



ATUC Statement on the 31st ASEAN Summit and Inclusive Regional Integration

The ASEAN Trade Union Council (ATUC) is an apex organization of 18 national trade union centres¹ representing 13 million members in ASEAN countries.

ATUC is implementing a Canadian-funded component of the ILO TRIANGLE in ASEAN Programme which aims to enhance protection of the human and labour rights of migrant workers in the ASEAN region.

We, the leaders of the ASEAN Trade Union Council (ATUC), gathered in Manila on 21-22 November 2017 considering actionable areas of cooperation with the ASEAN and relevant ASEAN Ministerial Bodies for a post-31st ASEAN Summit meeting.

We recognize that ASEAN is both a source and destination of migrant workers. ASEAN Member States are key actors in inter-ASEAN migration and some of the most challenging labor migration corridors such as Asia to Asia and Asia to Middle East corridors. The huge number of migrant workers from and within ASEAN demand continuing evaluation of economic and labor migration policies in ASEAN.

We appreciate the signing of the **ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers** which:

- a) Provides for fair treatment of migrant workers with respect to gender and nationality,
- b) Allows visitation rights by family members,
- c) Prohibits confiscation of passports and overcharging of placement or recruitment fees,
- d) Protects against violence and sexual harassment in the workplace,
- e) Regulates recruiters for better protection of workers, and
- f) Respects their right to fair and appropriate remuneration and benefits and their right to join trade union and association.

¹ CCU, CCTU and CLC in Cambodia; KSBI, KSPI and KSPSI in Indonesia; LFTU in Lao PDR; MTUC in Malaysia; CTUM in Myanmar; FFW and TUCP in the Philippines; SNTUC in Singapore; LCT, NCPE, TTUC and SERC in Thailand; TLTUC in Timor Leste; VGCL in Vietnam.

We continue ATUC advocacy for the binding effect of the Consensus whose implementation is subject to respective laws of the ASEAN Member States.

We understand that the Consensus establishes a framework for cooperation in safeguarding the interests of migrant workers between and among the ASEAN Member States. ATUC is ready to participate in the formulation and implementation of the action plan to implement its provisions.

In the implementation of the Consensus, we expect that ASEAN Member States would further improve practices and eliminate restrictions on migrant workers' right to join trade unions and associations and respect their rights to fair and appropriate remuneration and benefits.

We stress ATUC principles regarding treatment of migrant workers:

- ILO standards and international instruments as the starting points for protection of migrant workers
- National treatment should be the minimum standard for all migrant workers
- Coverage for all migrant workers (regardless of status)
- Effective implementation of cooperative arrangements for social protection, while protecting migrant workers' take-home pay and enabling them to access social services in receiving countries, with due consideration to the special circumstances of women and other workers in vulnerable situations
- Portable social protection

These would be in line with recommendations from ASEAN Forum on Migrant Labor (AFML), as well as developing trends in the Global Compact for Safe, Orderly and Regular Migration (GCM).

We ask Member States that national laws not consistent with the Consensus and international standards should be amended accordingly.

We call for the ratification of ILO Convention Nos. 97 (Migration for Employment), 143 (Migrant Workers) and 189 (Domestic Workers).

ASEAN Member States should harmonize and make programs and institute policies that shall be consistent and contributory to the achievement of specific Sustainable Development Goals (SDGs), particularly:

- **Goal 5 Gender equality and women and girls' empowerment**, Target 5.2. *Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation;*

- **Goal 8 Decent work and inclusive growth**, Target 8.8. *Protect labor rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment;*
- **Goal 10 Reducing Inequalities**, Targets 10.7 *Facilitate orderly, safe, regular and responsible migration and mobility of people; and indicator 10.c By 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent; and*
- **Goal 16 Peaceful, inclusive societies and access to justice for all**, Target 16.2 *End abuse, exploitation, trafficking and all forms of violence and torture against children.*

Recruitment of migrant workers should promote and ensure the implementation of the ILO General principles and operational guidelines for fair recruitment, including non-payment of recruitment fees or related costs by the workers or jobseekers. Article 7 (1) of the ILO Convention 181 prohibits private recruitment agencies from charging directly or indirectly, in whole or in part, any fees or costs to workers.

We condemn the continuing practice of passing on to workers of placement or recruitment fees and other charges already paid by employers.

We welcome the adoption of the ASEAN Declaration on the Gender-Responsive Implementation of the ASEAN Community Vision 2025 and Sustainable Development Goals which supports the development and implementation of gender mainstreaming initiatives across all sectoral bodies in the three ASEAN pillars.

We likewise commend the ASEAN Leaders for the Joint Statement on Promoting Women, Peace and Security in ASEAN which, among other things, reaffirm commitments to eliminate all forms of violence and discrimination against women and girls and ensures gender equality and empowerment of women and girls.

Again, we stress the need for participation of trade unions in developing the action plans in implementing this ASEAN Declaration and Joint Statement.

We note the signing of the ASEAN-Hong Kong, China (HKC) Free Trade Agreement and ASEAN–HKC Investment Agreement. Trade and investment agreements could be a tool to improve the working conditions and lives of workers and their families. To build on this and to contribute to positive social impact, we urge the ASEAN Leaders to engage trade unions in the on-going negotiations for the Regional Comprehensive Economic Partnership (RCEP).

We reiterate ATUC’s resolve to contribute to the implementation of the 2016-2020 work plans of the ASEAN Labor Ministers’ Meeting (ALMM), ASEAN Committee on Migrant Workers (ACMW), SLOM Working Group on Progressive Labor Practices to Enhance the

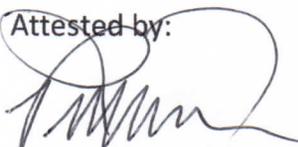
Competitiveness of ASEAN (SLOM-WG) and ASEAN-OSHNET toward an ASEAN Community that engages and benefits the peoples and is inclusive, sustainable, resilient, and dynamic.

Adopted on 22 November 2017 in Manila, Philippines.



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ATUC President

Attested by:



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