully alive to the dangers and difficulties which might arise if provisions of too detailed or too rigid a character were drafted. The Commission itself was not qualified to undertake such a task.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that the Commission was engaged in a somewhat academic discussion which bore very little relation to the practical end in view. Most of the observations made at the present meeting and during the past few days seemed to take but small account of the effect which the provisions being drafted would have on the lives of workers. If that attitude were maintained, the Commission's work would do little to improve the situation.

His own text did not seek to impose on other States the programme already carried out in the Soviet Union for securing fair conditions of work and the right to rest and leisure. As was well-known, in his country workers enjoyed the right to annual paid holidays for periods varying from two weeks to one month. That was guaranteed to them by Article 119 of the Constitution of the Soviet Union, which read:

"Citizens of the USSR have the right to rest and leisure.

The right to rest and leisure is ensured by the establishment of an eight-hour day for factory and office workers, the reduction of the working day to seven or six hours for arduous trades and to four hours in shops where conditions of work are particularly arduous, by the institution of annual vacations with full pay for factory and office workers, and by the provision of a wide network of sanatoria, rest homes and clubs for the accommodation of the working people."

In 1950, about 4,000,000 workers had stayed in rest homes, either for medical or recreational purposes, and over 5,000,000 children had visited pioneer camps, the cost in both cases being met either in whole or in part by the State. His delegation was well aware that it could not put forward the provisions of the Soviet Union Constitution as a basis for the clause under discussion, but he considered that if the Commission was to make any progress at all governments must be placed under an obligation to guarantee to each worker the right to rest and leisure, as well as the limitation of working hours, either by legislation or by collective agreements according to each country's internal organization. The simple, modest, indeed minimal, commitments involved in the Soviet Union proposal would bring about the true realization of those rights.

How, in fact, would the French representative's proposal affect the actual situation in France? To what extent would it contribute to the achievement of fair conditions of work and just remuneration? He would refer the Commission to the French Journal Officiel of 9 February, 1951 (No. 19), which reported a speech by Mr. Boksome, Rapporteur of La Commission du Travail et de la Sécurité Sociale of the French National Assembly, in which he had said that the cost of living was increasing but that the living expenses of families were not

being met by current wages. Mr. Boksome had reported that an official document of the Commission des Conventions collectives contained the statement that the cost of living for a family of four was 43,776 francs a month, but that a worker's guaranteed minimum wage was only 17,550 francs a month, which could be brought up to 25,400 francs a month with family allowances. In Paris, a family with two children received a daily family allowance of 40 francs, whereas a litre of milk cost 41 francs.

He submitted that it would be extremely difficult to translate the provisions of the French proposal into terms of reality to achieve a real improvement in the condition of the working class in France, whose current minimum wage fell so far short of the cost of living. He again appealed to the Commission to finish with the present abstract discussion, which had no connexion with the real situation of the working class, and to adopt the Soviet Union proposal, which would obligate the governments of countries where that situation was unsatisfactory to take the necessary measures for the realisation of the rights under consideration.

Mr. JEVRENOVIĆ (Yugoslavia) said that, in the hope of meeting all the points raised during the discussion, he was submitting the text contained in document E/CN.4/578.

Mrs. CARTER (International Council of women), speaking at the invitation of the CHAIRMAN, said that she must place on record her Organization's opposition to any qualification of the principle of the right to equal pay for equal work as enunciated in the Universal Declaration of Human Rights. Her Organization could not support the revised French text, which still associated the question of family responsibility with the principle of equal work. State subsidies should be dealt with elsewhere, since wages were a subject for collective bargaining, national legislation and the like. The expression "fair wages" in the United States proposal seemed to cover that point.

She agreed with the arguments of the United Kingdom and United States representatives and of the representative of the International Federation of Business and Professional Women. In the matter of opportunities for employment,

women had suffered from the application of the principle that wages should be commensurate with family commitments. Her Organization had an additional interest in the question, inasmuch as women, as the guardians of family life, were closely concerned with the health, security and well-being of the family; moreover, her Organization believed that family security would best be ensured if each member was able to work in a free and competitive society to the best of his capacity and receive the fair and just wages which that capacity commanded.

She added that the representative of the International Federation of University Women, which was actively preparing to bring pressure to bear on the forthcoming International Labour Conference for the widest possible implementation of the right to equal pay for equal work, had asked to be associated with her remarks.

Mr. CASSIN (France) submitted that the United Kingdom representative's criticisms in no way applied to the revised French proposal, in view of the fact that it repeated the actual words used in the Universal Declaration, in which no reference whatever was made to family allowances, which was an entirely different problem. The revised French proposal was also in line with the texts submitted by the two leading trade union organizations represented at the present session.

Replying to the remarks of the representative of the International Council of Women, he denied that he had confused the principle of equal pay for equal work with that of the necessity of providing a decent living for every family. He had enunciated the two principles in the same sentence, while making a distinction between them, in order to bring out the point that wages, while being the same for all for equal work, should still be high enough to ensure a decent living.

He pointed out to the Soviet Union representative that the Commission would not at that moment have been seeking to formulate provisions relating to economic, social and cultural rights had the position of workers been uniformly satisfactory throughout the world. The Covenant was admittedly intended to improve the workers' living conditions, and it was no secret that there were deficiencies in the relevant field of the legislations of all countries. With regard to the specific

example quoted by the Soviet Union representative, he drew attention to the fact that wages in France had been increased by between 10 and 20 per cent since February, 1951, and that the National Assembly was proposing to increase family allowances by upwards of 20 per cent.

The Soviet Union representative had been able to find in a published document the data and criticisms he had quoted. The fact that such material was made public in France showed that that country was one in which criticism was free. He (Mr. Cassin) wondered whether equally trenchant criticism of any conditions which might not be altogether satisfactory from the workers' standpoint could be found in the Soviet Union Official Gazette.

Mr. FISCHER (World Federation of Trade Unions) recalled that he had criticised the original version of the French proposal in the light of the Universal Declaration. Nevertheless, the proposal made by the World Federation still held good.

It was true that the French working class had recently won certain wage increases, but it owed that success to its own courageous struggle, often in the face of opposition from State or administrative authorities.

Mr. JEVREMOVIĆ (Yugoslavia), referring to the remarks of the representative of the International Council of Women, said that his delegation agreed that the draft Covenant should contain specific provisions for the protection of women, but that it did not believe that any special mention of that point was needed in the article under discussion.

Miss BOWIE (United Kingdom), referring to the Yugoslav proposal just submitted, suggested that nothing could be more dangerous than to insert a clause stating that the improvement of conditions of work should take place in proportion to any increase in the profits earned by the undertaking concerned. Such a clause might enable a small group of businessmen and workers, engaged in the production of some essential commodity, to hold the community to ransom. The aim of the provision was to secure fair wages and just conditions; that aim would not be fulfilled by a clause like the Yugoslav one.

Mr. CIASULLO (Uruguay) pointed out to the United Kingdom representative that where labour shared the responsibility for an undertaking's production equally with capital, it was right that the workers should also share in any increase in profits. The minimum wage was fixed by law, or by collective agreement, but a worker's total remuneration depended on the profits made by the undertaking. It was beyond the scope of the Commission's present discussion to determine what that total remuneration should be.

Miss de ROMER (International Union of Catholic Women's Leagues and Catholic International Union for Social Service), speaking at the invitation of the CHAIRMAN, said that the Commission was dealing with two issues of fundamental importance - the workers' standard of living and the principle of equal pay for equal work. The Commission should regard those two principles, not as interchangeable, but as equally worthy of its attention. It was just as important to claim equal treatment for the family of each of the parties concerned as to claim equal pay for equal work. The Commission could not consider adopting for the corresponding article of the draft Covenant a text inferior to that of Article 23 (3) of the Universal Declaration of Human Rights. She appealed to the Commission to grant the family its due place in the article under consideration.

Mr. VALENZUELA (Chile) said that the reason why he had not mentioned the Soviet Union proposal was not because he under-estimated it - which he was very far from doing - but because, while it called for the recognition of rights which were certainly very valuable, it included no provisions regarding wages. That was a very grave defect for, although the omission might be justified in the case of the Soviet Union by that country's special economic and social structure, it was impossible to imagine a universal text on economic and social rights that made no mention of wages.

As to the question of the minimum wage, on which the United Kingdom representative had made some very pertinent remarks, he explained that he had not tried to draw up a precise text in the matter, as he felt that, where trades unions were not sufficiently powerful, a minimum wage was in practice liable to be taken as a maximum in certain industries.

The text proposed by the Yugoslav representative, which introduced the idea of profit sharing, deserved study, but it would be dangerous for the Commission to insert unessential details in the Covenant. Furthermore, as a result of the nationalization schemes already carried out in a number of countries, some industries or public utilities in those countries were working at a loss. There could be no provision for profit sharing where there were no profits. The question was a delicate one, and he considered that each State should be left to solve it within the framework of its own social and economic structure. And the International Labour Organisation, for its part, might prepare a convention, or conventions, on the subject.

He suggested the insertion in the texts proposed by the United States and Yugoslav delegations of the words "in relation to the cost of living" after "fair wages". That would show exactly what was meant by "fair". Governments would then take whatever steps were necessary to comply with that condition.

Mr. MOROSOV (Union of Soviet Socialist Republics) was pleased to see that the cogency of the facts which he had quoted that morning from official sources had been recognized by the French representative. On the other hand, the latter had not replied to his question as to how the French proposal (E/CN.4/577/Rev.1), which included no specific obligations to be undertaken by the State with a view to implementing the rights mentioned, could improve the situation in any way or alleviate the unhappy lot of the French worker. The standard of living of the workers in France was low; the current prices of consumer goods were twenty times those obtaining in 1938, while the living standard of workers and of employees was twice as bad as it had been before the war.

He commended his remarks to the notice of the United Kingdom representative also, whose proposal contained no measures calculated to improve the unfortunate situation in the United Kingdom. In that country, according to data published by the United Kingdom Ministry of Labour, the price of bread in September 1950

had been 22 per cent, that of butter 50 per cent, and that of milk 43 per cent above the prices in June, 1947. Since 1 February, 1950, the prices of many consumer goods had risen by 30 per cent. Moreover, the already inadequate food rations had been cut; for example, since 4 February, 1951, each person had been receiving only 100 grammes of meat a week. By contrast, the profits of monopolies, which in 1949 had been three times higher than before the war, had been even higher in 1950.

A drop in the standard of living was apparent in other countries too. In 1949, salaries in the United States of America had been only 70-80 per cent of their pre-war amounts. In 1950, the food prices had gone up 24 per cent, and taxes 20 per cent. Current taxes there amounted to more than one third of the average salary. The profits earned by large United States corporations in 1950 had been 50 per cent above the 1949 figures, not to mention the vast profits made during the war. The United States representative's blunt assertion that the facts quoted were nonsense constituted no rebuttal. The United States delegation had produced no arguments to demonstrate their inaccuracy.

The data he (Mr. Morosov) had mentioned were such as should impel the Commission to adopt a realistic approach towards the provisions of the part of the Covenant under discussion. The Soviet Union proposal including the provision that States should be committed to ensuring the right to work in order to create conditions which would exclude the threat of death from hunger or inanition had been rejected by the votes of only nine representatives - and there had been some abstentions. That brief but essential provision summarized the measures which every signatory State should adopt to ensure that workers received adequate salaries and to obviate the disastrous conditions prevailing in capitalist countries.

In spite of all the noble words and pious hopes expressed in the Commission, its deliberations would be of little value, and the Covenant finally adopted would be unrealistic, unless signatory States were obliged to guarantee their workers a satisfactory standard of living. If the

Commission wished to make headway, the Covenant must contain, not mere pious generalities, but positive and specific obligations to be undertaken by signatory States.

Mr. WHITLAM (Australia) said that his delegation's position remained basically unchanged: he favoured the inclusion of concise and simple statements covering all economic, social and cultural rights in the broad sense. He felt, however, that it was almost impossible for the Commission as such to reach agreement on the detailed points to be included, and was encouraged by the fact that the representative of the International Labour Organisation had been of the same opinion.

Taking the recently revised French proposal as a model, it might be advisable to reduce the number of headings to three: just and fair conditions of work; trade union rights; and social security. He believed that, if the Commission endeavoured to draft a neat classification of all the various rights connected with working conditions, it would have difficulty in producing a generally acceptable formula. The arrangement in the Universal Declaration differed from that of the text under discussion. Again, in the Constitution of the International Labour Organisation, and in the Philadelphia Charter of 10 May, 1944, subjects similar to those now under discussion were presented under general headings. It would also be found that such items were but little classified in the various constitutions and legislations of the States represented on the Commission. He was therefore somewhat doubtful about the advisability of classifying them under numerous headings in an international covenant. He submitted that the three headings he had suggested would adequately cover all concomitant issues.

It was important that the Commission should bear in mind the attitude of governments not represented on it. Whatever decisions the Commission might reach, the draft Covenant would probably be discussed in the Economic and Social Council and in the General Assembly itself, either of which might well revise any action taken by the Commission. He drew attention to the compilation of the observations of Member States given in document E/CN.4/552.

The New Zealand Government, for instance, expressed its conviction (page 46) that the preparation of additional articles dealing in detail with specific rights, such as economic, social and cultural rights, would cause undesirable delay in the completion of the first Covenant. That opinion strengthened his feeling that, if it were decided to include specific rights at all, they should at least be expressed simply and concisely. In the Canadian Government's view (page 47) economic, social and cultural rights were not so much individual rights as responsibilities of the State in the field of economic policy and social welfare. Both those Governments not only felt that no specific economic, social and cultural rights should be incorporated in the first International Covenant, but also seemed to imply that, if a decision to the contrary were taken, the formulation of those rights under a few concise and simple headings might prove acceptable, provided that the drafting of detailed provisions was left in abeyance.

If the Commission considered that certain details should be included, he would favour the United States draft (E/CN.4/AC.14/2/Add.2), although it presented considerable difficulties. In its existing form that text did not seem to be a proper sequel to article 1 of the draft Covenant as approved at the sixth session, which commenced with the words: "All States Parties to this Covenant recognize", whereas the United States text began with the words: "Every State Party to this Covenant undertakes". The difference was, of course, remediable, unless the words had been deliberately chosen. Moreover, the United States text would seem to bear no relation to article 1, which was regarded by many members as a fundamental, introductory article to be amplified in some detail under other heads.

He wondered whether further headings like "social security" or "trade union rights" were intended to follow the United States text. He would also like to know what kind of implementation was contemplated.

Briefly, his position was that concise and simple headings should be adopted, or alternatively, if the Commission preferred to enlarge on all the provisions, that the observations which he had made should be taken into

consideration. For the time being he could not unreservedly accept either the United States text or that of any other delegation.

Mr. JEVREMOVIĆ (Yugoslavia) recalled that the United Kingdom representative had asserted that to improve working conditions as profits increased would be to impede the development of industry and of the national economy as a whole, with the result that only one group of workers might be privileged. It was obvious that, if the profits of a given industry increased, some person, or group of persons, must enjoy the resultant privileges and benefits. Surely it was better to distribute such benefits among workers and employers alike, rather than among the employers alone? The fairest solution, of course, would be to spread the privileges over the entire community connected with the undertaking. It was essential to define who was to enjoy the benefits, and how profits were to be distributed between workers and employers. He could not understand how an improvement in the conditions of the workers proportionate to the increase in the profits they made possible could disrupt the national economy as a whole.

The Yugoslav proposal (E/CN.4/578) sought to grant every worker the right to the uninterrupted improvement of his working conditions in proportion to any increase in the profits earned by the undertaking in which he was employed. The words "in proportion" implied that there should be fair distribution of profits. The proposal would not preclude some ploughing back of profits, but was designed to ensure that part of the increase in profits was devoted to the improvement of workers' conditions. If his text was not adopted, he would be prepared to accept one which asserted the right, without discrimination of any kind, of workers to benefits in proportion to the profits earned by the undertaking employing them, without prejudice to the latter's interests.

AZMI Bey (Egypt) said that the texts on conditions of work and the right to rest and leisure proposed by the various delegations were so nearly identical that it should be a comparatively simple matter to reconcile them.

The text proposed by the French representative was in itself the result of conciliation. The Yugoslav representative had introduced a new idea, namely, improvement in workers' conditions commensurate with increases in the profits of undertakings. The Chilean representative had previously spoken of the necessity for maintaining a relationship between wage levels and the cost of living index. In the circumstances, he (Azmi Bey) felt that the Commission might take the French proposal as the basic text, and incorporate in it the ideas put forward by the Yugoslav and Chilean representatives, as well as the idea of a minimum wage which he himself had suggested.

He therefore proposed the insertion in sub-paragraph b) of the revised French proposal (E/CN.4/577/Rev.1) of the word "minimum" after "remuneration", and the addition of a new sub-paragraph (d) embodying the Yugoslav and Chilean suggestions.

Thus amended, the French proposal would contain all the points put forward in the Commission, each of which might be voted on separately to enable the Commission to decide which should be included in the final text for insertion in the Covenant.

Mr. JENKS (International Labour Organisation), speaking at the invitation of the CHAIRMAN, thought that the discussion had resulted in a large measure of agreement. He would first try to delimit the area of agreement, and then to indicate what bearing the Organisation's experience had on the various points at issue.

It seemed to have been agreed that the text should include a general reference to just and favourable working conditions, and that language similar to that used in article 1 of the draft Covenant ("All States parties to this Covenant recognize") might be adopted as a point of departure. The question then arose whether the introduction should be followed by a detailed definition of just and favourable conditions. The Australian representative had emphasized the advisability of not doing so, an attitude which agreed with the general view of the International Labour Organisation, recently expressed

by Sir Guildhaume Myrddin-Evans, as spokesman for the delegation of the Governing Body, that the text should be made as concise and precise as possible.

With reference to the inclusion of a heading such as "social security", he felt that it would be difficult to go beyond a single sentence expressing that idea in its broadest terms. The International Labour Organisation felt that it would be advantageous to give some more definite indication of the meaning of just and fair conditions of work, provided that was done in sufficiently general terms.

It would then have to be established to what extent there was agreement on the further indications to be included under the various headings. He thought that some such general phrase as "fair remuneration" should be acceptable to all delegations, although some might feel that further qualification was necessary.

There also seemed to be a consensus of opinion in favour of the inclusion of a reference to equal pay for equal work. There was some advantage in mentioning the points of fair remuneration and equal pay in succession, as in the French proposal.

Many delegations favoured the inclusion of a reference to the rights to working conditions not injurious to health or safety, to a limitation of working hours and to periodic holidays with pay.

Certain other points had been left in suspense. Some representatives felt that the right of workers to share in the increased profits of undertakings should be mentioned; others wanted provision to be made for relating wage-fixing to increases in the cost of living; others, again, wanted the idea of the protection of family interests to be brought into the clause relating to fair remuneration.

While the general categories he had mentioned were fully compatible with the general criteria of which the representative of the International Labour Organisation had spoken at the previous meeting, the more detailed items

proposed for inclusion raised difficulties which might, in some cases, prove insuperable. The Chilean representative had referred to some of the difficulties in including the concept of profit-sharing. It would also be difficult to express the cost of living concept adequately without going into details inappropriate to an international instrument. The question whether details of the implementation of certain provisions should be inserted, for instance, those relating to the legal limitation of working hours and the practice of collective bargaining, was not the same as that under discussion at the moment. If, however, the Commission deemed it desirable to enter into the question of detailed implementation, he felt that reference should be made not merely to implementation by law alone, but to "implementation by law or collective bargaining where appropriate", because there were exceptional cases which could not be covered by law or collective bargaining but which ought nevertheless to be brought within the general scope of the Covenant.

He had suggested that it would be unwise to include detailed references to such matters as industrial profits and the cost of living. The concept underlying the proposals of the Yugoslav, Chilean, Egyptian and other delegations was that the various matters in those proposals should be dealt with in an essentially democratic manner. But matters like fair remuneration, reasonable limitation of working hours, and periodic holidays with pay, were not static, but subject to constant progress. He felt that the entire concept was covered by the word "just", which governed everything that followed it. He therefore suggested that instead of adding details to particular clauses, the Commission might consider enlarging on the significance of the term "just". In that connexion, he would add that the International Labour Organisation had had occasion to use a phrase which had commended itself to its entire membership, namely: "Conditions of work calculated to ensure a just share of the fruits of progress to all". He was not putting forward that phrase as a formal proposal, but felt that it embraced the ideas underlying most of the proposals before the Commission which envisaged the inclusion of detailed provisions in particular articles.

The meeting rose at 1.10 p.m.