

ITUC AP | ATUC | DFATD | ILO ASEAN Triangle Project
*Assessing the Implementation of the ATUC Framework for Decent Work in Labor Migration;
Consultation on ASEAN Minimum Labor Standards and
the Role of Trade Unions in ASEAN Integration and Labor Migration in the ASEAN; and
Post-8th ASEAN Forum on Migrant Labor (AFML) Conference
27-28 October 2015, Singapore*

CONFERENCE STATEMENT ON THE ROLE OF TRADE UNIONS IN ASEAN INTEGRATION
AND LABOR MIGRATION IN ASEAN AND ACTIONS ON THE 8th ASEAN FORUM ON
MIGRANT LABOR AND PAST AFML MEETINGS

The ASEAN Trade Union Council¹, meeting in Singapore on 27-28 October 2015 on “Assessing the Implementation of the ATUC Framework for Decent Work in Labor Migration; Consultation on ASEAN Minimum Labor Standards and the Role of Trade Unions in ASEAN Integration and Labor Migration in the ASEAN; and Post-8th ASEAN Forum on Migrant Labor (AFML) Conference”, with the participation of 21 representatives of 16 affiliates in eight countries, including participants from the International Trade Union Confederation Asia Pacific (ITUC AP), the International Labor Organization – Bureau of Workers Activities (ACTRAV), and the ILO ASEAN Triangle Project:

Noted the progress of actions on various points in the ATUC inter-union agreement and proposed joint actions for advocacy and implementation of programs for the promotion and protection of migrant workers in the ASEAN. Among others:

- Pre-departure orientation, training, and seminars for prospective migrant workers and their families;
- Pushing governments to ratify ILO Convention No. 189 on Domestic Workers, core labor standards and related ILO Conventions;
- Organizing migrant workers, particularly in construction and domestic workers;
- Implementation of bilateral agreements between unions of sending and receiving countries towards the establishment of Migrant Resource Centers, social protection, organizing, union membership, and action against trafficking in persons;
- Advocacy/campaign for greater protection of migrant workers (a.) by pushing governments of sending and receiving countries to enter into bilateral agreements, with the participation of trade unions, (b.) through advocacy towards equal application of labor laws for migrants and local workers alike, and (c.) amendment of laws on labor migration;
- Publication and distribution of information materials such as booklets, brochures, posters, and the like; and maintenance of internet-based platforms and facilities (e.g. website, social media accounts, hot lines) to educate migrant workers on their rights, labor laws, culture, service providers, and unions in destination countries, among others;
- Investigation and handling of cases (through referral or direct provision of legal service) of aggrieved migrant workers;
- Training of union focal points and service providers;

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 (K-SPI/CITU, K-SPSI, K-SBSI); Laos (LFTU); Malaysia (MTUC); Myanmar (CTUM); Philippines (TUCP, FFW); Singapore (NTUC); Thailand (LCT, SERC, TTUC, NCPE); Vietnam (VGCL). TLTUC of Timor Leste is associate member.

- Representation and participation in consultation programs and social dialogue mechanisms that concern migrant workers (e.g., AFML (ASEAN Forum on Migrant Labor), tripartite bodies, legislative hearings);
- Pushing governments of sending and receiving countries for adoption of agreements that support portability of social security of migrant workers (Philippines);
- Advocacy for the registration of fishing vessels before proceeding to high seas (Indonesia);
- Direct action and advocacy for timely payment of wages; inspection of dormitories and migrant workers' housing facilities to assess compliance with requirements of the law, and skills upgrading program for migrant workers, in all sectors including construction (Singapore); and
- Maintenance of health clinics that provided medical services, counseling and referral for migrant workers.

INTRODUCED the Memorandum of Understanding (MoU) among ATUC, Arab Trade Union Confederation (ArabTUC), and the South Asian Regional Trade Union Council (SARTUC) signed in Kochi, India in September 2015, and reviewed ways forward;

DISCUSSED the (a.) proposed terms of the study on ASEAN Minimum Labor Standards, (b.) the draft of the ATUC document on ASEAN Integration and Labor Migration, leading to the ATUC Policy Position Paper defining actions of trade unions in ASEAN integration and labor migration, and (c.) the recommendations of the 8th ASEAN Forum on Labor Migration held on 27 October 2015 in Kuala Lumpur, together with the ASEAN Triangle Project Study that identified gaps in the implementation of AFML recommendations, and recommended the adoption of these items by the ATUC Leaders;

RESOLVED to implement concrete actions at the national and ASEAN levels towards promotion and protection of migrant workers' rights and welfare:

On the ATUC Framework for Decent Work in Labor Migration;

- I. Accelerate actions and campaigns at the national level towards better and safer migration;
 - a. Ratification of core labor standards² and related conventions including occupational safety and health, labor inspection, domestic workers, and maternity protection³, among others;
 - b. Establish more migrant resource centers --union-managed or in partnership with tripartite and social partners --in strategic areas accessible to migrant workers;
 - c. Organizing migrant workers in home and receiving countries, particularly low- and medium skilled workers who are in most vulnerable conditions;

² Core Labor Standards include the following: C. 87 Freedom of Association and Protection of the Right to Organize Convention; C. 98 Right to Organize and Collective Bargaining Convention; C.29 Forced Labor Convention; C. 105 Abolition of Forced Labor Convention; C. 138 Minimum Age Convention; C.182 Worst Forms of Child Labor Convention; C.100 Equal Remuneration Convention; c.111 Discrimination (Employment and Occupation) Convention

³ ILO Conventions No. 155 Occupational Safety and Health; C187 Promotional Framework for OSH; C161 Occupational Health Services; C181 Labor Inspection; C129 Labor Inspection, Agriculture; C121 Employment Injury Benefits; C19 Equality of Treatment, Workplace Accident Compensation; C189 Domestic Workers; and C183 Maternity Protection.

- d. Pass, review, or amend labor legislations and regulations towards more inclusive and equal application for both local and migrant workers;
 - e. Safe housing and better working conditions;
 - f. Effective mechanisms that ensure timely and guaranteed payment of wages;
 - g. Cooperate with the ITUC AP and its labor lawyers' network for the provision of legal services for aggrieved and distressed migrant workers;
 - h. Push for labor representation in tripartite bodies and oversight committees dealing with migrant workers, as well as in bilateral and multi-lateral trade agreements;
 - i. Regular country-level interface and consultation between ATUC affiliates and their respective government representatives/focal points in the ASEAN.
2. Implementation of bilateral agreements among ATUC affiliates, and programs for the Arab TUC, ATUC and SARTUC MOU.
 3. Conduct relevant researches, studies and surveys that provide basis for policy development and needs-based interventions for migrant workers.
 4. Explore partnership with the ASEAN Social Security Association

On actions of trade unions in ASEAN Integration:

1. Make migration a choice by creating decent work opportunities in countries of origin; Work towards respect for human and labor rights of all migrants and respect international instruments that embody universal principles;
2. Adopt national treatment as minimum standard of treatment for all migrant workers, including provision of appropriate mechanisms in receiving countries to resolve disputes, accessible to foreign workers regardless of nationality;
3. Implement and enforce all existing measures of protection for migrant workers, with participation of unions
--migrant resource centers; campaigns on migrant workers' rights; training and re-training for low and medium skilled workers; and stakeholder monitoring mechanism (ASEAN Decent Work Index);
4. Minimize transaction costs (recruitment, labor market information, processing, documentation, remittances, job transfers);
5. Appropriate social protection floor at the national and ASEAN levels.
6. Advocacy for an ASEAN policy on migration, to be supported by national legislation, with adherence to primacy of workers' rights.

STRESSED the daunting challenge in the monitoring of safety and health in workplaces, in hazardous enterprises, including in households where domestic workers are.

Selected ATUC priorities from among the recommendations of the 8th AFML, as well as earlier AFMLs⁴:

⁴ These priorities were finalized during the First Validation Forum on ASEAN Minimum Labour Standards on 9 December 2015 in Kuala Lumpur, Malaysia.

R.1. Integrate and/or strengthen OSH training and materials in pre-employment, pre-departure and post-arrival orientation programmes which should be contextual to occupational areas, compulsory, comprehensive, available in languages understandable to employers and migrant workers, free of charge for migrant workers as far as possible, and provided in a timely manner;

R.6. Strengthen OSH policy implementation by the labor department in coordination with other relevant government agencies (health and foreign affairs) and stakeholders (embassies/labor attaches', trade unions, employers' organizations, overseas placement agencies, civil society organizations) within and across ASEAN member states;

R.11. Ensure the inclusion of OSH, employment conditions, and where possible, roles of labor inspections and labour attachés in bilateral and multi-lateral memorandum of understanding (MoU) concerning migrant workers to promote OSH preventive measures and to ensure legal protection of migrant workers in time of OSH and employment conditions violation;

R.14. Encourage non-discrimination on access to healthcare and provisions of workers' compensation for occupational injuries, diseases, disabilities and casualties irrespective of occupational areas, nationality and status of migrant workers.

REMINDED ATUC and its affiliates of continuous work for the implementation of the ATUC Inter Union Agreement, including priorities from the AFMLs;

Reiterated ATUC's call for recognition by the ASEAN as labor social dialogue partner, in the wake of the statement of ILO Director General Guy Ryder, in his meeting with ATUC on 25 October 2015 in Singapore, that "we will be very pleased to work with [ATUC], with government, and employers to ensure social and labor dimension in ASEAN integration."

APPRECIATED the continuing assistance from international partners (ILO, ILO Triangle Project with support from the Government of Canada, ITUC AP), trade union solidarity support organizations (LO-FTF and others) for actions of ATUC and its affiliates in different areas.

Adopted on 28 October 2015, in Singapore.