



ALEKSANDR FASTYKOVSKI

**LABOUR
DISPUTES
IN THE
U S S R**



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Aleksandr Fastykovski

**LABOUR
DISPUTES
IN THE
USSR**

How They Are Settled

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A FEW PAGES FROM HISTORY

This pamphlet examines the causes of labour conflicts in the Soviet Union and how they are settled by the state and the trade unions.

What conflicts can there be between workers and management in a society where the mines and factories belong not to private individuals or corporations but to the entire people? Do not workers and management have the same interests,

the same aims? The reader might ask.

And, conversely, there are people unfamiliar with the situation in the Soviet Union who ask: "Why do not Soviet trade unions organise strikes to protect the workers' interests?"

A brief excursion into history will help clarify these questions.

Sharp conflicts involving many people can take place only in a society where there are antagonistic classes, where man exploits man. Half a century ago there were such conflicts in Russia as well. But today only veteran workers at times recall the fierce class battles, the strikes and lock-outs, the Cossack knouts and bayonets used by the tsarist authorities to disperse workers' meetings and demonstrations. The interests of the workers and the factory owners were directly opposed. The workers fought for an eight-hour working day, for fair wages and better working conditions, while the factory owners tried to compel the workers to toil as long as possible, paid them low wages and spent little on safety measures. In this way they made bigger profits.

The trade unions which arose in the crucible of the first Russian Revolution of 1905-07 rallied the workers and led them in economic and political struggle against the capitalists and tsarism.

In 1917, the Great October Socialist Revolution swept Russia. The country's entire wealth—factories and banks, mines and goldfields, oil-fields and railways—everything became the property of the entire people, and not of private individuals.

The victory of the October Revolution radically changed the position of the working class and its biggest mass organisation, the trade unions.

The proletariat of Russia was no longer a propertyless and disfranchised class. It became the ruling class and, jointly with the peasantry and the intellectuals, owned the entire wealth of society. Socialist industrialisation rapidly raised the number of the working class and unemployment vanished. In these conditions, for the working class to strike against itself would naturally have been absurd.

In the very early Soviet years Lenin defined the role of the trade unions in the development of the Soviet state, economy and culture.

Lenin gave an exhaustive definition of the trade unions as a school of administration, a school of management, a school of communism. "In this greatest revolution in history, when the proletariat has taken state power into its own hands," Lenin wrote, "all the functions of the trade unions are undergoing a profound change. The trade unions are becoming the chief builders of the new society, for only the millions can build this society."

In Soviet society, for the first time in history, the bounds of trade union activity were greatly extended. They no longer confine themselves to defending the workers' rights, but are also taking an active part in managing and planning production and administering the affairs of Soviet society.

The trade unions gained extensive rights. They represent the workers in governmental and economic agencies on matters concerning their labour, life and culture. The Soviet Government takes no important decision affecting the interests of the workers without seeking the advice of the trade unions in advance.

The trade unions take an active part in framing laws and decisions regulating working conditions. On their own initiative they draw up and submit bills. For example, the trade unions sponsored laws on state pensions, reduction of the working day, regulations on the procedure for examining labour disputes and the decision to raise wages of factory and office workers in the lower brackets.

The Soviet Government set up a State Committee on Labour and Wages a few years ago. It is charged with controlling the activities of ministries and governmental departments pertaining to labour and wages, and with drafting bills and decisions on labour matters. This Committee elaborates its major decisions jointly with the All-Union Central Council of Trade Unions (AUCCTU).

WORKERS PARTICIPATE IN MANAGEMENT

At socialist factories labour relations are relations of comradely cooperation and mutual assistance of men free from exploitation. All people employed in the economy, whether turners or weavers, state farm workers or factory managers, work for themselves, for their own socialist society. That is why all of them are equally interested in working to the best of their ability so that their factory may produce more goods and operate economically. Each Soviet citizen learns from experience that the more productively he himself works, the more efficiently his factory and the country's entire economy are operated, the higher his own earnings and standard of living.

Community of interests of both management and rank-and-file workers stimulates the initiative and activity of the entire personnel. This is strikingly manifested in the participation of tens of millions of people in socialist emulation, in the management of production.

In the Soviet Union the economy is managed in accordance with Lenin's principles of democratic centralism. These principles require that, alongside the manager, who represents the Soviet state, the workers represented by their organisation, the trade union, shall take part in managing the enterprise.

The inseverable unity between collective and the one-man management is the leading feature of democratic centralism in the operation of the economy.

The director of a factory or state farm is a one-man manager. But this one-man leadership presupposes the application of democratic principles in organising the business, and the wide enlistment of the personnel in managing production. In his day-to-day activity the manager relies on the foremost workers and engineers, on the public organisations (Communist Party, Komsomol, trade unions) and on production conferences. A Soviet factory manager has to reckon with the opinion and experience of the personnel. Only if he always takes into account this experience and seeks the advice of his subordinates and of the mass organisations at the factory do his instructions conform to the needs of production and are fully supported by the personnel.

Any manifestation of bureaucracy, arbitrary actions, haughty attitudes or disregard for the opinions of the workers and their interests inevi-

tably lead to failure in an executive's work and discredit him.

In Soviet society a large intelligentsia has come to the fore from the midst of the people and is devoted to their interests. The present executives in their overwhelming majority are former workers or sons of workers. A man comes to a factory from school, learns a trade and then enters an evening or correspondence department of an institute, combining work with study. A few years later he becomes an engineer, then a shop superintendent or a factory director. Such has been the path of thousands of factory executives.

All these people were union members from the very first, were schooled in a workers' collective and actively participated in the work of their trade union organisation. The union constantly helps them to acquire new knowledge and broaden their horizon, providing the most favourable conditions for work and study. When a factory or office worker gains the necessary knowledge and experience and displays his abilities as a gifted and energetic person, the trade union organisation suggests his advancement to an executive post.

On becoming an executive yesterday's worker or son of a worker remains a member of the collective and has no other interests except the interests of his collective, of his own people.

Naturally among the tens of thousands of executives there might be individuals, who begin to interpret the labour laws in their own way, infringing the interests of the workers. But in Soviet society, such men swiftly discredit themselves and they do not keep their post for long. The trade unions have been given great rights for the express purpose of enabling them to watch

constantly over the exact observance of the labour laws and swiftly to cut short any attempts to circumvent the law or to infringe on the rights of the workingmen.

Concern for improving and easing working conditions and strictly observing labour laws is regarded by Soviet trade unions as their prime duty.

All work of rating labour and wages is done in the Soviet Union with the direct participation of the trade unions. The latter are guided by the principle of continuously raising labour productivity and wages through better organisation of production. Trade unions take part in elaborating the wage systems, drawing up regulations governing bonuses, wage scales and rates and control the application of the existing wage systems and the timely payment of wages. All trade union bodies—from the All-Union Central Council of Trade Unions to factory and shop committees—consider questions of labour organisation and wages.

Trade union committees have broad rights in setting wages and rating labour. It is only with their consent that managements can decide such important matters as the classification of jobs and trades to be paid at piece or time rates, the establishment of grades of skill for different jobs, the actual grading of the worker's skill, the setting of output standards or revision of operating standards following the introduction of new machinery or manufacturing processes, and the payment of bonuses. To engage in all this work factory and shop trade union committees have special wage commissions.

The factory committees and wage commissions control the application of labour laws, verify the

correctness of additional payment for overtime work and night work, for holidays, idle time, etc. If a trade union organisation finds some violation it at once demands that the situation be rectified. Hundreds of thousands of active trade unionists take part in all these activities.

Trade union committees have broad rights in questions pertaining to the organisation of the work. They, for example, regularly hear reports of management as to how they are fulfilling the conditions of the collective agreement concerning improved working conditions. They submit relevant proposals to the management of their enterprise or office and, if necessary, to higher economic agencies.

Representatives of trade union committees take part in commissions which inspect new shops and production sections and certify that they are ready for operation. The main task of the union representatives is to check the full readiness of the new production unit from the angle of safety and industrial sanitation. If the union's inspector finds essential shortcomings, he will not sign the certificate, and without his signature a shop or production unit cannot be put into service. Only when all is in order will he give his consent to the commissioning of the new industrial capacity.

Nearly two million active trade unionists take part in control of labour protection. These are members of labour protection commissions and public inspectors elected at meetings of the personnel. They directly watch over the observance of labour laws in their section, verify conditions as regards safety and sanitation and take measures to remove any shortcomings brought to light. They watch over the observance of labour laws

dealing with the working day and rest periods, the provision of workers with protective clothing and footwear.

The trade unions also have a large staff of technical inspectors who exercise state control of labour protection and safety rules. They have the right to issue instructions to eliminate violations of the rules. Their instructions are binding on managements. An inspector can call an executive to answer before an administrative or judicial authority for failure to observe the labour protection laws.

Trade union committees at factories and construction sites also seek the advice of the workers as to what should be done to ease their labour and make it more safe.

The Communist Party and the trade unions have fostered among Soviet workers a feeling of responsibility for the results of their work and the operation of their entire enterprise, the feeling of being masters of their country. The Soviet system of economic management enables each worker constantly to influence the course of production, to eliminate mistakes and shortcomings and to improve operation.

Standing production conferences are one of the most important forms of workers' participation in managing production. Some five million people have been elected to the production conferences. About three-fourths of them are men and women workers. In addition, many millions of other workers regularly take part in their activities. They serve on commissions set up by the conferences to study some questions in advance. They make their proposals, attend the conferences, criticise shortcomings and offer suggestions for im-

provements. Production conferences take part in drawing up plans of factories, consider the introduction of new machinery and advanced manufacturing processes, improvement of labour organisation and help settle many other intricate production problems.

Collective agreements are another form of workers' participation in management. They are concluded at all factories, construction sites, state farms, transport and trade establishments. The agreements incorporate definite obligations for the management and personnel, including measures for improving the labour and living conditions of the workers. The formulation and discussion of the obligations to be assumed by the personnel and management and the active participation of the masses in verifying their fulfilment make the collective agreements an effective means for drawing the workers into management.

General meetings arouse the interest of the millions of workers in management problems. These meetings hear and discuss reports of the director on the fulfilment of the production plan or the collective agreement, improvement of working conditions and other important matters. At the meetings any failures are brought to light and criticised and decisions are taken collectively. The trade union committees widely enlist the workers to control the fulfilment of decisions made at the general meetings.

The state stands guard over the interests of the workers. In Soviet times many labour laws, dealing with all aspects of working conditions, wages, working time, rest, etc. have been promulgated. The judiciary system strictly calls to account any who violate the labour laws.

To sum up: In the Soviet Union the factories, mines and railways—all wealth—belongs to the Soviet people, and not to private persons. The state and the trade unions see to it that safe and healthful working conditions are created in industry, that the wages of each worker directly depend on the results of his labour, making him directly interested in doing his best on the job and in the efficient operation of the establishment where he works. Soviet trade unions take part in setting labour standards and rates. The trade unions have enlisted many millions of factory and office workers in managing production, and with their help they control labour conditions, wages, labour protection and safety and see to it that each executive undeviatingly observes all labour laws.

All this combined has eliminated the ground for mass, sharp conflicts and for strikes. Indeed, workers who know that they are the owners of industry will not think of stopping work even if they are dissatisfied with some action of the management. Against whom will the personnel of a factory strike? Against themselves? Any worker knows that he will always have his rights protected if he appeals to the trade union. Why should the trade union bring matters to a sharp conflict when it knows that both governmental and economic agencies will not support an executive who violated the law, will call him to account, and if necessary, punish him strictly? The trade unions enjoy sufficient rights to be able always to uphold the interests of the workers.

Does it mean that there are no conflicts, no misunderstandings whatsoever? Not at all. There are conflicts, they, however, are not of a social,

but of a specific character. Minor conflicts, misunderstanding and disputes occur even in a small friendly family. And there certainly must be some in a gigantic state which counts more than 77 million factory and office workers, hundreds of thousands of industrial establishments and offices.

Trade unions play the leading part in settling labour disputes. Whatever questions are decided by a trade union organisation, all of them are subordinated to one great aim—protecting the interests of the workers and easing their labour conditions, advancing their culture and improving the living standard. Soviet trade unions always guard the interests of the workers, combating any manifestation of red tape, formal attitudes and inattention to human needs.

WHEN DO CONFLICTS ARISE?

Disputes between employees and management arise for various reasons. Here are a few typical instances.

Ivan Kolyada, a fitter of the tool shop at the *Krasnaya Kuznitsa* Plant in Kiev, was ordered to make a die. He did the job, but the technical inspection department did not accept the die because the sizes did not correspond to the blueprint in the department. Kolyada insisted that he made the die exactly according to the blueprint given him by the foreman. On next pay-day Kolyada found he had not been paid for making the die. A labour dispute arose based on a misunderstanding because the foreman had not made the required changes in the blueprint.

Kolyada appealed to the plant's labour disputes commission and a few days later the matter was settled—he was paid for the job.

Here is another case. Semyon Nikiforov, an assembly man at the *Elektrosila* Factory in Leningrad, was transferred by order of the shop superintendent to another section to work as a setup man. No representative of the management had asked Nikiforov beforehand whether he wanted to work at another section and on another job.

This was a tactless action. Moreover, it flagrantly violated the labour code which lays it down that a factory or office worker can be transferred to a job not stipulated when he was hired only with his own consent. Nikiforov did not agree to the unlawful order and appealed to the trade union to get the management to annul his transfer. The management had to put back Nikiforov on his old job and also pay him the difference in wages because working a few days at the new job he had earned less than before.

At times differences arise because workers are not informed in time about changes in the payment system. At the Glukhovo Cotton Textile Mills, Moscow Region, a new, more advantageous procedure of pay for workers who combine several trades was instituted. This measure was welcomed by all. But both the management and trade union committee did not properly inform the entire personnel about the innovation. This gave rise to a few disputes which were settled in favour of the workers.

There are also instances of red tape that lead to disputes. Gulijan Zakhirova, a woman employed at the Kazan Chemical Factory, was asked

to work overtime several times during one month. On pay-day no money was paid for the extra hours. She was told it was too late to include the amount this month and was promised that she would be paid the next month. Another month passed but again she received no extra pay. This time another excuse was offered: the shop supposedly had overdrawn the wages fund. Zakhirova lost patience and lodged a complaint. She was paid the money due for overtime work and the shop superintendent was strictly warned about the impermissibility of such action.

There are formalists who stick to the letter of the law, failing to understand its essence, and their actions cause conflicts. Here is what happened to Galina Ozerova, a young mother working at the Minsk Automobile Plant. After her maternity leave she received three-months' leave without pay. After it ended, she asked for her regular paid holiday. She received it but her average earnings were wrongly calculated.

Formally everything seemed to be right: her earnings for the past twelve months were added up and divided by twelve. The bookkeepers, however, did not exclude the three-months' leave without pay. This was a formal approach. It is one thing when the management gives a worker leave without pay for a few days at his own request, but Ozerova's case was different. The management had to give her three-months' leave by law. Such is the privilege the state grants working mothers. Hence it is wrong, while extending the privilege simultaneously to infringe on the material interests of the workers. Calculating the earnings for the year, the bookkeepers knew that she earned nothing in the last three

months, but divided the earnings by twelve. In this case, they should have divided the earnings by nine and not by twelve months. Ozerova demanded that the bookkeeping department recalculate her holiday pay. The demand was just and it was satisfied.

At times, especially at small establishments, disputes arise because of poor recording of working time. For example, the management of Belovsky State Farm refused to pay Dmitry Zhurko, a watchman, for overtime work because no record of his working time was kept. But this was the fault of the management, and not of Zhurko, and he naturally received the amount due.

There are naturally also conflicts that arise because the workers themselves are at fault. Here is one instance. Pavel Komarov, a turner at the Bryansk Car-Building Works, was not given a bonus by the management in February 1966 because in that month he was absent from work a whole day without a valid reason. Komarov was dissatisfied with the management's action and lodged a complaint. His claim was turned down—the labour law gives management the right to deprive absentees of a bonus.

There are also cases when a worker is at fault and merits some disciplinary action, but the management punishes him too severely, thus violating the law. B. Sokolov, an automobile mechanic, violated labour rules. He merited a reprimand but instead of this the management transferred him to another job without his consent. This transfer was annulled.

These examples, naturally, do not cover all cases of labour conflicts. The reasons for the dis-

putes are so diverse that it is impossible to enumerate them all. They can arise even when a worker is being hired. The management, for example, may demand from the newcomer a statement about his wages at the old place or a written character. The law lays it down that these are not required. There are frequent disputes because a man or woman worker asks to be put on a different shift for various reasons and the request is refused. A worker may be given a holiday at an inconvenient time; or he may complain against a reprimand which he considers unjustified. Many misunderstandings arise in the payment of wages, payment for work during holidays, etc.

The causes for disputes can be roughly divided into four groups.

1. Some managerial officials regard the rights of the workers only in a formal way. At times the management ignores the demands of the labour laws. Such cases are becoming more and more rare, but there still are managers, shop superintendents and foremen who forget that Soviet society demands of them an attentive and solicitous attitude towards each person, constant care for improving and easing labour conditions and for satisfying the daily needs of the workers. Such men like to administer by order and are rude to their subordinates. The result is that the sections they manage do not operate efficiently and labour disputes are frequent.

2. Tens of millions of workers, the overwhelming majority, are aware that their personal well-being, the country's prosperity and the rise in the living standard of the entire people depend on how well each man works at his job.

however modest it may be. The Soviet worker is noted above all for his great interest in the affairs of his factory. This is vividly manifested in socialist emulation and the ever-growing concern of the rank-and-file workers for the constant rise of labour productivity and increase of society's wealth.

But the survivals of the past are tenacious and they affect the minds and behaviour of some individuals. In each large factory there may be a few men who are out of step with the entire collective. One man flagrantly violated the manufacturing rules and has caused material damage. Another has absented himself from work for a day or two without any reason, while yet another tries to work as little as possible and to get the maximum from the state. There are still some swindlers, hooligans and loafers. When attempts are made to reeducate them, when they are punished, they begin to twist and turn and complain.

3. Labour disputes frequently arise because an executive or worker did not know or did not properly understand some point of the labour laws.

4. The laws in force, however complete, cannot foresee all possible circumstances arising in the course of work at a factory, state farm or office. Moreover, swift technological progress and the development of new work methods inevitably introduce changes in the legal labour relations. A certain time is needed until these changed relations are incorporated in labour laws. The absence during this period of legal rules regulating, for example, payment for work, may also cause misunderstanding and labour disputes.

WHERE TO COMPLAIN?

How and in what way are labour disputes taken up in the USSR? If a factory or office worker is dissatisfied with some managerial action, he naturally turns to his trade union.

The Constitution of the Soviet trade unions states that they "defend the interests of factory and office workers, exercise control over the observance of labour laws, the condition of safety and industrial sanitation at enterprises and offices, settle labour disputes, establish rules and standards of safety and industrial sanitation. Trade unions conclude collective agreements with the managements of enterprises, agreements on labour protection and safety and, jointly with economic agencies, ensure their fulfilment."

The procedure of examining labour disputes at open meetings of elected trade union bodies of factories and offices, helps settle a conflict in a just way and, moreover, educates the people in the spirit of respect for the law. This applies to both executives who violate labour laws and workers who make unjustified demands on management, or are dishonest in the fulfilment of their duties.

What is no less important is that when examining a dispute a trade union committee does not confine itself to the narrow bounds of the given conflict but seeks to disclose its roots. From what sources did the difference between the worker and the management arise and what is to be done to prevent a recurrence in future? Given such an approach, essential shortcomings are often revealed in the organisation of labour, in payment for work or in safety. The trade union committee

then sees to it that these shortcomings are rectified.

Here is a case in point. Vladimir Larionov, a milling machine operator, devised a fixture for his machine which improved operation. It was introduced and Larionov, utilising this fixture, increased output. The management then suddenly began to pay for his work at new, reduced rates. Larionov knew that this was unlawful. A worker submitting a suggestion for improvement retains for six months the output standards and rates which existed prior to the application of his proposal. Larionov took up the matter with a member of the trade union committee who represents the union on the labour disputes commission. A few days later the commission heard his complaint and the order of the management was cancelled.

The labour disputes commission is the first authority to which a worker turns when the management refuses to satisfy his complaint. These commissions settle most of the disputes and misunderstandings. There are labour disputes commissions at each establishment or office employing more than 15 people.

The commission consists of an equal number of representatives of the management and the trade union committee.

Representatives of the management are appointed by order of the head of the factory or office. Representatives of the trade unions are appointed by the factory or office trade union committee. Such commissions can also be set up in shops which have shop trade union committees. The commission may include the head of an enterprise or office, and the chairman of the facto-

ry or office trade union committee.

Representatives of both sides are appointed to the committee for the term of office of the trade union committee, that is, for one year.

A representative of each side may be removed ahead of time if it is established that he does not cope with the task or regards his duties unconscientiously. Another representative is then appointed in his stead. Another representative is also appointed if a member of the commission drops out because of illness, dismissal or for other reasons.

At small establishments, where there is no trade union committee, but only a trade union organiser, the labour disputes commission consists of the trade union organiser and the head of the establishment.

A commission may consist of any number of representatives from each side. Their number is agreed upon by the trade union committee and management. Usually a commission has from four to six representatives of each side. This makes for regularity in work, and the absence of a member because of illness, holiday, etc. does not delay the examination of labour disputes.

All or some of the representatives may examine a dispute. What is important only is that an equal number of representatives of both sides take part. A dispute is settled jointly by the representatives of both sides who have equal rights.

Meetings of the labour disputes commission are conducted by a chairman and secretary. Their duties are performed alternately by representatives of the respective sides. If a meeting was presided over, say, by a representative of the management and a representative of the trade union

committee acted as secretary, at the next meeting the opposite will be the case. Under no circumstances must both these duties be performed by representatives of one side. At the end of a meeting, the chairman and secretary of the next meeting are appointed. They prepare for it, summon witnesses, organise, if necessary, a technical or bookkeeping checkup, collect the documents and materials necessary for examining the disputes.

All expenses involved in technically serving the labour disputes commission (keeping of records and files, etc.) are borne by the enterprise or office which assigns a clerk for the job. The clerk has no right to keep the minutes of the commission's meetings.

The workers themselves bear no expenses in connection with their labour dispute and do not lose much time on it because the commission is right there, at the factory. The complaint can be lodged orally or in writing.

For the convenience of the workers no definite times for filing complaints with the commission are set. A worker can present his statement at any suitable time.

Usually one member of the trade union committee accepts labour dispute statements. He helps the worker to draw up a complaint, explains his rights and finds out whether he had taken up the matter with the proper executive.

Ascertaining all the circumstances, the member of the trade union committee hands over the statement to the clerk serving the labour disputes commission.

It frequently happens that the member of the trade union committee, studying the complaint,

learns that the demands are justified but have not been satisfied because of inadequate knowledge of the law. He then usually gets in touch with the corresponding executive, convinces him that he was wrong and gets the unlawful order cancelled. This ends the dispute.

If preliminary negotiations produce no results, the dispute is submitted to the commission. There the question must be examined within five days after the receipt of the worker's statement. The commission meets after working hours. Meetings of the commission are open and may be attended by all workers.

The commission may summon witnesses who can corroborate the facts reported by the complainant or management or can submit information on other circumstances bearing on the dispute and help the commission to examine the dispute on its merits and take a proper decision.

If it is necessary to verify the calculation of wages or to get the opinion of specialists the commission may order a bookkeeping or technical checkup.

The commission discusses the findings of experts and, if there is no doubt as to their correctness and objectivity, these findings serve as the basis for a decision. The commission must not consider the findings of experts as indisputable. The findings of experts do not settle disputes, but mainly help the commission to take a just decision.

The commission has a right to demand of management additional documents or wage calculations necessary for examining a dispute. Their reliability and correctness is then verified and assessed at the meeting.

A worker is informed in advance as to the time and place where his complaint will be taken up because any labour dispute must be examined only in his presence. If the complainant has not come to the meeting, the examination of his statement is put off to the next meeting, of which he is also informed in advance. Only if the complainant fails to come again to the meeting of the commission without valid reason, can a decision not to consider his statement be taken. But even in this case a worker does not lose the right to submit the same complaint to the commission again. The date of filing his statement will be the one on which he submitted it the second time. The examination of a dispute in the presence of the worker concerned is of great importance. It enables him personally to defend his interests, to give all the necessary explanations and submit proof to back his demands.

But the circumstances may be such that the worker cannot attend the meeting personally. In that case he has a right to submit a written statement requesting that the dispute be examined in his absence.

The presence of the worker at the commission is also obligatory when the dispute is initiated by the management because the worker has the opportunity personally to defend his interests.

The right of the complainant to challenge any member of the commission is an important guarantee ensuring the objective examination of disputes. The reasons for the challenge may be diverse and the law does not restrict them in any way. It is sufficient for the complainant to justify his challenge of a commission member on the grounds that the latter is personally interes-

ted in the outcome of the dispute, or that the complainant has unfriendly relations with him, and this may influence the objective examination of the case.

If the complainant doubts the objectivity of a witness, he has no right to exclude him, but he may express his opinion of the correctness, reliability and objectivity of the testimony.

After establishing that all the circumstances of the dispute have been sufficiently ascertained, the commission members express their opinion on the essence of the conflict. At first, the representative of the management speaks and then, the representative of the trade union. A decision is reached when both sides arrive at a single viewpoint—to satisfy the demands of the complainant (fully or in part) or to refuse them. In the absence of a unanimous opinion, a decision is not adopted and it is recorded in the minutes of the meeting that the sides reached no decision.

The commission's chairman informs the complainant about the decision or that the sides could not arrive at a decision.

The decision adopted by the commission must be motivated and based on the labour laws. It is final and is implemented without any further approval. The minutes of the meeting are posted for the information of the personnel.

If a worker is dissatisfied with the decision, he has a right, within ten days after he had been presented with an extract from the minutes, to appeal against it to the factory or office trade union committee. If the sides in the commission could not reach agreement, he may ask the committee to examine his complaint. The complainant must be given an extract from the minutes

not later than three days after the commission's meeting.

Only the worker concerned may appeal against the decision of the commission. The management has no such right, nor can it protest if the sides reach no agreement.

THE TRADE UNION COMMITTEE SETTLES A DISPUTE

In January 1957, the Presidium of the Supreme Soviet of the USSR approved the Regulations Governing the Procedure for Examining Labour Disputes. These regulations charge the trade union committees at factories and offices with settling labour disputes between the workers and management. This greatly enhanced the role of trade union committees in combating violations of the labour laws.

A trade union committee is the examining body that hears appeals in such disputes. It can take up a dispute given two obligatory conditions. First, the dispute must have already been examined by the labour disputes commission.

Second, the worker concerned must have lodged a complaint against the decision of the commission or must have asked them to take up his case because no agreement was reached by the commission. A trade union committee has no right to annul or alter the decision of the commission on its own initiative or on the proposal of the management. This can be done only if the interested worker appeals to it.

Evgeny Pertsov, an assembly worker of the Kalinin Prefabricated Housing Factory, came to

the trade union committee and reported that the management several times requested him to work on Sundays, but gave him no compensation for it. Pertsov appealed to the labour disputes commission, but no decision was taken there because the representative of the management asserted that no one compelled Pertsov to work on free days and that, if he did so, it was on his own initiative.

The member of the trade union committee who studied the case established that the work done by Pertsov was required by an assignment given to a group of workers. The other workers also corroborated that they reported for work on orders of the management. Establishing all this, the trade union committee decided that Pertsov was to be paid for work on free days in conformity with the labour law, that is, at double the usual rate. The dispute was settled.

Such complaints or statements can be presented to the trade union committee within ten days. But if a worker should come later, the committee will accept the statement and find out why the man was late: perhaps he was sick or had to go on business out of town, etc. If the reason is valid the dispute is examined on its merits.

A term of seven days has been set for examining statements in the trade union committee. The committee chairman has no right to settle the dispute single-handed. It is examined only at a meeting of the committee attended by not less than two-thirds of its members.

A statement addressed to the committee is accepted by the chairman or a specially authorised member. On receiving the complaint, he checks how the dispute was taken up in the commission.

If the circumstances of the dispute are not outlined with sufficient clarity in the statement or data of importance for a proper settlement of the dispute have not been communicated, the committee member must help the worker in getting the necessary information and documents.

If some circumstances have to be verified, the committee member can summon witnesses, executives or specialists for consultation. He also establishes by what laws or legal decisions the committee should be guided in resolving the particular dispute.

He also checks the reason why the demands of the worker were not satisfied in the labour disputes commission, or the differences if the sides could not reach agreement in the commission.

After preparing all the materials, the trade union committee informs the complainant in advance when and where his case will be examined. If he cannot come for a valid reason, the examination of the dispute is transferred to another meeting. It often happens that the complainant asks that the case be examined in his absence, or simply does not come to the meeting without a valid reason. In that case the dispute is examined without him.

A representative of the management is invited to the meeting. If he fails to come to the meeting, the dispute is settled in his absence. But usually if the management asks the committee to postpone the hearing to another time because of the absence of an employee who knows well all the circumstances of the case, such a request is granted, provided the delay does not exceed the seven-day period for examining statements in the trade union committee.

Union members who are not on the committee may be present and may speak at the committee meeting. But only members of the trade union committee have a right to vote when the decision is being taken.

Ascertaining all the circumstances of the dispute, the committee makes its decision which is announced at the meeting. A copy of the decision is presented or sent to the worker concerned not later than three days after the settlement.

The committee decides by a simple majority vote of the members at the meeting. The decision must be motivated by and based on the operating labour laws, collective agreement, internal order rules, etc. Decisions pertaining to money demands must indicate the exact sum the worker has to get. A decision of a factory or office trade union committee is final. It cannot be annulled even by the highest trade union body.

If a worker who lodged a complaint disagrees with the decision of the committee, he may appeal to the People's Court of the district where his factory or office are located, filing the statement within ten days after receiving a copy of the committee's decision.

The management can appeal against the decision of a trade union committee in one case only, namely, if the decision runs counter to the law. Then the management may submit its appeal to court. Such cases are very rare.

If a trade union committee examining a dispute arrives at the conclusion that the management has flagrantly violated the labour laws, it takes measures to prevent a recurrence and warns the executive concerned. If necessary, it demands that the higher bodies replace or punish the guil-

ty person.

This, for example, was the case with V. Yefremov, manager of a construction section of the Trading Establishments Building Organisation in the Kalinin district of Moscow. Yefremov was rude to people, downgraded the rates of payment for work or understated the volume of work done. The labour disputes commission frequently had to take up disputes dealing with payment for work at this construction site. Repeated warnings produced no results. Then the trade union committee decided that the personnel could no longer tolerate Yefremov's actions and asked that he be dismissed from his post. The committee acted in conformity with the regulations governing the rights of a factory or office trade union committee. Article 14 of these regulations stipulates: "A factory or office committee in case of need raises before the appropriate organisation the question of dismissing or punishing executives who do not fulfil the obligations of the collective agreement, display a bureaucratic attitude, indulge in red tape and violate the labour laws. The appointment of economic executives of factories, offices and organisations is made by the management with consideration for the opinion of the factory or office committee."

Despite the intercession of Yefremov's superiors he was removed from his post.

The examination of labour disputes by factory or office trade union committees makes it possible to settle a conflict on the spot swiftly, with knowledge of all the fine points of the matter, and to protect the rights and interests of the workers.

ONLY WITH THE CONSENT OF THE UNION

Unemployment was abolished in the Soviet Union more than 35 years ago in the course of the first five-year plan. Today everyone can get work in accordance with his skill and abilities. Posters at factory gates and help-wanted ads in newspapers invite people to work or to take up various training courses. At such courses training is free and, moreover, a scholarship is frequently given and those in need are provided with accommodation in hostels. On completing his course, a young worker at once gets a job in his new trade.

If a factory or office worker leaves his job, he does not have to seek a new place for long. Workers are needed everywhere and he will immediately find a suitable job.

Of course, there are cases when a worker is dismissed. Such dismissal is hardly pleasant, but it will not prevent a worker from getting a job in the same line elsewhere. But some are greatly hurt by dismissal.

Soviet labour law demands maximum attention to a dismissed person.

The law defines exactly the grounds and reasons for which a factory or office worker may be dismissed by the management.

What are these reasons? A worker may be dismissed if the staff is curtailed or if he is unsuitable for the given job, or because he systematically fails to fulfil his labour duties or violates labour discipline, or was absent from work without valid reason. A worker must not be dismissed on any other grounds not stipulated in the

law. For example, it is forbidden to dismiss a worker for one violation of labour discipline, even if it be a serious one.

The Soviet law regards dismissal as an extreme measure and, therefore, in the interests of the working people, it stipulates that the management can only take the initial steps in dismissing a worker. But it may issue a dismissal order only with the consent of the factory or office trade union committee. Before issuing a dismissal order, the management must present to the trade union committee a statement giving the reasons for the dismissal. A dismissal order, issued without the consent of the trade union committee, is legally invalid. A worker dismissed by such an order must be immediately reinstated regardless of the reasons for the dismissal.

S. Sinitsin, a fitter of the Bryansk Motor Transport Organisation, was dismissed for being absent without a valid reason, but the order was not agreed upon with the trade union committee. That was a flagrant violation of the law, and the district people's court reinstated Sinitsin in the job.

It must be stressed that when factory or office workers are dismissed because of staff curtailment, both trade union and economic bodies have to take measures to find suitable jobs for the dismissed or to organise their retraining.

Can a dishonest executive make use of staff curtailment as a convenient pretext for getting rid of an undesired worker? Such attempts are made at times, but they are cut short by the trade union organisation, the procurator's office and the people's court. Soviet law protects the interests of the working people. Article 138 of

the Criminal Code of the Russian Federation reads: "Unlawful dismissal of a factory or office worker for personal reasons, non-fulfilment of a court decision on reinstatement and any other deliberate violation of the labour laws committed by an official is punishable by corrective labour for a term up to one year or removal from office."

There are similar clauses in the criminal codes of the other constituent republics of the Soviet Union.

To protect people from unlawful dismissal, there is also the rule that no less than two-thirds of the members of a trade union committee must be present when deciding to agree or not to agree to a dismissal. If there is no quorum, a decision cannot be taken. It is forbidden to agree in advance with the chairman or individual members of the committee how to vote on this question which is of great importance to the worker concerned.

Preparing for a meeting at which the statement of the management on the proposed dismissal of a worker is to be considered, the trade union committee often demands of the management additional materials describing the given person, such as information about past disciplinary action against him and other documents corroborating the justification of the dismissal. It is the task of the committee to prevent arbitrary action and to protect the workers. That is why the committee members thoroughly check the justification of the dismissal under the given circumstances. Did the acts quoted by the management (for example, absenteeism without valid reason or systematic violation of labour discipli-

ne) really occur? Had there been previous disciplinary action, etc.?

If, for example, the question of dismissing a person for systematic violation of labour rules is raised, the committee also ascertains the reasons for these violations, and establishes when and what measures of discipline or public influence were applied to the worker whom the management wants to dismiss.

In case a worker is to be dismissed because he is unsuitable for the job, the committee verifies how the administration observes the labour protection and safety rules at the given section, what is the standard of health of the worker, his level of skill, whether he was offered other suitable work, and also any other circumstances of significance for taking a well-grounded decision.

The worker concerned is given the opportunity to study the materials submitted by the management.

Thorough preliminary preparation and check of the proof submitted by the management and the worker helps the trade union committee to take a proper and justified decision.

The person to be dismissed must be present at the meeting of the committee. Examination of the case in his absence is allowed only in exceptional cases, for example, on repeated failure to attend the committee meeting without a valid reason.

Dismissal, as pointed out earlier, is an exceptional, extreme measure in the Soviet Union. That is why consent to the dismissal of a worker even for violating labour discipline (including absenteeism) is given by the trade union committee only if all other disciplinary and public

influence measures have been tried and the committee arrives at the conclusion that it is not expedient to keep the worker on the job under the existing circumstances.

A decision of a trade union committee refusing to give consent to dismissal is final. It cannot be annulled either by a higher trade union body or any other organ. Nor has the procurator's office the right to appeal against it. The question of whether to give consent to dismissal or not comes within the sole jurisdiction of a trade union committee at a factory, construction site or office.

But the situation is different if the worker thinks that the trade union committee acted wrongly in consenting to his dismissal. The dismissed worker has the right to apply for reinstatement to the district or city people's court within a month after the publication of the dismissal order.

THE PEOPLE'S COURT HAS THE FINAL SAY

It may also happen that a worker is satisfied neither with the decision of the labour disputes commission nor with the way in which his conflict with the management was examined in the trade union committee. Where can he continue his dispute to get a satisfactory decision? In the district people's court.

In such a dispute the court has the final say and, therefore, it examines a conflict only when it has first been taken up on the spot by the trade union organisation and the management.

There is, however, an exception to this rule. How is a labour dispute to be taken up at a small establishment or office where less than 15 union members are employed? They have neither a trade union committee nor a trade union organiser. In such a case the worker appeals to the people's court at once. Persons working on contract in collective farms also appeal directly to the court.

The people's court, as the tribunal of first instance, also examines the disputes of persons employed by a factory or office trade union committee. In such cases, the committee becomes a party to the dispute and the issue must be examined objectively by unbiased persons. Take, for example, the following case. P. Klimova, an employee of a trade union club, was transferred to another job without sufficient grounds by the trade union committee of the Sverdlovsk Steel Works. She lodged a complaint against this decision in the district people's court, and it decided the case in favour of Klimova.

No set form for applying to court in labour cases has been fixed. One can come to a people's judge with a written statement or simply tell him the substance of the conflict. The judge or the court secretary will record this oral statement, read it to the worker and then both he and the judge will sign it.

The judge decides whether to accept the case or not. If he does not accept it, he must pronounce a ruling and give his reasons. Either the worker or the management may appeal against the ruling in a higher court.

M. Kovalev, worker of the Liepaja Furniture Factory, submitted a statement to a people's judge asking him to examine a dispute concern-

ing the payment of a bonus. The judge did not accept the statement on the grounds that the question had not yet been examined in the labour disputes commission and the trade union committee. Kovalev's complaint was then taken up at the factory's labour disputes commission, and he was paid the bonus.

Here is another example. V. Klebanov, a watchman of the Skopino Forestry Office, appealed to the people's court for reinstatement because he was dismissed without the consent of the trade union committee. The judge refused to accept the case asserting that Klebanov must first take the matter to the labour disputes commission, and only if he disagreed with its decision should he submit the case to the trade union committee. If the latter did not reinstate him, he might appeal to the people's court. This time the judge was wrong. In case of dismissal without consent of the trade union committee, the law gives the worker himself the right to decide where to appeal against the dismissal—to the labour disputes commission and the trade union committee or directly to the court. A higher court annulled the judge's unlawful ruling. Klebanov's complaint was heard in court and he was reinstated on the job.

A definite period has been set for filing a statement with a people's court to hear a labour dispute both for the worker and the management. The period is ten days from the day of the receipt of a copy of the decision of the factory trade union committee, or, where there is none, from receiving an extract from the minutes of the meeting of the labour disputes commission consisting of the trade union organiser and the

head of the establishment. There is also an exception to this rule: it is for dismissals with the consent of the trade union committee. A factory or office worker, considering the dismissal to be wrong, may appeal for reinstatement within a month after having been presented with the dismissal order.

The court, of course, does not approach the matter formally. It often happens that a man, for serious reasons, cannot come to the judge in time. If the time limit has been exceeded for a valid reason, for example, the sickness of the worker, the case is taken up. Here is a typical example. I. Lyalin, an employee of the Dneprodzerzhinsk City Trading Office, was refused payment for overtime work by the labour disputes commission and the trade union committee. He could not file a suit with the people's court in ten days because he was sent to another city on business. The judge accepted his suit and after considering the case, ruled in favour of Lyalin.

The courts have to take up labour cases within five days after the suits are filed. This very important rule has been made in the interests of the workers. If a judge does not adhere to these dates, he is called to account.

Both parties to a dispute, the worker and the management, may study the materials of the case, ask to include additional documents, make a motivated challenge to the judge, prosecutor or other persons, submit various proofs and take part in their examination, give oral or written explanations. If during the court hearing it is established and proved that the worker presented exaggerated or minimised claims, he has a right to change his demand. For example, N. Ne-

fyodov, stoker of the Arkhangelsk sea port, demanded 25 roubles as a bonus. At the court hearing it was established that, in conformity with the bonus regulations, he was entitled to receive only 20 roubles. Nefyodov agreed with the argument of the management's representative and, when asked by the judge, changed his demand.

The judge, pronouncing his judgement, outlines the circumstances of the case as established in the course of the hearing. The judgement indicates the proof on which the court bases its conclusions, and cites arguments rejecting or accepting various items of evidence. Then after reference to the law, the court outlines its conclusions and indicates the procedure for appealing against its ruling.

A worker or a management may appeal to a higher court against a court decision on a labour dispute within ten days after its pronouncement. The prosecutor, too, may appeal against a decision within the same period.

The court of appeals hears the case in the usual way established by the civil procedural code.

A decision of the people's court enters into force upon the expiration of the ten-day term for appeal. If the appeal has been made, the decision enters into force immediately after the hearing of the case by the court of appeals (if it does not set aside the decision of the district court) and the decision is then not subject to appeal.

Factory and office workers who submit labour disputes to court bear no court expenses whatsoever. This enables them to defend their labour rights in court without fear of having to incur

any material expenses.

On the other hand, if the court satisfies the suit of the worker, the management bears all court costs. The management also has to pay the court dues if it appeals against the decision of the people's court.

HOW MATERIAL DAMAGE IS COMPENSATED?

The labour rules at Soviet factories require the workers and other employees to protect socialist property, machinery, equipment, materials, work-clothes, etc. If a worker, fulfilling his labour duties, inflicts damage on the enterprise, he bears material liability.

Such liability is necessary, both for the protection of labour and for the development of a thrifty attitude to public property. In most cases, however, the labour laws limit such liability. They reliably protect the workers from any unlawful deductions from their wages.

There are different kinds of material liability of workers. Usually, limited liability is applied—a worker has to pay a sum smaller than the damage he causes. As a rule, the amount of compensation cannot exceed one-third of the monthly basic wage of the worker who inflicted the damage.

Full material liability is applied only in exceptional cases, for example, when the damage resulted from criminal action—the looting of supplies and finished articles or the embezzlement of money. The management itself has no right to decide whether the action of the worker who in-

licted material damage bears the nature of a criminal offence. This can be determined only by judicial or investigating agencies. If the court finds the worker not guilty, because the evidence is insufficient or the investigator discontinues the case for the same reasons, the management has no right to collect from the worker the entire sum of the damage.

Full material liability is stipulated by law for some workers engaged in trading establishments and warehouses; not for all of them, but only for those whose jobs are specifically enumerated. These are agents who handle money or goods assignments, cloakroom attendants, warehouse managers, their assistants, warehousemen and some other categories of workers.

A special written contract is concluded between such employees and the management. The employee assumes full liability for the property under his care, while management undertakes to create the necessary conditions that will ensure to the employee the full possibility of preserving this property.

Such a contract containing bilateral obligations is a serious guarantee not only for the management, but also for the employee. If a person who assumed material liability inflicts damage on the establishment, the management may attach his wages to cover the damage, but only with his consent. If he objects, the matter is settled in court. The court, examining the suit of the management, must take into account not only the losses caused by the employee, but also the circumstances in which this occurred, specifically how the management discharged its obligation to create the conditions necessary for safeguard-

ing the property.

Here is a case in point. A. Dyakina held a job at the Voronezh Soft Drinks Factory that entailed full material liability. When a shortage of fruit extract was found, the management demanded that she pay 350 roubles. Formally the demand seemed to be fully justified. But during the court hearing it was established that the storage of the extracts was poorly organised. Dyakina had several times demanded that management introduce order in the shop so that the extracts could be properly and securely kept. The court ruled that the factory manager must bear material responsibility for the damage, because he did not fulfil the obligations stipulated in the contract.

In examining suits of managements, the court also takes into account the material conditions of the man who inflicted the damage.

Here is a typical instance. A coat was stolen from the cloakroom in a Moscow restaurant. The cloakroom attendant bears full responsibility for the clothes he receives. But the court ruled that he reimburse only one-sixth of the sum the restaurant paid to the coat owner. The court took into account his material condition.

Naturally, the court acts in this way in cases when it sees no malicious intent in the action of the person responsible for the losses. If a worker misappropriates property or commits other offences, he is made to compensate the losses in full. Such cases are quite rare, and the application of limited material liability is much more frequent.

The law stresses that compensation can be claimed only for actual damage inflicted.

Let us assume that owing to the negligence of

a turner, his lathe went out of commission. The turner can be made to pay only the cost of repairs, but not the value that could have been added to parts by machining had the lathe been in operation.

In compensating for the value of spoiled or lost property, account must be taken of its depreciation, and the degree of wear and tear at the moment of spoilage or loss.

We have mentioned that under the usual type of material liability, not more than one-third of a worker's monthly basic wage can be deducted, regardless of how great damage he caused. Here is a typical instance. F. Kostitsyn, electric welder at the Irkutsk Prefabricated Building Elements Factory, in violation of the established rules, closed the switch of the electric supply network. As a result, a welding generator was put out of commission, and 670 roubles had to be spent on repairing it. The management decided to deduct part of this sum from the welder's pay. His monthly basic wage was 87 roubles but not more than one-third of it, 29 roubles, could be deducted. This was done by the management, although the damage was 23 times bigger than this sum.

Material damage is collected by deducting a corresponding sum from the wages of the worker. An order to make a deduction can be issued not later than a month after the management discovers the damage.

A deduction can be made not less than seven days after the worker is informed about the management's order. This term has been set to enable the worker, if he considers the deduction or the amount to be wrong, to inform the manage-

ment about it. A deduction can be made only with the consent of the worker, and if he objects the management must submit the matter to the labour disputes commission within 14 days. If the commission refuses to sanction the management's order, or if it fails to reach agreement, the management has no right to make the deduction. Nor has the management the right to submit the conflict to the factory trade union committee or to court.

Here is one representative instance. The management of the Khabarovsk port decided to deduct from the wages of V. Paramonov, a loader, part of the value of a cargo which dropped into the water because of his fault. Paramonov asserted that he was not to blame for it. The management took the matter to the labour disputes commission. The trade union representative in the commission stated that the management's arguments concerning Paramonov's guilt were unconvincing. Since the sides could not reach agreement, the commission took no decision, and no deduction from the worker's wage was made.

Apart from the worker himself, only a procurator can appeal against the decision of the commission. This right is given to the procurator's office because on behalf of the state, it exercises general supervision over the observance of the law, and must prevent or eliminate any violation of that law. The procurator presents his appeal to the trade union committee which examines the labour dispute and settles it on its merits. It either leaves the decision of the commission in force or annuls it.

If the labour disputes commission decides that the management's order to make a deduction for

damage is justified, a worker can appeal against this decision to the trade union committee. If the decision of the trade union committee does not satisfy him, he has the right to take the matter to the people's court.

Trade union organisations constantly watch over the strict observance of the legal rules on material liability, so that in each case of compensation for damage account will be taken of all circumstances, and the degree of the worker's guilt.

The legal inspection offices of the trade union councils also watch over the observance of the law.

COMPENSATION FOR INJURY

...At night the sintering factory of the Novo-Krivoi Rog Mining and Concentration Works was stopped for repairs. An hour after work was discontinued the conveyor belt was switched on without warning. Vladimir Kolesnichenko received a grave injury which turned him into a second-category invalid.

Who is to blame for the grave injury to the worker's health? The enterprise. It, according to the Soviet law, bears responsibility and must compensate material damage inflicted on the worker's health.

In the Soviet Union a strict procedure has been established for compensating the injuries to workers in production. The following procedure has been instituted by decree of the Presidium of the USSR Supreme Soviet as of January 1, 1962: questions associated with compensation for

the harm inflicted on a worker's health are settled directly by management. It must compensate the harm if the injury or other impairment of health occurred on the territory of the factory or office, or outside the works area but in the course of labour duties, or when travelling to or from work on vehicles of the enterprise. The victim is paid money in an amount compensating the earnings he loses owing to disability. If the worker is temporarily transferred to a lower-paid job, then, until the restoration of his working capacity or the certification of his disability, he is paid the difference between the old and new earnings.

Let us see what happened in the case of Kolesnichenko. His earnings prior to the grave injury were 90 roubles a month. After the medical labour commission certified that Kolesnichenko had become fully disabled, the social maintenance department assigned him a pension of 45 roubles a month.

But in the Soviet Union any worker fully disabled owing to the fault of the enterprise has to receive his average monthly earnings. In Kolesnichenko's case, the pension covers half of his former earnings; the other half has to be paid by the enterprise.

The management of the works disputed the amount of the compensation, but Kolesnichenko filed a complaint with the factory committee and then took the case to the court, which ruled in his favour. He now gets a pension of 45 roubles and the works pays him another 45 roubles. Kolesnichenko thus receives the full earnings he had when he was healthy.

The rules of compensation for the injury caused to the health of a worker also provide for

compensating the expenses of care, additional food, prosthetics, treatment in a sanatorium or health resort, including travelling expenses, and other necessary outlays.

There are also cases when injury to the health of the worker is inflicted because of the fault not only of the enterprise but also that of the worker himself, who violated the labour protection and safety rules. In such cases, the amount of the compensation is determined depending on the degree of guilt of each party. This degree is determined by the management. It must carefully examine the causes of the accident and take measures to prevent a similar occurrence in future. In so doing, the management must take into account the findings of the labour protection commission of the trade union committee.

The degree of disability is determined by the medical commission to which the worker is sent by the management or by the trade union committee. Such commissions are organised by the local social maintenance department. They include physicians in various fields—theraputists, neuropathologists, surgeons, etc. Representatives of the trade unions necessarily take part in the work of these commissions. They know well the nature of the work at the main factories in their districts and they help the doctors find new jobs within the physical capacity of the partly disabled workers.

The injured worker draws up a statement demanding compensation, attaching the necessary documents, and presents it to the head of the factory or office. In case of need the trade union committee helps him to obtain the necessary documents.

Compensation, as a rule, is paid from the moment the injury was caused. The management has to examine the statement and make a decision within ten days. This term is extended should it be necessary to get some missing documents. Should his earnings change the injured worker has to inform the management in writing about it. This is necessary because the amount of compensation changes if the worker begins to earn more or his pension has been raised.

He is paid compensation once a month.

There are instances when the management for some reason refuses to pay compensation or offers a smaller sum than is demanded by the injured worker.

In such cases he may submit the dispute to the factory trade union committee. No definite form of statement is required. The important thing is that he outlined clearly the circumstances of the case under which his health was injured and the reasons why he does not agree with the decision of the management. Nor are definite dates set for submitting the matter to the factory trade union committee.

On receiving a complaint, the committee asks the management to submit all relevant details. Such a labour dispute is examined in the factory trade union committee in accordance with the general rules.

The decision of the committee must be implemented at once. Even if the management does not agree with it, it has to pay a month's compensation.

If the management does not carry out the decision of the trade union committee, its chairman can issue a writ for the enforcement of the de-

cision. This is done by a court officer.

The management can appeal against the decision of the committee within ten days to a people's court in the district where the enterprise is located. No time limit for an appeal by the victim or other interested persons has been set. They can appeal at any time to the same people's court, or, if more convenient, to the court at their place of residence. This is an important guarantee of the interests of the workers, stipulated by law. For various reasons it may be difficult for a worker to submit the case to the court in the district where his factory is located. When taking the matter to court the worker is not called on to pay state duties and other court expenses.

Factory and office workers enjoy another essential privilege. An establishment can reclaim money paid to the injured employee or his dependents only in exceptional cases, when the court rules that that money was obtained illegally, for example, if forged documents have been presented.

A court handles these cases in accordance with the general rules of civil judicial procedure. But such cases seldom reach court. Most of the disputes are settled within the enterprises. Moreover, injuries on the job and occupational diseases are declining from year to year.

Many grave and formerly widespread occupational diseases like "foundry fever," caused by overheating and the upsetting of the water-salt balance of workers in hot shops, have vanished without trace.

Grave occupational intoxication disappeared at Soviet factories long ago and even cases of light intoxication are rare.

Safe working conditions are ensured by labour protection laws and the rules of safety engineering and industrial sanitation are applied in all sectors of the economy. These rules are elaborated by the central committees of the trade unions in each industry.

Problems of safety and further improvement of working conditions are studied by labour protection institutes maintained by the All-Union Council of Trade Unions, institutes of labour hygiene and occupational diseases of the ministry of Health, labour protection laboratories of institutes in the various industries.

When building new or reconstructing old enterprises the demands of industrial sanitation and labour protection are strictly taken into account. A trade union representative serves on the commission which accepts new shops and production sections and certifies that they are ready for operation.

The Soviet Government spends huge sums for improving working conditions. For example, more than 750 million roubles were spent on labour protection measures stipulated in collective agreements only at industrial establishments of the Ukrainian Republic in the last seven years.

Soviet trade unions regard the ensuring of safe working conditions as one of their primary tasks. Factory trade union committees enjoy important rights in this respect. They watch over the fulfilment by management of labour laws and rules and standards of safety and industrial sanitation. The trade unions seek the advice of the workers as to what must be done to make all labour easier and more healthful. All this has sharply reduced accidents and occupational diseases and

has cut the number of labour disputes on these grounds.

FREE LEGAL AID

M. Kichko, an employee of a railway in Kursk, came to the legal consulting office of the Regional Trade Union Council. She told the lawyer that the management dismissed her supposedly for wilful leaving of her workplace, while the trade union committee, without properly studying the circumstances, consented to her dismissal.

The lawyer, on becoming convinced that the dismissal was wrong, drew up a statement for the court and then acted as Kichko's defence counsel. She was reinstated on the job. In this connection, the *Kurskaya Pravda* published an article "Was the Trade Union Committee Right?" The article and the conclusions from the case were discussed at a meeting of the trade union committee which admitted its mistake.

All legal services for Kichko were free of charge. The constitution of Soviet trade unions has a special clause stating that a union member has a right to free legal aid by trade union bodies.

Such aid is given by the legal consulting offices of regional and republican trade union councils.

There are 126 such offices in the Soviet Union, staffed by experienced lawyers. They not only offer legal advice, but also arrange seminars on labour laws for functionaries and active trade unionists, give consultations to labour disputes commissions, help trade union committees resolve labour disputes and combat violations of

the labour code.

Every year more than 500,000 workers seek the advice of the trade union consulting offices of labour matters, wages, pensions, housing, etc.

Lawyers of the consulting offices get in touch with the executives of factories, and trade union committees, visit enterprises to settle disputes, and frequently draw up detailed petitions to courts. In involved cases they take part in court hearings and act as defence counsel.

The staffs of legal consulting offices sum up and analyse their activities. On establishing that at some enterprises there were a number of violations of the labour laws they visit them, ascertain the causes of the violations and seek to remove them. The consulting offices inform the appropriate economic and trade union bodies and, if need be, the procurator's office, about flagrant violations of the labour laws. Such offices function in the relatively bigger cities, and even they often have quite small staffs. How can legal aid be brought closer to the workers? Workers living in a small town where there is no trade union lawyer must communicate with the regional centre or even go there. Could not such aid be made directly available at the factories?

A few years ago active trade unionists in Chelyabinsk conceived the idea of arranging legal consulting offices on a voluntary basis.

The legal consulting office of the Chelyabinsk Regional Trade Union Council has only two paid lawyers on its staff, but in addition about 40 people help out in their free time. These are factory lawyers, employees of the labour and wages departments of economic organisations, workers of the judiciary and procurator's offices, and

members of factory trade union committees who know the labour laws well. In their free time they come to the legal offices at the factories and receive callers there. If the consultant finds that the rights of the worker have been violated, he at once takes measures to rectify the situation.

The example of Chelyabinsk has been followed, and such public consulting offices have been organised at factories in many other cities by trade union committees and by regional trade union councils.

The public consulting office at the trade union committee of the Magnitogorsk Iron and Steel Works in the Urals is typical. It is headed by a member of the trade union committee, and 15 people cooperate in its work. These are active trade unionists—voluntary labour inspectors, specialists from the labour and wages department of the works, and lawyers. Workers of the judiciary and procurator's office are regularly on duty in the office.

Workers come there on definite days and hours of which the personnel is informed by the newspaper *Magnitogorsky Metall*, the radio centre at the works, and trade union organisers in the shops. The workers of many other Magnitogorsk factories, pensioners and others come to this consulting office. Altogether several thousand people receive advice there annually.

Public-spirited lawyers consider that their main task is to ensure the undeviating observance of the law and to prevent the slightest infringement of the workers' rights. It is not accidental that the number of labour disputes sharply declined at the Iron and Steel Works and other Magnito-

gorsk enterprises following the establishment of this office.

Union members who come to Moscow from different regions to settle their affairs, constantly call at the legal consulting office of the Moscow City Trade Union Council. Its regular staff is assisted by a large body of lawyers who in their free time are on duty in the office without any remuneration. Legal offices operating on voluntary lines have also been set up at *Serp i Molot*, *Znamya Truda*, *Borets*, *Kalibr*, and many other Moscow factories.

The All-Union Central Council of Trade Unions has approved the organisation of legal aid to workers directly at enterprises. In towns far removed from regional centres these legal aid offices have become branches of the legal consulting service of the regional trade union council and they render free aid to the entire population. In 1965, there were 1,500 such public legal offices in the Soviet Union.

Another interesting development is the organisation of people's universities of legal knowledge. These are educational establishments with no regular staffs. The instructors receive no pay for their work, for the reading of lectures. Such universities do not train specialists and do not issue diplomas. Their purpose is to give factory and office workers a chance to augment their knowledge in their free time, broaden their horizon and study some particular questions of interest to them. Such universities are usually set up at clubs and palaces of culture at large factories. At present there are 600 people's universities of legal knowledge with a student body of 118,000.

The *Znaniye* Society helps to spread knowledge of the law, especially labour code. This society which unites scientists, engineers and cultural leaders engages in popularising political, scientific and other knowledge among the people. Members of *Znaniye* annually read about one million lectures on legal problems at factories, offices, state farms and collective farms.

The main trade union newspaper *Trud*, the magazine *Sovetskiye Profsoyuzy* (Soviet Trade Unions) and other trade union newspapers and magazines regularly offer legal advice in reply to readers' questions. *Profizdat*, the publishing house of the trade unions, issues books and pamphlets on questions of labour laws, pensions, and the settling of labour disputes in big editions.

A WORKER WRITES TO A NEWSPAPER

The editors of *Trud* received a letter signed by several workers of a textile mill in Shuya, Ivanovo Region. They complained that the management had ordered them to work on free days several times and also that it did not provide for proper rest periods after night shifts.

That was a violation of the law pertaining to working time and rest periods. The newspaper sent a copy of the letter to the Ivanovo regional committee of the Textile Workers' Union, asking it to look into the matter at once, take the necessary steps and to inform both the authors of the letter and *Trud* about the action taken.

A few days later Lavrova, chairman of the regional committee of the union, informed the editors that overtime work had been stopped at the

Shuya mill, the proper alternation of shifts had been instituted, and the shop superintendent had been fined for violating the law.

Trud, the newspaper of the All-Union Central Council of Trade Unions, enjoys high prestige, and it has a circulation of nearly two million copies. Every day it receives on the average 1,000 letters from readers—miners, metal workers, weavers, lumbermen, engineers, physicians—people in all walks of life. Some send in an article, others report the achievements of their factory, the opening of a new club in a forest settlement, or ask for information about a new scientific discovery, about a new African state, or seek some legal or other advice.

In the steady stream of letters there are also complaints about poor working conditions, the rudeness of a foreman or a violation of the law. The most important of these letters are printed in the newspaper. On all of them action is taken at once—a correspondent of the newspaper is sent to study the situation on the spot or the letter is checked through trade union and governmental bodies or the procurator's office. There is a regular follow-up system, and if necessary the staff gets in touch by phone or telegraph with the appropriate organisation or office and sees to it that the shortcomings are rectified. When the necessary measures are taken, the author of the letter is informed about them.

Daily concern for man, protection of the interests and rights of the workers and struggle for the strict observance of the law are primary tasks of the trade union press.

Soviet trade unions, either independently or jointly with state institutions and mass organisa-

tions, issue ten national newspapers and more than 70 magazines. Here are some of them: *Sovetskiye Profsoyuzy* (Soviet Trade Unions), a fortnightly magazine of the AUCCTU, *Okhrana Truda i Sotsialnoye Strakhovaniye* (Labour Protection and Social Insurance), monthly journal of the AUCCTU; *Gudok* (Whistle), daily newspaper of Soviet railwaymen; *Stroitel'naya Gazeta* (Building Industry Gazette); *Lesnaya Promyshlennost* (Timber Industry). All of them maintain close contact with their readers. They have a large body of non-staff contributors, workers in factories, construction sites and offices.

More than 5,000 printed newspapers are issued at large factories, construction sites and state farms by trade union committees, together with the Communist Party and the Komsomol organisations. These newspapers cover the activities of the particular enterprise, the life and work of the personnel. A factory newspaper consists almost entirely of articles, items and letters of worker correspondents. The authors usually bring them to the editorial office, and tell the members of the editorial board (elected at the general meeting of the personnel) about the activities, aspirations and wishes of the workers.

Such a newspaper swiftly reacts to each letter, each report about some disorder, violation of the laws or inattention to the workers' needs. Not every item is printed in the newspaper, but the editorial board examines each case. If necessary, it seeks the assistance of the trade union and other public organisations, and persistently demands of management that it rectify the mistakes or shortcomings reported in the letters. Each worker gets from the editors an exhaustive

reply as to what has been done.

There is no corner in the Soviet Union where wall newspapers are not published. They are to be found even at the smallest establishments. Their number runs into hundreds of thousands. This is the rostrum of the millions, from which every worker can offer suggestions for improvements, criticise shortcomings in the work of the management and share his thoughts.

The articles in a wall newspaper are usually type-written and amateur artists and photographers decorate it with colourful titles, drawings, photographs and cartoons. Such newspapers are prominently displayed. They are issued in shops and departments once a month or every two weeks, and at bigger establishments once in three or five days, or even daily.

The editorial boards elected by the personnel see to it that an answer is given to every letter printed in the newspaper and that action is taken on criticism.

In many wall newspapers, special groups of worker correspondents check how shortcomings brought to light are rectified. They demand an answer from persons responsible for the necessary measures. The results are regularly reported in a special column.

Critical articles in a wall newspaper are usually discussed at meetings of the trade union committee and other mass organisations. If necessary, the trade union committee summons the executive concerned. Should executives ignore the criticism or fail to take the necessary action, the newspaper may appeal to higher bodies to call them to account.

The press thus renders the trade unions the

necessary help in preventing or swiftly eliminating shortcomings, violations of the labour laws or cases of red tape. Any worker knows that if he turns to a newspaper, it will always help protect his rights and satisfy his just demands.

JUSTICE SHALL TRIUMPH

In recent years the people's courts have had to interfere less and less in relations between workers and management. There are fewer and fewer causes for labour disputes and conflicts. This is a result of the activity of the trade unions which constantly watch over the strict observance of the labour laws. There are fewer executives who know the law inadequately or apply it wrongly.

But in a huge country with hundreds of thousands of industrial enterprises, offices, stores, warehouses and small workshops, from time to time, someone acts wrongly, not in accordance with the law. Such cases occur but what is important is that any factory or office worker, if he is injured in some way, knows that he will always find support and protection and that in Soviet society justice will always triumph.

Trade union functionaries are educated in an irreconcilable attitude to any manifestation of arbitrary action and bureaucracy. The labour laws are binding on all, including the executives. Both the trade unions and the people's courts are able to call to order an executive for wilful action, and if that does not suffice, to punish him sternly.

Local trade union organisations swiftly cut short wrong actions of management. Here is a case in point. Truck drivers Babayev, Avakimyan and Mamedov and electricians Alekperov and Guseinov were unlawfully dismissed by the manager of the Nakhichevan Electric Power Network. The trade union committee at once demanded that the manager cancel the dismissal and he complied.

What if an executive persists in his action? The trade union then sees to it that the higher economic body calls him to account. If this does not help, the trade union raises the question of removing him from his post. For example, at the demand of the Azerbaijan Trade Union Council, the republican Ministry of Motor Transport strictly punished G. Gamidov, who was in charge of a lorry depot. Suleimanov, chief of a motor transport office, made lorry drivers work on free days and unlawfully transferred workers from one job to another. At the demand of the republican trade union council, Suleimanov was released from his job.

Ivanov, manager of the Timiryazev State Farm in Voronezh Region, flagrantly violating the law, dismissed several workers without the consent of the trade union committee and reprimanded people groundlessly. The regional committee of the Agricultural Workers' Union served strict warning on the manager, but he continued his lawless actions. Then on the proposal of the regional trade union committee, Ivanov was removed from his post.

Material sanctions are at times applied against executives who violate labour laws. Pankov, head of a section of an organisation building electric

transmission lines in Eastern Siberia, discharged worker Semyonov without the consent of the trade union committee. The people's court reinstated Semyonov and Pankov was made to pay for the time of his enforced idleness.

The Supreme Court of the USSR at one of its plenary meetings discussed judicial practices in labour cases. The Supreme Court noted that there were instances when the courts hearing cases of dismissal of workers without the consent of trade union committees, confined themselves to ruling that the worker should be reinstated. But the duty of the court is not only to restore justice, but also to take measures to prevent unlawful dismissals.

The Supreme Court stressed that workers dismissed without the consent of the factory or office trade union committee must be reinstated immediately in the job and instructed the people's courts, in cases when executives have clearly violated the law, to make them pay a sum equal to the wages lost by the dismissed person during his enforced idleness. Depending on the concrete circumstances, the court must bring officials to disciplinary responsibility and in cases envisaged by the law to criminal responsibility for violating the labour laws.

There are also instances when a labour disputes commission, a trade union committee or court decides to reinstate the worker in the job, but an executive, on various pretexts, delays the fulfilment of this decision. The court then holds the executive materially responsible (up to one-third monthly salary). This money goes to pay wages to the wrongly dismissed worker for the period of enforced idleness after the decision on

his reinstatement has been taken.

In socialist society, with its genuine democracy, the widest participation of the working people in managing the economy and administering all affairs of state, any attempt by an executive to infringe upon the rights of a worker is inevitably doomed to failure. If the executive made a mistake accidentally, he will be corrected by the system of settling labour disputes. But if he repeatedly interprets the law in his own way, and violates the established rules, the trade union, the press and the court will interfere. The personnel will refuse to trust such an executive, and he will receive deserved punishment.

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Soviet law protects in every way the right of citizens to work. The trade unions, relying on a large body of active members, constantly strive to make labour more safe and healthful and to protect the rights of the workers from any infringement.

The trade unions and the Soviet press, the courts and the Procurator's Office stand guard over the interests of the factory and office workers and their labour rights.

In socialist society executives and the rank-and-file workers have the same interests. All this makes acute labour conflicts impossible and senseless. But there still are labour disputes, misunderstandings, individual manifestations of bureaucracy and red tape, of ignorance and wrong interpretation of the law. They are steadfastly and relentlessly combated and their number is declining from year to year.

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на английском языке

Цена 20 коп.