

ATUC | ITUC AP | LO-FTF
First Validation Forum on ASEAN Minimum Labor standards
9 December 2015, Kuala Lumpur

ATUC STATEMENT ON LABOR STANDARDS IN THE ASEAN AND
THE ASEAN 2025 BLUEPRINT “FORGING AHEAD TOGETHER”

The ASEAN Trade Union Council (ATUC)¹, in its “First Validation Forum on ASEAN Minimum Standards” in Kuala Lumpur on 9 December 2015, with the participation of 17 representatives of 16 affiliates in eight countries, including participants from the International Trade Union Confederation Asia Pacific (ITUC AP), the LO-FTF Council, and the ASEAN Secretariat;

REVIEWED AND VALIDATED the results of Part I of the ATUC Study on Minimum Labor Standards which looked at various categories, among others, (a) wages, hours of work, overtime, rest periods, holidays, and leaves; (b) social security, medical care, maternity/paternity, occupational health and safety, employees’ compensation, death and disability and housing; (c) equality of opportunity and treatment at work; and (d) freedom of association, right to organize and to collective bargaining, representation in enterprises and labor institutions, and tripartism;

CONSIDERED the ASEAN 2025 Blueprint “Forging Ahead Together” which characterizes the ASEAN as (a) a Highly Integrated and Cohesive Economy; (b) a Competitive, Innovative, and Dynamic ASEAN; (c) enhanced Connectivity and Sectoral Cooperation; (d) a Resilient, Inclusive, People-Oriented, and People-Centred ASEAN; and (e) a Global ASEAN;

APPRECIATED information on the Key Results Areas in the vision for a better quality of life for ASEAN peoples;

NOTED organized labor’s concerns on ASEAN transforming into a single market and production base allowing freer movement of goods, capital and services and free flow of skilled workers in the region that can lead to competition among ASEAN countries which could impede progress in labor standards and workers’ rights;

¹ ATUC is a regional grouping of 18 national labor centers in nine (9) ASEAN member states representing some five million union members. ATUC affiliates include Cambodia (CLC, CCTU, CCU); Indonesia (KSPI/CITU, KSPSI, KSBSI); Laos (LFTU); Malaysia (MTUC); Myanmar (CTUM); Philippines (TUCP, FFW); Singapore (NTUC); Thailand (LCT, NCPE, SERC, TTUC); Vietnam (VGCL). TLTUC of East Timor is associate member.

CONCERNED about the challenges and implications of Regional Economic Cooperation Partnerships (RECP) and Trans-Pacific Partnership (TPP);

REITERATES ATUC's *Kuala Lumpur Declaration on the ASEAN Agreement on the Promotion and Protection of the Rights of Workers*, adopted on 23 April 2015 which proposed inclusion in the *ASEAN Agreement on the Promotion and Protection of the Rights of Workers* the following points: (a) Fundamental Workers' Rights, (b) Employment and Working Conditions, (c) Social Protection, (d) Gender Equality, (e) Elimination of Child Labor, (f) Promotion of Occupational Safety and Health, (g) Protection of Migrant Workers, (h) Establishment of ASEAN Supervisory Mechanism and Dispute Settlement Boards, and (i) Equitable ASEAN Economic Integration and Free Trade Agreements;

REITERATES FURTHER that the ASEAN holds dialogue forums to discuss issues and challenges in ASEAN labour market integration and Workers Rights and the new ASEAN 2025;

CALLS on the ASEAN, governments of Member States, ASEAN secretariat, and stakeholders to consider "A Framework for ASEAN Labor Standards and Emerging Principles" in compliance with the ILO Fundamental Principles and Rights at Work and Decent Work, specifically:

1. Enforcement of National Standards
 - National authorities intensify enforcement of existing national standards through labor inspection;
2. Key principles for an ASEAN Labor Standards
 - Concepts and interpretation shall not be lower than those used in International Labor Standards.
 - Labor Standards benchmarks shall not be in derogation of International Labor Standards.
 - Set of Labor Standards consist of priority principles taken out of International Labor Standards that ASEAN Members can immediately promote.
 - Labor Standards shall not detract from obligations arising from ratified conventions or from ATUC's continuing ratification campaigns.
3. On wage standards
 - **Core elements for ASEAN Members**
 - Non-discriminatory, inclusive, fair; targeted at lowest paid; tripartite participation in the wage fixing process; effective enforcement
 - **Respect each Member's choice of approach**
 - Legislated, decreed or delegated; Mandatory or guideline; Centralized or decentralized
4. On working hours
 - Address issue of long work hours

- Define what constitutes compulsory overtime or rest day work, based on ILO Convention No. 14 (C 14) on Weekly Rest (Industry) and ILO Convention No. 106 (C 106) on Weekly Rest (Commerce and Offices)
 - All work beyond normal work hours or during rest days to be paid a premium, regardless of whether it is compulsory or voluntary
5. On special working arrangements
- **Address special concerns to promote workers' rights, security of tenure, collective bargaining, safety and health, and better working conditions** – Part-time work; Flexi-time; Shift work; Night work; Work for pregnant women; other precarious work;
6. On occupational safety and health (OSH)
- **Continue with national programs and focus on developing a regional policy on safety and health, using as benchmarks -**
 - C 155, Occupational Safety and Health, 1981
 - Protocol to C 155, 2002
 - C 187, Promotional Framework for Occupational Safety and Health, 2006.
 - **Campaign for ratification of C 187**
7. Establish or re-establish principles of employment to promote decent and secure job opportunities.

CALLS FURTHER for the ASEAN to ensure and strengthen tripartism and stakeholder participation, particularly of the ATUC as regional trade union organization, in the development, adoption, and implementation of sector work plans in relation to the ASEAN 2025.

9 December 2015, Kuala Lumpur
ASEAN Trade Union Council (ATUC)