

Statement of interpretation on Article 4

The Committee considered this right as being the essential corollary of the first three fundamental rights of the Social Charter. Indeed, the right to work, the right to just conditions would stand in danger of losing much of their meaning without an effective guarantee of the right to fair remuneration, which constitutes one of the basic economic objectives of human activity.

In the Committee's opinion, Contracting Parties who have accepted this article should take the necessary measures to guarantee, in all sectors of the economy, fair remuneration in the full social and economic sense of the term – i.e. remuneration which takes account of the basic economic, social and cultural needs of workers and their families, the special efforts expended by workers during overtime and the right to equal pay for equal work for both men and women workers.

In its examination of the first reports presented by the governments, the Committee was particularly disappointed that these did not enable it to judge whether or not the states which had accepted the first paragraph of Article 4 were fulfilling their obligation to guarantee the right to fair remuneration. A general appraisal would be possible only if additional information was supplied by the governments on certain particularly important points, such as the exact percentage of workers not covered by collective agreements or legislation regarding wages, and the methods of determining wages for these workers.

As regards Paragraph 2 of this Article, which recognises the right to an increased rate of remuneration for overtime work, the Committee was forced to conclude that only two of the five states completely fulfilled their commitments. The other states gave no information on this subject in respect of the agricultural sector.

Although the constitutions or legislations of the three Contracting States who had accepted Paragraph 3 formally recognised the principle of equal pay for male and female workers (as provided for therein), it seemed to the Committee that none of these states had given full effect to its application. The Committee was also forced to conclude from a study of the first reports received from those states that differences continued to exist between the remuneration of male and female workers engaged in the same kinds of work, although substantial progress had been accomplished towards achieving complete equality of treatment.

The Committee considered that one of the states which had accepted Paragraph 4 of this article failed to fulfil the obligation to give workers a reasonable period of notice for termination of employment.

Of the three states which had accepted the fifth and last paragraph, concerning deductions from wages, the Committee found that two met this obligation.

The Committee's observations in respect of each of the five paragraphs of this article follow: