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Committee on the Application of Standards

Following the decisions made during the informal tripartite consultations on the working methods of the CAS in March 2019, governments appearing on the preliminary list of individual cases have now the opportunity, if they so wish, to supply on a purely voluntary basis, written information before the opening of the session of the Conference.

Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Belarus

Forced Labour Convention, 1930 (No. 29)

Belarus (ratification: 1956). The Government has provided the following written information.

Belarus has staunchly and consistently supported the prohibition and eradication of forced labour.

The prohibition of the use of forced labour is enshrined in the country's most important legislative instruments.

Article 41 of the Constitution prohibits forced labour, with the exception of work or services required under a court ruling or in accordance with the legislation on emergencies and the martial law.

The prohibition of forced labour is also covered in article 13 of the Labour Code of the Republic of Belarus.

The Government of Belarus has paid great attention to the comments made by the Committee of Experts. Taking into account the position of the Committee of Experts, it was decided to repeal Presidential Decree No. 9 of 7 December 2012 "On Additional Measures for the Development of the Wood Processing Industry" (hereinafter referred to as Decree No. 9). Presidential Decree No. 182 of 27 May 2016 has been adopted, according to which Decree No. 9 was declared invalid.

In order to study the legislation of Belarus and the practice of its application for compliance with the provisions of Convention No. 29, the technical advisory mission of the International Labor Office visited Belarus from 19 to 23 June 2017. The Government of Belarus provided the mission with all the necessary assistance in organizing their work. The mission's report on the results of its work was submitted to the Committee of Experts.

Taking into account the analysis of the norms of national legislation and the results of consultations with the ILO mission, the Government of Belarus considers that Presidential Decree

No. 3 of 2 April 2015 “On the Promotion of Employment of the Population” (as amended on January 25, 2018) and the Law of 4 January 2010 “On the Procedure and Modalities for the Transfer of Citizens to Medical Labour Centres and the Conditions of Staying in Them” (as amended on September 1, 2017), which are mentioned in the CEACR’s conclusions of 2019, do not conflict with the provisions of Convention No. 29. These documents are aimed at addressing such socially important tasks as the promotion of employment of the population and the fight against drunkenness and drug addiction. The approaches used in these regulatory legal acts meet the requirements of justice and are socially justified.

Presidential Decree No. 3 of 2 April 2015 “On the Promotion of Employment of the Population” (as amended on January 25, 2018)

Presidential Decree No. 3 of 2 April 2015 “On the Prevention of Dependency on Social Aid” has undergone conceptual changes.

On 25 January 2018, Presidential Decree No. 1 was adopted, according to which Decree No. 3 was redrafted in a new version and given a new title – “On the Promotion of Employment of the Population”.

Now Decree No. 3 does not include any provisions on the payment, by unemployed citizens who are able to work, of a fee for financing public expenditures, as well as the rules on bringing to administrative responsibility for failure to pay the fee.

The main task of the updated Decree No. 3 is to create more favourable conditions for citizens’ employment in the regions of the republic. Decree No. 3 is aimed at providing citizens who want to find a job with maximum assistance in finding employment, stimulating employment and self-employment of the population, as well as creating conditions to stimulate legal employment.

As part of the implementation of Decree No. 3, the local authorities have significantly intensified their activities in order to assist all the interested citizens in finding a job.

At the level of each region, all available opportunities are involved so that all citizens who, for whatever reason, do not work anywhere but want to work, will be assisted in finding employment.

The local authorities assist citizens in finding vacant and newly created jobs, organize training for popular professions and provide an opportunity to participate in paid public works. Citizens are informed about the benefits of legal employment.

In order to coordinate the work aimed at the promotion of employment, 150 Permanent Commissions (hereinafter referred to as the Commissions) have been established and carry out its activities in the regions. The Commissions include deputies, heads and specialists of local administrations, representatives of trade unions and other non-governmental organizations.

Unemployed citizens including those who lead an antisocial lifestyle are invited to attend the meetings of the Commissions in order to be provided with assistance in finding a job.

In January – March 2019, the Commissions held more than 1 500 meetings. 2 200 citizens were offered jobs, of whom 764 people agreed with the proposed options and were employed.

More than 4,500 people were sent to the labor, employment and social protection agencies to be provided with assistance in employment, of whom 2,300 people were registered as unemployed.

There are 248 special agencies in the republic which are sending job seekers to participate in paid public works. 8,400 citizens took part in such works on the basis of referrals from the labour, employment and social protection agencies.

A large-scale information campaign is carried out to assist citizens in finding employment. Information about the labour market situation, employment and self-employment opportunities, retraining, legal aspects of labour relations, upcoming job fairs and new workplaces is constantly covered in the media (leading state print and electronic publications, television and radio).

Active work is being done to create new jobs and provide employment for citizens. In order to create favourable conditions for that, a number of documents have been adopted providing for measures to improve the business climate, create conditions for the revitalization of business activities, stimulate business activity and attract investment.

As a result of this work, there is a positive trend in the creation of new enterprises (the growth rate is 108.7 percent) and the registration of new individual entrepreneurs (the growth rate is 108.8 percent).

The measures taken have led to positive results: the unemployment rate of citizens of working age, calculated in accordance with the ILO methodology, has decreased (February 2019 – 4.5 percent; 2018 – 4.7 percent; 2017 – 5.6 percent).

An important task, the solution of which is promoted by the implementation of Decree No. 3, is the creation of conditions that encourage citizens (including those involved in the shadow economy) to engage in legal employment with the payment of taxes.

To this end, Decree No. 3 contains a direct financial incentive: citizens who are able to work and classified as not involved in the economy, are to pay for a range of housing and communal services at prices (tariffs) that ensure full reimbursement of economically justified costs for the provision of these services, i.e. that are not subsidized by the state from the budget (further – full tariffs).

From January 1, 2019, this refers to hot water supply, from October 1, 2019 – to gas supply (if individual gas heaters are installed) and heat supply.

Decisions on payment by citizens of services at full tariffs (or exemption from such payment) are taken by the Permanent Commissions.

Before making a decision on the matter, the Commission carefully analyzes the situation of each citizen and works with each person individually to assist him or her in finding a job (the Commission offers vacancies, sends them to the state employment service agencies, organizes training for the profession in demand). When making a decision, the Commission also takes into account a person's difficult life situation.

It should be noted that many groups of people are excluded from the category of citizens not involved in the economy, to whom provisions on payment of services at full tariffs apply. In addition to all citizens who are legally employed and legally engaged in other types of activities, groups of people who do not have a job for objective reasons or due to special life circumstances are totally excluded from the category of citizens not involved in the economy.

Thus, the category of citizens who are not involved in the economy excludes the registered unemployed, the disabled, legally incapable persons, pensioners, spouses of military personnel

and diplomatic workers, persons raising children under 7 years old (a disabled child under 18 years old, three or more minor children), students in full-time education, people whose employment has been terminated (6 months from the date of dismissal), graduates of educational institutions (until the end of the calendar year), citizens under medical and dispensary supervision, people who work or receive education abroad and many others.

As of May 2019, 6.4 percent of citizens of the average annual population of working age are classified as not involved in the economy. At the same time only 0.8 percent of able-bodied citizens, who are owners of housing units and pay for housing and communal services (hereinafter referred to as HCS), were included in the lists of citizens who are charged for hot water services at full tariffs.

As for the difference in tariffs for hot water for citizens who are considered to be involved and not involved in the economy, the payment for HCS for a standard apartment (48 sq. meters, 3 persons), in which only one able-bodied citizen who is not involved in the economy lives, taking into account the full tariff for hot water, from January 1, 2019 increased by 6.33 rubles (3 U.S. dollars). When two able-bodied citizens who live in the apartment are not involved in the economy, the payment for HCS increased by 12.66 rubles (6 U.S. dollars).

Thus, the main goal of the implementation of Decree No. 3 is to provide all citizens who are able to work and want to work with maximum assistance in finding suitable legal employment.

Those citizens, who do not work for some objective reasons or due to special life circumstances, as well as those who are in difficult life situations, are supported by the State and pay for HCS at subsidized tariffs.

The introduction of full tariffs for HCS for citizens who are not involved in the economy is an exclusively stimulating measure aimed at those people who are highly likely involved in the shadow economy and, accordingly, hide their incomes.

The Law of 4 January 2010 “On the Procedure and Modalities for the Transfer of Citizens to Medical Labour Centres and the Conditions of Staying in Them” (as amended on September 1, 2017)

The Law of the Republic of Belarus “On the Procedure and Modalities for the Transfer of Citizens to Medical Labour Centres and the Conditions of Staying in Them” (hereinafter referred to as the Law) regulates issues related to the transfer of citizens suffering from chronic alcoholism, drug addiction or substance abuse to medical labour centres.

It should be emphasized that forced social isolation as well as medical and social rehabilitation of citizens in the medical labour centres is a necessary measure, which is taken to prevent unlawful behavior of persons who are suffering from addiction to psychoactive substances, and provide them with the necessary assistance for adaptation in society.

Not all individuals experiencing these problems may be transferred to medical labour centres, but only those who have repeatedly, three times or more in the course of a year, disturbed public order and been found in a state of intoxication from alcohol or caused by the use of drugs or other intoxicating substances. One further condition is that the individuals have already been warned about the possibility of returning to the centre if they commit further violations, but have nevertheless committed administrative offences for similar violations within a year of that warning.

In addition, citizens may be sent to the medical labour centres if they are obliged to compensate the child-rearing expenses incurred by the State and have violated work regulations two times during the year through alcohol or other substance abuse, and have furthermore been warned of the possibility of being sent to the centre, and yet have reoffended within a year of that warning.

Citizens are sent to medical labour centres for a period of 12 months following a court ruling. The court may decide to extend the period of time spent in the centres or to curtail it by up to six months.

Before being transferred to the centres, all persons undergo a medical examination in outpatient addiction treatment organizations to establish whether they have appropriate indications and do not have any contraindications to be placed in the centre.

Citizens are placed in the centres for their medical and social rehabilitation, which includes providing them with medicines, medical and psychological assistance, raising their cultural level and creating conditions for self-education, restoring and maintaining family ties, and other measures.

For citizens who lead an anti-social way of life, one of the most important means that ensure their social reintegration is labour activity. According to the Law, medico-social re-adaptation activities also include vocational guidance, vocational training, retraining, advanced training and labour.

Citizens placed in the centres are employed at republican unitary production enterprises subordinate to the Department for the Execution of Punishments of the Ministry of Internal Affairs (hereinafter referred to as the Department) and other organizations located at the territory of the centres. Decisions regarding their employment are made based on their age, ability to work, state of health, specific skills and qualifications. Citizens placed in the centres are paid and granted leaves from work and social leaves in accordance with labour laws.

Vocational training, retraining and advanced training of such citizens are carried out for one or several professions in production workshops of the centres, at republican unitary production enterprises subordinate to the Department, in vocational schools located in the territory of the centres, in other organizations at the location of the centres.

Citizens placed in the centres are systematically informed by the personnel about employment opportunities and professions that are in demand on the labour market. They are encouraged to receive a profession while they are staying in the centre. State labour, employment and social protection agencies are also involved in vocational guidance of the citizens placed in the centres.

The centres are successfully implementing such a form of work as the “School of Re-adaptation”. Meetings with representatives of government agencies and public organizations are organized to motivate the citizens placed in the centres to lead a law-abiding way of life, to encourage them to get a profession and to clarify some issues that may arise when they leave the centre.

In the framework of the “School of Re-adaptation”, representatives of the labour, employment and social protection agencies on a quarterly basis provide relevant information on employment issues (registration as unemployed and receiving unemployment benefits, availability of vacancies, employment due to reservation, opportunities for training and retraining, support in business organization, participation in paid public works, moving to another locality for the purpose of employment, etc.).

In the republic, work is constantly being carried out to develop the best practices for the rehabilitation and re-adaptation of citizens suffering from alcohol addiction.

The state institution "Republican Scientific and Practical Center for Mental Health" conducted a study in order to develop a comprehensive program of medical rehabilitation for persons placed in the centres. Taking into account the results of the study, the Ministry of Health and the Ministry of Internal Affairs have launched a pilot project, in which the method of comprehensive medical rehabilitation and occupational therapy is applied.

The comprehensive rehabilitation method allowed achieving a number of positive results: normalization of the affective sphere, stopping thirst for alcohol, correction of long-term effects caused by prolonged alcohol abuse, increased motivation to work.

In the future, it is planned to use this method in all the medical labour centres. This will increase the efficiency of psychosocial rehabilitation of citizens suffering from alcohol addiction, improve the quality of their life and help them to restore their social status.