



**ACCELERATING ACTIONS TO IMPLEMENT THE ATUC INTER-UNION COOPERATION AGREEMENT AMONG ASEAN UNIONS AS STRATEGY TO PROMOTE DECENT WORK AND TO IMPLEMENT RECOMMENDATIONS OF THE 7<sup>TH</sup> ASEAN FORUM ON MIGRANT LABOR (AFML)**

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The ASEAN Trade Union Council, a grouping of 19 national labor centers in nine ASEAN member states representing some five million union members, with the participation of and inputs from the International Labor Organization (ILO) in Bangkok and Yangon, in its meeting in Yangon, Myanmar on 27-30 November 2014, on “Myanmar Initiatives in Protecting Migrant Workers and Implementing the ATUC Framework for Decent Work in Labor Migration and Solidarity with Union in Myanmar;

APPRECIATING the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers adopted in the 12<sup>th</sup> ASEAN Summit on 13 January 2007 in Cebu Philippines, which, in its general principles, require sending and receiving states to (a) “promote the full potential and dignity of migrant workers in a climate of freedom, equity, and stability in accordance with the laws, regulations, and policies of respective ASEAN Member Countries; (b) closely cooperate to resolve the cases of migrant workers who, through no fault of their own, have subsequently become undocumented; (c) take into account the fundamental rights and dignity of migrant workers and family members already residing with them without undermining the application by the receiving states of their laws, regulations and policies”, among others;

CONCERNED of the findings and conclusions of the 2014 ILO-ADB Study titled *ASEAN Community 2015: Managing Integration for Better Jobs and Shared Prosperity*, which reports that:

- the ASEAN is home to some 300 million workers, where 40% of workers are in low-income agriculture; unemployment among the youth is 13 per cent; some 59% are in ‘vulnerable employment’, and persisting gender disparities;
- Migrant labor multiplied from 1.5 million to 6.5 million between 1990 to 2013;
- Too many workers in ASEAN still have poor quality, poor paying jobs and rising inequality despite registering 2.4 trillion dollars in gross domestic product (GDP), representing growth in real terms in 2013;
- Labor mobility within the ASEAN will grow in years to come, mainly from low and medium skilled workers, with increasing demand for construction, agriculture and domestic work.

AWARE that unions play an important role in the protection of migrant workers while stressing that it is the ASEAN member states’ responsibility to ensure better terms and treatment of migrant workers and protection of migrants’ rights as essential to achieve Decent Work for all men and women.

REVIEWED past, current, and future activities of the ATUC for the protection of the rights and promotion of the welfare of migrant workers in the region, including the (a) ATUC mechanism for the documentation, reporting, and monitoring of complaints of aggrieved migrant workers; (b) the

work of designated national migrant labor focal points; and the (c) Inter-union cooperation agreement among ASEAN unions as a strategy to promote decent work, among others;

DISCUSSED (a) the results and 20-point recommendations of the 7<sup>th</sup> ASEAN Forum of Migrant Labor held in Myanmar on 20-21 November 2014; and (b) FTUM's key activities on migration, including practical cooperation with ASEAN unions on migrant workers; and (c) activities of ATUC affiliates for the protection of migrant workers in ASEAN, including those by Malaysia and Thailand, and developing bilateral cooperation among ATUC unions, and identifying important lessons learned from the experience of Myanmar and other countries in organizing and assisting migrant workers;

CONDUCTED an ATUC rapid assessment of recommendations of the 7<sup>th</sup> AFML, where 16 national labor centers in eight (8) ASEAN member states participated, resulting in the identification of priority areas from among the 7<sup>th</sup> AFML recommendations for priority action by ATUC and its affiliates;

PROPOSED actions for (1) standard employment contracts; (2) pre-employment, pre-departure, post-arrival, and reintegration Orientation programs; (3) migrant workers' membership in unions; (4) establishment and strengthening of Migrant Resource Centers, and (5) capacity building for migrant labor focal points in affiliates; and considered activities implementing the ATUC inter-union agreement;

ATUC and its affiliates RESOLVE to carry out the following trade union campaigns to advance trade union solidarity and to strengthen cooperation among ATUC and its affiliates for protection of all migrants in line with the ATUC Framework for Decent Work and Labor Migration:

**A. On implementing the ATUC Inter-Union Cooperation Agreement among ASEAN Unions as Strategy to Promote Decent Work**

1. Prepare a model employment contract for discussion in a subsequent ATUC meeting in Malaysia
2. Conduct regular consultation meetings with recruitment agencies to abolish sub-standard contracts employment
3. Coordinate on complaint cases with labor attaches in receiving countries
4. Assist affiliates to prepare pre-departure training and work with the concerned authority to include a module/ session on labour rights to be delivered by union leaders
5. Work towards a social protection floor for migrant workers and to implement the ASEAN Declaration on Strengthening Social Protection
6. Assist joint operations of MRCs in all ASEAN countries and obtain funding for such
7. Strengthen engagement with ACE for better employment conditions for migrant workers
8. Support ratification of ILO Convention No. 87 (Freedom of Association), No. 98 (Right to Collective Bargaining), No. 97 (Migration for Employment), No. 143 (Migrant Workers), and No. 189 (Domestic Workers).
9. Capacity-building for affiliates' migrant labor focal points on the operations of the ATUC information system
10. Organizing migrant workers into unions

**B. On the recommendations of the 7<sup>th</sup> ASEAN Forum on Migrant Labor (AFML)**

11. Hold an ATUC trade union workshop to (1) validate ATUC priority areas from the recommendations of the AFML; and (2) monitor and report country and regional implementation of these recommendations of the 7<sup>th</sup> (and previous six) AFMLs, in cooperation with support institutions.

The additional priority areas of ATUC action from the 7<sup>th</sup> AFML are related to previous recommendations and action of ATUC itself regarding implementation of the ATUC Inter-union agreement: No.1 – standardized employment contracts; No. 2 – clear terms and conditions of employment, rights and responsibilities of men and women workers and employers xxx; No.4 –elimination of employment substitution and sub-standard employment contracts; 7 – migrant resource centers; No.12 – support for complaining migrant workers in countries of destination;

The additional priority areas adopted from the AFML are: No.14 – clear and accessible laws and regulations concerning employment and labor migration; No.16 – mandatory and free pre-employment, pre-departure and post-arrival orientation programs for migrant workers; and No.17 information and assistance to families of migrant workers to enable coping with challenges.

Adopted on 28 November 2014 in Yangon, Myanmar.