

## **Resolution No.1**

### **MIGRANT LABOUR**

The 3rd ITUC-AP General Council Meeting in Cebu, Philippines, on 10-12 November 2009:

- NOTES** that international labour migration has drastically increased in the times of globalization and as many as 200 million workers and their families are residing in countries other than their own in search of employment; Asia and the Pacific region account for more than 50 million;
- NOTES** that labour migration is closely linked to economic development – or rather lack of it. Growing unemployment, lack of decent work at home, population explosion, declining fortunes in agriculture, growing disparities, political conflicts, natural disasters and general desire for decent work and decent life force people to migrate to foreign countries. Migrant labour make significant contributions to both countries of origin as well as destination;
- RECOGNISES** the growing feminization of labour migration; women workers constitute almost half of the migrant labour;
- DEPLORES** that migrant workers are frequently subjected to unequal treatment and opportunities as well as discriminatory behaviour; in many countries several types of skilled and semi-skilled jobs are barred for migrant workers; they are the worst victims of racism and xenophobia; migrant workers are paid much less than native workers (often only half of the latter's) for doing the same job, adding to the exclusion from social protection and other workers benefits and entitlements;
- CONDEMNS** the most exploitative and inhuman conditions of domestic workers which in some cases amount to slavery and forced labour; they work for meager wages for long hours (often 15-16 hours a day) with no rest or compensation for overtime, no social protection, exposed to physical and sexual harassment, violence and abuse;
- DEPLORES** that in many countries workers fundamental rights to organize and collective bargaining are restricted or altogether denied to migrant workers; while these rights may be recognized for native workers, migrant workers rights are frequently violated; some labour laws explicitly prohibit migrant labour from becoming members of trade unions, others have restrictions on holding offices in unions;
- DEPLORES** that the recruitment process in most cases is left to the recruitment agencies where the innocent jobseekers fall

a prey to unscrupulous recruitment agencies; there is blatant frauds in recruitment, misinformation and contract substitution and lack of a model employment contract;

**REITERATES**

that organizing migrant workers is the most effective way to protect and promote their interests;

**CALLS ON**

Unions to

- establish migrant labour centres/departments wherever appropriate, both in origin and destination countries to specifically attend to the migrant workers; these centres should provide a forum for these workers to take up their problems;
- establish partnership agreements between unions in origin and destination countries;
- organize migrant labour in both origin and departure countries; conduct education programmes for migrant labour;
- campaign for labour law reforms which restrict migrant workers right to join unions;
- actively involve in conducting pre-departure orientation programmes for migrant workers ensuring their rights, labour laws and culture of destination countries;
- monitor and expose violations, abuses and exploitations through media;

**CALLS ON**

ITUC/ITUC-AP to

- to promote ratification and implementation of ILO Conventions 97 and 143 and the 1990 UN Convention on Protection of the Rights of all Migrant Workers and Members of their Families;
- lobby together with affiliates, governments and regional groupings (ASEAN, APEC, SAARC, ASEM, etc) for protection and promotion of rights of migrant workers, ratification of ILO/UN conventions and involvement of trade unions in groupings, charters, policies, agreement, etc.;
- document and disseminate best and mal-practices of overseas employment promoters/recruiters and of government officials;
- promote and assist in organizing migrant workers; organize activities on migrant labour at various levels;
- actively participate in the development of specific ILO instrument on domestic workers;
- work with ILO and other concerned international organizations for the establishment of a rights-based multilateral framework for migration in the global economy.

## **Resolution No.2**

### **CAMPAIGN FOR GREEN JOBS AND DECENT WORK**

The 3<sup>rd</sup> ITUC-AP General Council Meeting in Cebu, Philippines, on 10 - 12 November 2009:

- RECOGNISES** that the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report released in 2007 has drawn attention to the dangerous and irreversible consequences of climate change if ambitious and effective measures are not put in place to reduce greenhouse gas (GHG) emissions;
- FURTHER RECOGNISES** that the way forward in transforming the present unsustainable carbon – intensive production and consumption patterns through a green sustainable development strategy is inevitable with the creation of green jobs and decent work;
- EMPHASISES** that the creation of green jobs alone without decent work will not lead to sustainable development. Democratic decision making and practices with respect for human including trade union rights are essential for fair distribution of national income and the attainment of social justice. These are principles embedded in decent work with its four elements of respect for rights; full and productive employment; social protection; and social dialogue;
- CALLS UPON** governments to ensure that there is no net loss of employment due to climate change policies, and to address with the involvement and participation of trade unions, effects on employment from any climate change – related disruptions such as displacements and migration, as well as from any adaptation and mitigation measures;
- FURTHER CALLS FOR** the full support of ILO Global Job Pact, especially:
- implementing a supportive regulatory environment conducive to job creation through sustainable enterprise creation and development;
  - increasing investment infrastructure, research and development, public services and “green” production and services as important tools for creating jobs and stimulating sustained economic activity;
- STRESSES** that there should be just transition in the transformation of jobs into environmentally-friendly employment or green jobs. Training and just compensations should be provided for affected workers;
- NOTES** that the changes in the Governments of Australia and Japan have brought about a positive contribution in the climate change debate at the international level;
- FURTHER NOTES**

**CALLS FOR**

that some unions and the ITUC have approached the major developing countries whose greenhouse gas emission levels is increasing rapidly;

**CALLS UPON**

among others, the inclusion of just transition and funding for adaptation and mitigation for developing countries as well as having commitments on deep cuts in emission in any post-Kyoto instrument that is now being debated on. There must be specific targets for mitigation and adaptation funds;

**URGES ON**

all affiliates to take necessary actions to prevail upon their respective governments to work towards a low carbon emission economy and to contribute to a successful conclusion of COP 15 that is to be held in December 2009 in Copenhagen;

all affiliates to take necessary actions in the campaign for green jobs and decent work.

**Resolution No. 3**  
**TOWARDS INTERNATIONAL INSTRUMENTS FOR PROTECTION OF DOMESTIC WORKERS**

The 3rd ITUC-AP General Council Meeting in Cebu, Philippines, on 10-12 November 2009:

**RECOGNISING** that despite immense contributions of the domestic workers to the economy of a country, domestic work is undervalued, unrecognized and unaccounted for at national and international levels;

**NOTING** that undervaluation of domestic work is rooted to the stereotyped role of women at home – performing housework and caring responsibilities which are unpaid and lowly regarded, thus, as paid work it is accorded with indecent pay and indecent working terms and conditions;

**UNDERSCORING** that domestic workers' invisibility being forced to stay in the confines of employer's home and largely unprotected by legislations and regulations makes them highly vulnerable to abuse, discrimination and worst forms of exploitation;

**IDENTIFYING** that their foremost issues and concerns are:

- recognition of domestic workers as workers;
- recognition of domestic work as work;
- recognition of the value of domestic work and the skills involved;
- vulnerability and slavery;
- unregulated recruitment and placement agencies;
- unregulated contracts of employment;
- indecent pay and working conditions;
- lack of social protection, job security and support services;
- uncoordinated labour and migration laws; and,
- elimination of violence against domestic workers;

**NOTING** that the International Labour Conferences (ILCs) in 2010 and 2011 have in its agenda the promotion of decent work for domestic workers with the aim of developing appropriate instrument/s to give rightful protection to the most vulnerable sector of workers;

**DECLARES** that the trade unions being the most responsible and accountable organization in alleviating the plight of domestic workers should be at the forefront in establishing international standards that will provide the principles and rights with a clear framework for their protection, rightful treatment and long overdue recognition. And, that achievement of decent work for domestic workers will be more accelerated if they are organized, engaged in collective actions and most of all, trade unions have negotiated for collective agreements.

**CALLS ON** ITUC-AP and affiliates:

- 1) to actively campaign towards the adoption of international instruments for the protection of domestic workers with the

trade unions recommended core provisions integrated;

- 2) to undertake capacity building on the trade unions core provisions on the proposed international instruments and on the issues of domestic workers especially on counteracting government and employers arguments against trade unions' position;
- 3) to monitor government and employers emerging positions with a view to countervail when necessary towards adoption of trade unions core provisions;
- 4) to promote cooperation between and among trade unions across borders to facilitate organizing of domestic workers;
- 5) to organize across borders through bilateral / multilateral agreements/activities between trade unions, and NGOs in countries of origin and destination; and,
- 6) to network and build solidarity between Trade Unions, Domestic Workers , Migrant Groups, and NGOs in countries of origin and destination.

**Resolution No. 4**  
**EMPLOYMENT PROTECTION**

The 3<sup>rd</sup> ITUC-AP General Council Meeting in Cebu, Philippines, on 10–12 November 2009:

- NOTING** that global unemployment is likely to increase by 61 million worldwide by the end of 2009; over 200 million workers could be pushed into extreme poverty resulting in the number of working poor rising to 1.4 billion globally, and women, youth and migrants are among the workers hardest hit by the global crisis;
- IS CONCERNED** that massive retrenchment in the midst of financial and economic crisis is still taking place without adequate rule for employment adjustment, proper compensation and social safety nets;
- ANALYSING** that the current employment crisis was precipitated by the collapse of the housing bubbles in the U.S. propagated by reckless financial speculations, and underlying causes in fundamental economic and governance imbalances that are direct result of three decades of neo-liberal economic policies or market fundamentalism, consequence of which is widespread increase in inequality or distributive injustice - core of the macroeconomic imbalances that sparked the crisis;
- IDENTIFYING** that the crisis has revealed the weakest areas of the labour market - surge in casual and atypical workforce, in informal economy, in migrant labour and in contract work, in short, unprotected and precarious employment; and these are brought about by the flexible labour market policy of governments, employers and IFIs;
- SUPPORTS** fiscal stimulus measures by G20 and other governments which should continue until there is a real recovery;
- WELCOMING** the ILO Global Jobs Pact, a decent work response to the crisis, which stipulates a fair and sustainable globalisation, principles for promoting recovery and development, such as accelerating employment creation, jobs recovery and sustaining enterprises; building social protection systems and protecting people; strengthening respect for international labour standards;
- FURTHER WELCOMING** the decisions of the Pittsburg G20 Meeting recognizing the importance of “putting quality jobs at the heart of the recovery and agreeing with its communiqué that “the current challenges do not provide an excuse to disregard or weaken internationally recognised labour standards; “
- ASSERTS** that the current crisis should be an opportunity to turn the decades of failures in economic and labour market policies into a balanced economy with an improved global governance, a balanced wage-led growth rather than financialisation and excessive profit; the rights of labour and capital;

**CALLS ON**

affiliates to identify the labour market deficits, such as legislation for employment protection, Social Safety Nets for the unemployed, employment promotion schemes, paying more attention to gender equality and youth employment; and to continue their campaign for protection and promotion of decent employment through legislative actions and social dialogues; and

**URGES**

the governments to continue immediate steps to ensure that recovery measures are adequate for maintaining and protecting jobs and provide social protection;  
to combat the risk of wage deflation and reverse the growth of income inequality;  
to develop green economy investment that can shift the world economy to a low carbon green path and create, among others, good jobs;  
to use active labour policies; to invest in education and training skills development;  
to strengthen labour inspection and enforcement machinery; and  
commence meaningful social dialogues to get rid of the current crisis on the basis of the ILO Global Jobs Pact.

**Resolution No. 5**  
**PROMOTING AND ACHIEVING WORK-LIFE BALANCE**

The 3rd ITUC-AP General Council Meeting in Cebu, Philippines, on 10-12 November 2009:

- NOTING** that work-life balance is about women and men finding a balance between work life and personal life in pursuit of a career of their choice, succeed in it, and at the same time, have quality family life;
- RECOGNIZING** the ITUC-AP survey findings that:
- despite women's increasing entry into the labour market, bulk of housework and care work is still predominantly done by women;
  - ratification of ILO Conventions No.156 - Workers with Family Responsibilities and No. 183 - Maternity Protection is very dismal;
  - 38 percent of respondents comply with ILO standard of at least 14 weeks paid maternity leave and 31 percent have paid paternity leave ranging from 3-15 days;
  - top coping strategies used by women in their balancing struggle are informal child care arrangement, leave employment, and child care centers which are not necessarily the best options but because of its availability;
- EMPHASIZING** that the primary root of women's difficulties towards full participation in society, workplace, trade union and in achieving Work-Life balance is the socially and historically constructed role of women and men at home which has been transmuted into the workplace in the form of among others, wage disparities, occupational distinctions, and positions of status, power and authority and access to education and training opportunities;
- ACKNOWLEDGING** that Globalization and the recent global financial turmoil is forcing reconsiderations in the traditional roles of women and men at workplace, at home, in society and in trade unions such that trends towards later marriage, never marrying, single motherhood and marriage breakdown, means increasing number of women in many countries needs an income to support themselves not having a male partner for financial support; on the other hand, women in marriage or cohabitating couples are pressed to share breadwinning role with men giving rise to dual-income families, but, bulk of family responsibilities remain with women;
- NOTING** that an alarming trend as an offshoot of women maternity and care problems not being satisfactorily addressed, a new breed of well educated women shun marriage and maternity as they become more career oriented, enjoy independence, autonomy and economic empowerment including being child-free and tendencies towards marrying no less than their equal;
- UNDERSCORING** that the trade unions mission is to better the conditions of work and life of working women and men and their families such that its existence is to facilitate fulfillment of working women and

men's aspirations of having a successful career and a happy family life;

**CALLS ON**

ITUC-AP and affiliates to:

- transform male-dominant labour market including employment structure and working style into gender neutral one with no discrimination in terms of wages, employment opportunity, training/retraining, career building, promotion, etc.;
- promote good practices of shared family responsibility to tackle family gender inequality
- extend maternity protection, security of employment, parental leave, time off, flexible time, healthcare, prohibition of or restriction on night work, proper OHS standards, etc., in strong support of reproductive role of women;
- support family through collective bargaining for better facilities and working hour arrangements;
- advance institutional reform for better labour laws, social laws and facilities; and,
- organise better and stronger community support;
- continue action to ratify ILO Conventions and improve national legislations
- promote gender-neutral free education;
- encourage and promote quality and quantity participation of women in trade union activities and to leadership positions; and,
- propose the issues of Work-Life Balance to be on the agenda of national, regional and inter-regional tripartite mechanisms.

## **Resolution No.6**

### **PAKISTAN**

#### **INDUSTRIAL RELATIONS ACT**

The 3<sup>rd</sup> ITUC-AP General Council Meeting in Cebu, Philippines, on 10-12 November, 2009:

#### **EXPRESSES CONCERN**

at the arbitrary enactment of the Industrial Relations Act, 2008 without consultation with the trade unions which contain several restrictions on workers rights to organize;

#### **DEPLORES**

that several provisions in the Act which violates fundamental trade union and collective bargaining rights of the workers in the following areas:

- exclusion of several establishments from the provision of freedom of association including agriculture workers who constitutes the bulk of the labour force in the country, civil service, teachers, para-medical, contract labour
- appointment of chairmen and members of NIRC and presiding officers of labour courts to be done by the government without consultation with the higher judiciary thus affecting the principle of independence of judiciary
- changing the definition of industry which may exclude many enterprises
- reducing the tenure of collective bargaining agent from 3 to 2 years
- allowing labour courts to pass orders of dismissal of all or any striking workers

#### **IS DISMAYED**

that the enactment declared a variety of industries as “public utilities” including generation, production, manufacture, or supply of gas, oil or water to the public, public conservancy or sanitation, hospitals and ambulances services, fire-fighting service, postal, telegraph or telephone service, railways and airways, ports, watch and ward staff and security services, depriving them the trade union rights;

#### **IS CONCERNED**

that the definition of “settlement” allows employer to enter into agreement with the workers directly by superseding the union, making the role of unions superfluous;

#### **EXPRESSES SOLIDARITY**

with the workers and trade unions of Pakistan in their struggle against these anti-labour enactments;

#### **URGES ON**

the Pakistan Government to amend the IRA to bring it in conformity with the ILO Conventions 87 and 98 ratified by the government of Pakistan in full consultation with the representative workers organisation;

**CALLS ON**

ILO to take up the matter with the Government of Pakistan for changing the law before its expiry in April 2010 in full consultation with the Workers Employers Bilateral Council of Pakistan (WEBCOP).

**Resolution NO.7**  
**PAKISTAN AGRICULTURE BANK EMPLOYEES UNION**

The 3<sup>rd</sup> ITUC-AP General Council Meeting in Cebu, Philippines, on 10 – 12 November 2009:

**EXPRESSES CONCERN** at the continuing violation of workers rights issue at Agriculture Development Bank (Zari Traqiati Bank) of Pakistan;

**DEPLORES**

- the unfair dismissal of the key office bearers of Bank Employees Union and victimization of the other union officials and activists;
- the creation of a yellow (pocket) union by the President of the bank ;

**CONDEMNS** the role of the Registrar of Trade Unions of the National Industrial Relations Commission in conducting biased, non transparent referendum (election) with no participation of the genuine employees union and awarding the management supported union the collective bargaining agent certificate;

**IS APPALLED** over the role of the Registrar of National Industrial Relations Commission in acting under political pressure, rather than performing his statutory role as independent and impartial authority in determining the collective bargaining agent Union;

**URGES ON** the Government of Pakistan to

- immediately remove Zaka Ashraf, the President of the Agriculture Bank of Pakistan;
- reinstate the dismissed union office bearers
- hold impartial election in the establishment giving workers of the bank an opportunity for choosing their leadership as enshrined in ILO Convention 87 and 98 ratified by Pakistan.

## **Resolution No.8**

### **REPUBLIC OF KOREA VIOLATION OF TRADE UNION RIGHTS**

The 3rd ITUC-AP General Council Meeting in Cebu, Philippines, on 10-12 November 2009:

#### **EXPRESSES GRAVE CONCERNS**

at the oppression of trade union movement by the Government of Korea and the deterioration of workers rights in the country, especially over the two pending issues of wage payment to full-time union officials and union pluralism at enterprise level;

#### **NOTES**

that the government of Korea has pushed ahead with the enforcement of the Trade Unions and Labour Relations Act (TULRAA) which bans employers from paying wages of full-time officials and tried to forcefully implement a single bargaining channel in case union pluralism is allowed at enterprise level, denying the fundamental workers' rights enshrined in the National Constitution;

#### **STRONGLY BELIEVES**

that wage payment to full-time union officials is not a matter of government's interference or coerced legislation but should be left to the discretion of free and voluntary collective bargaining between labour and management;

#### **EMPHASIZES**

that the Government's attempt to enforce a single bargaining channel will definitely deprive a large number of small and medium-sized unions of their right to collective bargaining;

#### **DEPLORES**

that the government of Korea has continued to suppress trade union movement under the pretext of "advancement of Industrial relations" completely ignoring all the recommendations from international organizations including the ILO and the ITUC;

#### **HIGHLIGHTS**

that heavy restrictions on the rights of collective bargaining and collective action of public employees and excessive government interference in union's affairs are a clear violation of fundamental workers rights;

#### **EXTENDS**

full support to the Korean workers' struggles led by FKTU and KCTU;

#### **CALLS UPON**

the Government of Korea,

- to repeal the provision in the TULRAA on the ban of wage payment to full-time union officials without any further delay
- to immediately stop the attempts to enforce single bargaining channel and guarantee voluntary collective bargaining in case union pluralism is allowed at enterprise level

- to guarantee basic labour rights of government employees and stop oppression of the union
- to stop illegitimate interference in industrial relations in the public sector including the denial of collective bargaining agreements
  
- to participate in the dialogue and negotiations in a sincere manner on the pending issues including union pluralism and wage payment of full-time union officials
- to immediately stop the attempts to downgrade conditions and unilateral lay offs.