

3rd ITUC Asia Pacific Conference Resolution No.3

PRECARIOUS WORK

Conference expresses serious concern about the drastic surge in precarious work¹ across the Asian and Pacific region, regardless of the level of economic development due to the flexible labour market policy; such precarious work is performed by atypical workers, mostly women and young people, i.e., non-permanent, temporary, casual, dispatched and contingent workers and in a form of disguised employment.

Conference denounces that national laws do not adequately protect workers in precarious employment; existing legal frameworks have proven incapable of preventing and addressing the rise in precarious work; in particular, it fails to prevent employers from using various types of employment as a means of shifting the risks and costs associated with work from the employer to the worker, for instance, no limits to sectors or situations in which work may be subcontracted or supply by an agency, or and no limit to the numbers of workers to be subcontracted or supplied by an agency, and repeated short term contracts which erode employment stability; millions of workers are trapped in precarious forms of work, leaving them and their families insecure.

Conference specifically stresses that precarious work is used in business operations as an instrument to exclude union activist from organising and collective bargaining, or exercise of fundamental workers' rights, and to undermine the exiting strength of trade unions, by simply not renewing their contracts; accordingly, workers in precarious forms of employment suffer worse working conditions than those in direct, fulltime employment relations as to pay, working hours, holidays and other entitlements including pension rights, disability allowance and unemployment benefits; they often have no protection against periods of unemployment, sickness, injury and retrenchment and limited access to protective equipment and skills training opportunities; while many formally have these rights, atypical workers may have difficulty to access/claim these benefits or conditions in practice; those trapped in precarious work have no access to more secure, better quality jobs; precarious work is putting strong downward pressure on wages and working conditions.

Conference reaffirms its commitment to campaign for predaceous workers in bringing them into trade union fold for protection of their employment and bargain collectively for their working conditions and employment protection, and legislative reform for institutional protection of precarious workers against any forms of discrimination and unfair labour practices; and create gainful jobs and promote decent work for all.

The Conference commits the ITUC-AP, working with affiliates and GUFs to:

- Conduct extensive organising campaigns for atypical workers to bring them to the union fold;
- Continue campaigns to limit or eliminate any forms of employment that create "precarity" in the workplace including outsourcing, casual, short-term contracting, dispatch and disguised employment relations etc. through legislation to limit precarious jobs in certain categories of employment and corporate/supply chain campaign;

¹ The precarious work is defined as a type of employment which does not have essential job security by means of fixed term of employment or nonexistence of formal employment contract, liable to unilateral termination of employment due to changes in business and labour market conditions, and trade union actions in exercising fundamental workers' rights, embodying lower working conditions in terms of wages and other benefits, largely being exempted from public social security schemes and other labour laws.

- Strengthen legal protections for all workers in terms of working conditions, employment security and exercise of fundamental workers' rights;
- Promote a Conversion Clause in the employment law;
- Support the development of new international instruments to combat precarious work;
- Intensify efforts for drafting an international instrument on the elimination of precarious work to be submitted to the ILO for discussion and adoption; and
- Conduct research on non-traditional organising strategies to share good experiences.