

Resolution No. 1

KARACHI INFERNO

The 8th ITUC-AP Regional General Council Meeting held in Amman, Jordan, on 2 - 3 November 2012:

- IS SHOCKED** at the deadly Karachi Inferno of “Ali Enterprise” which caused tragic death of 315 workers, the second largest industrial accident in the world;
- EXPRESSES
PROFOUD GRIEF** at the unnecessary loss of workers’ lives and conveys condolences to the bereaved families;
- CONDEMNS** the failure of Labour Inspection System and International monitoring system under Certification of SA 8000;
- URGES** the Government of Pakistan for proper implementation of safety standards laws in factories and the International organisation for the effective enforcement of their standards for the workers safety and welfare; and
- URGES** ratification of the ILO Convention No.115 and other international organisations of the world of work for long term programmes on safe and better work conditions and the capacity building of the workers organisations on OSH related aspects.

Resolution No.2

PAKISTAN: FEDERAL INDUSTRIAL RELATIONS ACT 2012

The 8th ITUC-AP Regional General Council Meeting held in Amman, Jordan, on 2 - 3 November 2012:

- WELCOMES** the Government of Pakistan initiative for the enactment of Federal Industrial Relations Act 2012 and the existence of the Regulating Authority the National Industrial Relations Commission (NIRC) intact;
- NOTES** that certain provisions of the IRA 2012 are not in conformity with the ILO Conventions 87 and 98 ratified by Government of Pakistan;
- URGES** that these provisions be brought in line with the ILO Conventions; and
- FURTHER URGES** that the capacity of NIRC be further strengthened for proper performance of its statutory role stipulated in the Industrial Relations Act.

Resolution No. 3

TRADE UNION ACTION AGAINST SEXUAL HARASSMENT

The 8th ITUC-AP Regional General Council Meeting held in Amman, Jordan, on 2 - 3 November 2012:

- DEFINES** that Sexual Harassment is unwelcome advance by sexually offensive gestures or comments, sex oriented jibes, verbal abuse or displays, unwelcome request for sexual favors, in many cases persistent ones. Sexual Harassment connotes both in horizontal and vertical employment relationships, covert or overt promises of preferential treatment or threats, in exchange for sexual favors, concerning present or future employment status, in other words, quid pro quo. Sexual Harassment makes a reasonable person feel unpleasant, offended, humiliated and/or intimidated. Sexual Harassment hurts and damages personal dignity and integrity, creates an intimidating, offending, hostile or offensive working environment and has detrimental effect on employment, work ethic or the work effectiveness individually and collectively;
- RECOGNISES** that Sexual Harassment is an intolerable act of violence against humanity, affecting employment and detrimental to working environment;
- HIGHLIGHTING** that victims are predominantly women and accordingly, Sexual Harassment is a typical act of violence against women;
- NOTING** that UN Declaration on the Elimination of Violence against Women 1993 Article 1 and 2 that "For the purposes of this Declaration, the term "Violence against Women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (Article 1)" and that "Violence against Women shall be understood to encompass, but not be limited to, the following:
- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
 - (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; and
 - (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs (Article 2)".

FURTHER NOTING that the CEDAW¹ General Recommendation No. 19 (1992) Article 11 declares that equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace and that such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment;

that ILO Convention 155 Occupational Safety and Health Convention Article 3 defines that the term **health**, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work; and

that the ILO Convention 189 Article 5 stipulates that Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence.

RECALLING that sexual harassment has become a major concern, as more and more women participate in the work force, across countries including in the Asia and Pacific, affecting individuals, workplaces, enterprises, families, communities and the society in general; the discussion on developments and trends in anti-sexual harassment legislation provided an overview on progress countries and governments, particularly in the region, have made in addressing sexual harassment; and that, at the national level, sexual harassment is addressed either through specific legislation or under broader statutes such as human rights, labour laws, contract laws, tort or personal injury or criminal laws;

ADOPTS the conclusion of the ITUC-AP Conference towards International Instruments on Sexual Harassment Workplace held in Singapore on 18-19 September 2012 as attached herewith;

WELCOMING that most countries have adopted some form of legislation at the national level that covers sexual harassment; growing number of countries have adopted specific legislation to address sexual harassment; increasing explicit recognition and protection against sexual harassment in legislation;

URGES affiliates to strengthen their action against Sexual Harassment in collective bargaining, bi-and tripartite structures and in national legislation; and

REQUESTS the ILO to commence to create an international instrument concerning Sexual Harassment.

¹ UN Committee on the Elimination of all Forms of Discrimination against Women

Resolution No. 4

FIGHTING HIV/AIDS

The 8th ITUC-AP Regional General Council Meeting held in Amman, Jordan, on 2 - 3 November 2012:

EXPRESSES its deep concern at the massive human suffering caused by the HIV/AIDS pandemic. It commits the ITUC to work for strong and effective action to prevent, control and ultimately eradicate HIV and AIDS.

NOTED that today, almost 34 million people live with HIV worldwide and more than 7,000 new infections occur every day. About 64% of people eligible for ARV treatment (meaning that they are already in a severe stage of AIDS) in low- and middle-income countries continue to have no access to life saving treatment. Young people (aged 15-24) account for 42% of the new HIV infections among adults. In most parts of the world human rights violations that increase the risk of HIV infection, and those that follow after HIV infection, are getting worse. Since the infection rate is highest among people in the prime of their working life the economic and social impact of the epidemic is disastrous. Yet the devastation from AIDS is not spread equally around the world. 90% of people with HIV are living under circumstances of economic and social disadvantage and the same proportion of new HIV infections occur in low income countries. The countries heavily affected by infectious disease are often those least able to fight back.

RECOGNISES that the consequences of HIV/AIDS have profound implications for the exercise of human rights and are symptomatic of the deeper crisis, poverty, inequality and social injustice faced by poor people around the world. General Council recognises that the impact of the HIV/AIDS pandemic reflects and reinforces other sources of disadvantage and inequality in society, including that experienced by women, youth, migrants, the unemployed, refugees, gays and lesbians. The particular vulnerability of women makes it essential to strengthen gender perspectives in the fight against HIV/AIDS.

REAFFIRMS the importance of the International Labour Organisation's role in addressing workplace aspects of HIV/AIDS and welcomes the adoption of the ILO Recommendation on HIV and AIDS and the World of Work no. 200 (2010). In that regard, General Council emphasises:

- the absolute need to protect those infected with HIV/AIDS from all forms of discrimination at work and to extend to them the protections offered by ILO Convention 111;
- the guarantees of privacy and confidentiality that are essential for any successful workplace HIV/AIDS programme. It reiterates that any workplace surveillance, including monitoring and managing of HIV/AIDS must take place without compromising personal data privacy and confidentiality rights;
- the need for workplace HIV/AIDS programmes to be designed and

implemented in consultation with the workers and their representatives; and

- the need for workplace health programmes to be linked to public health services.

CALLS ON

Governments to commit to full implementation of the ILO Recommendation No. 200, underlines that all countries, whatever their infection rate, can benefit from a legal framework that brings HIV-related workplace problems into the open, protects against discrimination, respects privacy and confidentiality rights, prevents workplace infection risks and ensures the participation of stakeholders in relevant mechanisms and institutions. General Council equally welcomes the adoption of the Political Declaration “Intensifying our Efforts to Eliminate HIV/AIDS” adopted by the United Nations General Assembly’s High Level Meeting on AIDS in June 2011 in which all Member States committed themselves to: “mitigate the impact of the epidemic on workers, their families, their dependants, workplaces and economies, including by taking into account all relevant conventions of the International Labour Organisation, as well as the guidance provided by the relevant International Labour Organisation recommendations, including Recommendation No. 200” and called on “employers, trade and labour unions, employees and volunteers to eliminate stigma and discrimination, protect human rights and facilitate access to HIV prevention, treatment, care and support” (Paragraph 85 of the 2011 UNGA Political Declaration on HIV and AIDS). General Council believes that this commitment could play a game-changing role for achieving universal access, finding new models of cooperation, reviewing the role of trade unions in the partnership landscape for HIV/AIDS and considering synergies for delivering on multiple development outcomes.

EXPRESSES

its deep concern about the impact of the global crisis on the funding of the fight against HIV/AIDS and calls on all Governments to keep their promises to deliver resources to meet the Millennium Development Goals on HIV/AIDS to halt and begin to reverse the spread of the pandemic by 2015. The crisis has already put HIV prevention and treatment programs in jeopardy. General Council insists that the fight against HIV/AIDS must not become one more victim of the crisis.

RECOGNISES

that equitable and full access to health care, and in particular medicines for HIV, is a human right and that promoting effective action against HIV/AIDS in all countries is a moral responsibility of the international community and must be a priority of international development assistance policy and programmes. General Council equally insists on the imperative need to build effective and universally accessible public systems of health care in all countries so that each state discharges its responsibility to realise the right to health of its citizens.

CALLS UPON

affiliates to take necessary action to work out a “**National policy on HIV and AIDS and the World of Work**” in line with the ITUC-AP Guide Line, specifically focusing on:

- Raising HIV/AIDS to greater prominence on the trade union agenda worldwide;
- Supporting affiliates’ activities to educate, promote and develop understanding and commitment among workers on HIV/AIDS and workplace, rights-based approaches to HIV/AIDS;

- Promoting campaigns for appropriate legislation on HIV/AIDS in line with the terms of this resolution and providing speedy and effective remedies;
- Promoting the fullest and most effective implementation of the new ILO instrument on HIV/AIDS and the world of work both at the national and international level;
- Engaging employers' organisations in joint efforts to combat HIV/AIDS discrimination in the workplace;
- Strengthening partnerships with the ILO, UNAIDS, the World Health Organisation, the Global Fund to Fight AIDS, Tuberculosis and Malaria, and other concerned international organisations, including facilitating trade union access to Global Fund financing;
- Promoting an effective global and regional trade union network on HIV/AIDS; and
- Integrating the gender dimension of HIV/AIDS in all activities.

Resolution No. 5

REPUBLIC OF KOREA

The 8th ITUC-AP Regional General Council Meeting held in Amman, Jordan, on 2 - 3 November 2012:

- EXPRESSES** its strong solidarity to the action of 2 precarious workers in Hyundai Motor, Choe, Byeong-Seung and Chun, Ui-Bong, who have been sitting on an electric pylon with high voltage since 17 October 2012, protesting against the company's failure to recognise the permanent status of employees even after the Supreme Court decision which recognised the illegality of in-house subcontracting in the company and the permanent status of those workers who had worked for more than 2 years with precarious status in the company;
- DEEPLY CONCERNED** that the court decision has been totally ignored by the auto giant under the acquiescence of the government and the prosecution. Instead of regulation of those precarious workers, the company announced a plan for a new recruitment, which is already criticised in the parliament. The company is taking an extremely hostile line including bring forward accusation against 26 union officials and making a lawsuit for compensation of damage after the union's strike asking the company to accept the court decision. On 24 October, plain clothes police enter the plant and violently arrested the chairman of union Local, who is now released and investigated without detention. On the contrary, the illegality and manipulation of law by the employer has been connived;
- BELIEVES** that the struggle of precarious workers in Hyundai motor is significant not only for the workers in Korea but also for the workers in the region and the world, where precarious workers is being spread more and more and threatening fundamental labour rights of all workers. In this regard, we will continue our support and solidarity until the demand of Korean workers are realised; and
- URGES** the Hyundai Motor to regularise all in-house subcontracting workers following up on the Supreme Court decision and stop any action to deprive the workers of fundamental labour rights. The Ministry of Labour, the prosecution and the police should take appreciate legal action against all illegality by the company.

Resolution No. 6

DENIAL OF WORKERS RIGHTS IN MARUTI SUZUKI INDIA

The 8th ITUC-AP Regional General Council Meeting held in Amman, Jordan, on 2 - 3 November 2012:

CONCERNED at the continuing industrial struggle in the Maruti Suzuki, Manesar plant in India and no serious attempt by the management and authorities to resolve the issue;

CONDEMNS the denial of workers' rights by the management including refusal to give recognition of the union of the workers and enter into collective bargaining in the Manesar plant;

SERIOUSLY CONCERNED that over 150 workers are still languishing in jail on serious criminal charges including those who were not even present in the factory premises when the violent incident occurred on 18 July 2012;

CONDEMNS the action of the management in foisting a management union on the workers;

EXPRESSES solidarity with workers fighting for their legitimate rights; and

DEMANDS

- i) immediate release of arrested workers from jail;
- ii) restore recognition of the democratically established union in Manesar plant;
- iii) intervention of both state and central governments in the matter;
- iv) the management to initiate meaningful discussions with the union to settle the long-pending issues including reinstatement of 1,500 sacked employees;
- v) institute a judicial investigation into the dispute and incident at the at the factory; and
- vi) stop contractualisation.