

Resolution No. 1

DEMOCRATIC FUTURE OF HONG KONG

The 4th ITUC-AP Regional Conference, 7 - 9 October 2019, Tokyo, Japan:

- RECOGNISING** the intensive struggle of the people of Hong Kong for the past four months in protest against the Extradition Bill and Police brutalities, demonstrating their determination to defend freedom and fight for true democracy;
- NOTED** that the Hong Kong Chief Executive had announced the withdrawal of the Fugitive Order Ordinance on 4 September 2019 though she had announced it dead earlier;
- URGES** the Hong Kong Government to stop arresting protesters and condemn the Government for unleashing ever escalating police brutality against protesters including shooting at protesters using bullets with two young protesters seriously injured and many protesters beaten up also seriously injured;
- SUPPORTS** the demand of the protest movement for the setting up of Independent Committee of Enquiry to investigate into police violence;
- CONDEMNS** the Hong Kong Government for invoking the Emergency Regulation enabling it to implement the Anti-Mask Law with immediate effect on 5 October 2019 without any scrutiny by the Legislative Council, which set a very bad precedent for Hong Kong in using the outdated Emergency Regulation;
- CALLS UPON** the Chinese Government to honour its pledge under the Hong Kong Basic Law and restart Constitutional Reforms in Hong Kong so that there will be a fair political system to address internal conflicts within the society through a democratic system; and
- SUPPORTS** the demands of the Hong Kong Confederation of Trade Unions and their allies in the democracy movement for the implementation of universal suffrage in both the Hong Kong Chief Executive and the Legislative Council election.

Resolution No. 2

REPUBLIC OF KOREA EFFECTIVE IMPLEMENTATION OF SUPREME COURT DECISION ON EMPLOYEE STATUS OF TOLLGATE FEE COLLECTORS

The 4th ITUC-AP Regional Conference, 7 - 9 October 2019, Tokyo, Japan:

- EXTENDS** warm-hearted solidarity to the protesting tollgate fee collectors of Republic of Korea, who have been fighting in a desperate situation for their right to work. More than 1,000 toll collectors who are mostly women found themselves suddenly dismissed when they demanded their right to be employed directly according to the court ruling. Since 31 August 2019, some 250 workers have been staging sit-in protest at the headquarters of the Company, based on the court decision that the public corporation the workers are working for should employ them directly;
- EXPRESSES
DEEP CONCERN** on the fact that the company, which should be a model employer, have been rejecting to have a dialogue on the regularisation regardless of the judicial decision. The Supreme Court of Korea, on 29 August 2019 upheld the First and Second Instance courts' ruling that the labour dispatch practice of the public corporation to hire toll collectors under service contract with labour agencies was illegal and ordered the company to directly employ them. Instead of implementing the court decision or having a dialogue with the protesting workers in good faith, the company resorts to criminal charges of obstruction of business, etc. and police's intervention in the labour dispute. The company is blocking media's access to the venue of the sit-in protest; and
- CALLS ON** the Government of Korea to ensure that the company upholds the Supreme Court decision and regularises all toll collectors with a direct employment contract. The right to effective judicial settlement of industrial dispute is protected in Recommendation No. 198 of the International Labour Organization (ILO). Failure to implement the court decision amounts to a denial of access to justice. It is the responsibility of the government of a member State of the ILO to promote collective bargaining and social dialogue and a dialogue should be facilitated between the toll collectors and the KEC to achieve direct employment of the workers in their original position.

Resolution No. 3

CONDEMNATION OF THE FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT (ENSURING INTEGRITY) BILL 2019 AUSTRALIA

The 4th ITUC-AP Regional Conference, 7 - 9 October 2019, Tokyo, Japan:

CONDEMNS the Morrison Government's extreme, anti-democratic so-called 'Ensuring Integrity' bill, currently before the Australian Parliament. The bill is an attack on the basic rights of all working people in Australia to join, run and be represented by the union of their choice. If passed, this legislation will make Australia unique in industrialised liberal democracies globally in the draconian measures that it imposes. This legislation will undermine workplace safety, increase wage and superannuation theft, and make it harder for workers to get pay increases and be represented in the workplace;

NOTES WITH CONCERN that this legislation will restrict freedom of association, the right to organise, and the right to collectively bargain, in violation of ILO's Freedom of Association and Protection of the Right to Organise Convention (No. 87) and the Right to Organise and Collective Bargaining Convention (No. 98). This legislation will introduce harsher and more rigorous standards than on any other organisation in society, including corporations. This legislation will criminalise unions and union leaders by treating minor technical and civil breaches as serious crimes that could result in union leaders facing criminal penalties. This legislation will allow a 'person with a sufficient interest' - which could include employers, employer associations and industry lobby groups - to hinder and attack trade unions by applying for a wide range of orders including disqualifying an elected leader of a union, or even deregistering a union. There is no equivalent to this in corporate law, and indeed there is no precedent for this type of state interference in the functioning of trade unions anywhere in the world; and

CALLS UPON the Australian Senate to respect international labour law and reject the 'Ensuring Integrity' bill.

Resolution No. 4

SOLIDARITY WITH INDIAN WORKERS' STRUGGLE AGAINST ANTI-LABOUR POLICIES OF GOVERNMENT

The 4th ITUC-AP Regional Conference, 7 - 9 October 2019, Tokyo, Japan:

- EXPRESSES** serious concern at the increasing incidence of violation of fundamental rights of workers in India;
- CONDEMNS** the Government of India for attacking workers' rights and failing to protect their own people;
- RECALLS** previous resolution condemning the decision of the Government of withholding participation of the largest trade union centre in the country, the ITUC-AP affiliated INTUC, in various tripartite bodies, including international fora like ILO on some frivolous charges like imaginary court cases;
- NOTES** the continuing countrywide campaigns, including nationwide total strikes by Indian trade unions in the past few years to protest against the violation of hard-won labour rights, anti-labour and pro-employer codification of labour laws and violations of existing labour laws and ILO Conventions;
- EXPRESSES** deep concern at the government action in amalgamating 44 Central labour legislations in 4 labour codes:
- (i) Wage code;
 - (ii) Industrial code;
 - (iii) Social security code; and
 - (iv) Health and safety code which are now in various stages of enactment;
- COMMENDS** the unity and the struggle of the trade unions for restoration of fundamental freedoms for workers in India and resolves:
- (a) Proposes to send a mission of solidarity from ITUC and ITUC-AP to support the workers struggle and for protection of labour rights in conformity with ILO Core Labour Conventions;
 - (b) Calls for global day in solidarity with Indian working class of action with demonstrations outside Indian embassies/missions, letters of protest and a social media campaign demanding that the Indian unions be involved in the process of any changes to labour laws; and
 - (c) Urges the ITUC and ITUC-AP to lend their support in reporting of cases of violation of trade union rights to the ILO;
 - (d) A plan of action to ensure that the MNEs and their Indian trading partners adhere to the OECD Guidelines and the Global Compact; and
 - (e) ITUC and ITUC-AP continue monitor the developments and periodically report to their respective governing bodies.

Resolution No. 5

AFGHANISTAN SUPPORT TO THE NATIONAL UNION OF AFGHANISTAN WORKERS' EMPLOYEES (NUAWE)

The 4th ITUC-AP Regional Conference, 7 - 9 October 2019, Tokyo, Japan:

EXPRESSES deep concern on the attack of the head office of the National Union of Afghanistan Workers, Employees (NUAWE) and its other 16 properties on 21 April 2018 by the Afghanistan Government with heavily armed police and security forces pursuant to a presidential decree, confiscation of all properties, assets, equipment and others, cancellation of the legal license and freezing union bank accounts;

NOTES WITH CONCERN that such undermining the operations and activities of the NUAWE is intended to pressurise the union by expropriating legitimately acquired properties; these actions, taken without any judicial authorisation or law and breaching the constitution of Afghanistan, are a serious interference in legitimate trade union activities contrary to the provisions of ILO Convention No. 87. The union movement has no way to collect membership fees from its members and utilise the bank accounts for its day-to-day functions. The government had instructed the Ministry of Justice not to renew the license if the union does not hand over the properties to the government. This violates the commitment of the government to facilitate the registration of trade union organisations without prior authorisation and to protect the rights of the union.

The NUAWE's main office in Kabul and all its branches in 16 districts are still closed and are under occupation by the Government. The attack on the NUAWE has generated a climate of fear and intimidation among trade unions and prevent the full exercise of the functions of NUAWE and its 175,000 members;

RECALLS that the ILO/ITUC/ITUC-AP joint delegation visited Afghanistan in March 2019 and met with the Labour Minister and other officials. The Minister promised to revoke the suspension of license of the NUAWE and unfreeze its bank accounts. Similar promise by the Minister was reiterated during the International Labour Convention June meeting but did not make any progress on the promises and position of union movement remains the same as was in April 2018;

DEMANDS that the Government of Afghanistan:

- (a) Return all properties to the NUAWE;
- (b) Un-freeze the union bank accounts;
- (c) Renew immediately the legal registration license of the NUAWE;
- (d) Non-interference by Government in the internal democratic affairs of the NUAWE; and
- (e) Recognition of the NUAWE as free and democratic trade union movement of Afghanistan in accordance with the principles of ILO Convention No. 87 and No. 98;

EXTENDS

full support to the NUAWWE and the working people of Afghanistan in their struggle for existence; and

REQUESTS

- (f) all affiliates to send protest letters to the Government of Afghanistan with copies to Afghan mission in their respective countries;
- (g) to invoke further the ILO supervisory mechanism on the complaint against the Government of Afghanistan; and
- (h) to lodge complaint against the Government of Afghanistan with the IMF, World Bank, Asian Development Bank, European Union, the USA (particularly on GSP status of Afghanistan) and the UN or other donor agencies, for invoking the jurisdiction of the aids preference to Afghanistan vis-à-vis its non-compliance with basic fundamental rights guaranteed under the ILO Core Conventions (No. 87 and No. 98).