

# ASEAN SOCIAL CHARTER

## Respect the rights of ASEAN Workers! ASEAN Social Charter Now!

### PREAMBLE

The ASEAN Social Charter is an instrument and a minimum benchmark that obliges governments and non-state social actors to protect workers' right to decent work and to advance social development.

The ASEAN Social Charter is a necessary component in building an ASEAN identity for its citizens. It demonstrates the ASEAN Community's deepest commitment to the interests and welfare of its citizens.

The ASEAN Social Charter is the social counterpart to ASEAN's economic, trade, and investment architecture. It is envisaged that a social pillar is necessary to counter the negative impacts of globalization on labour standards, distribution of income and social protection.

The ASEAN Social Charter is integrated and implemented in the context of the newly initiated ASEAN Socio-Cultural Community, complementing and developing a comprehensive and integrated ASEAN social development policy.

The ASEAN Social Charter addresses and represents the aspirations and concerns of development-oriented governments, socially responsible employers and trade unions including civil society at large.

### BACKGROUND TO THE ASEAN SOCIAL CHARTER

The proposal to formulate an ASEAN Social Charter was the subject of three consultations involving national, regional and global trade union leaders supported by academics, think-tanks and government representatives from the ASEAN region. These meetings discussed the impacts of globalization and regional trade agreements including the ASEAN Free Trade Area (AFTA) on workers.

A consensus emerged among ASEAN trade union and civil society leaders that workers in the region were being confronted with a social and economic 'race to the bottom', a phenomenon that has serious implications for wages, job security, decent work and social protection. It is evident that an industrial policy anchored on low wages, creates a downward wage spiral and a permanent job loss in the ASEAN region.

The on-going in-formalization of work creates an unstable working life and an uncertain future for workers and their families, considering that the region has already a large and poorly paid informal sector operating outside of labour legislation.

In 1997 Asian economic crisis underscores the ill effects of unrestrained market liberalization on jobs and security of workers in the region. The crisis not only unleashed extensive poverty but also left millions unemployed and reversed gains made by women in the previous decade.

The increasing number of bi-lateral trade and investment agreements in the region is an additional source of concern to workers. Bi-lateral approaches reduce the negotiating power of ASEAN member countries vis-à-vis developed nations. ASEAN should therefore develop a collective strategy for the mutual benefit of all its members.

## **PRINCIPLES AND RIGHTS GOVERNING THE ASEAN SOCIAL CHARTER**

The ASEAN Social Charter is premised on internationally accepted rights and principles. They are stipulated in the various United Nations declarations, conventions, and charters, the International Labour Organization's (ILO) policy instruments as well as in various ASEAN declarations and statements.

It is envisaged that these principles and rights will be the basis on which to develop, promote and realize an environment that will enable people to achieve social development. These principles and rights equally emphasize the responsibilities and obligations of all parties concerned in addressing social development issues.

The ASEAN Social Charter requires ASEAN member nations to respect, ratify and promote the ILO's Core Labour Standards<sup>1</sup> as a minimum requirement.

The ASEAN Social Charter calls on all development oriented governments, socially responsible employers, trade unions and civil society organizations to respect, realize and promote:

- Core ILO Labour Standards;
- Employment Stability;
- Health and Safety;
- Wages and Salaries for a Just Living;
- Social Security;
- Human Resource Development

The demands of the ASEAN Social Charter and its underlying principles are expressly stated in various United Nations, ILO and ASEAN documents:

### **a) The United Nations Universal Declaration of Human Rights (1948)**

Article 23 of the United Nations Declaration of Human Rights stipulates that "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. Everyone has the right to form and to join trade unions for the protection of his interests".

## **b) The Copenhagen Declaration and Programme of Action (1995)**

The Copenhagen Declaration states that governments need "to place people at the centre of development and direct our economies to meet human needs more effectively"<sup>2</sup>. The third commitment of the Copenhagen Declaration calls for the promotion of full employment and enable all women and men to attain secure and sustainable livelihood through freely chosen productive employment and work.

## **c) The ILO Declaration on Fundamental Principles and Rights at Work (1998)**

The ILO Declaration lists the core labour standards and indicates that all member nations, regardless of their level of development, must respect these standards. These standards articulate the fundamental rights that all human beings have in the workplace.

The ILO's Decent Work concept calls for "opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity"<sup>3</sup>.

## **d) The Declaration of ASEAN Concord II (Bali Concord II) 2003 - ASEAN Socio-Cultural Community**

ASEAN Summits and ASEAN Ministerial Meetings have repeatedly articulated their concern for and commitment to human rights and social development including social protection and social safety nets. The ASEAN Socio-Cultural Community (ASCC) in conjunction with the ASEAN Vision 2020 envisages a region "bonded together in partnership as a community of caring societies".

The ASEAN Bali Concord II is committed to promoting "cooperation in social development aimed at raising the standard of living of disadvantaged groups and the rural population, and shall seek the active involvement of all sectors of society, in particular women, youth, and local communities".

The ASCC "shall ensure that its work force shall be prepared for, and benefit from, economic integration by investing more resources for basic and higher education, training, science and technology development, job creation, and social protection. The development and enhancement of human resources is a key strategy for employment generation, alleviating poverty and socio-economic disparities, and ensuring economic growth with equity".

In July 2000, the 33rd ASEAN Foreign Ministers Meeting outlined the regional grouping's positions on poverty alleviation and human development. Their joint communiqué noted "the importance of poverty eradication, heightening social and human resources development, promoting equitable growth, facilitating the participation of all sectors of society in community and national activities in realizing the objective of total human development".<sup>4</sup>

Clearly, the proposed ASEAN Social Charter is consistent with the various commitments undertaken by the regional grouping. In fact the ASEAN Social Charter could provide a coherent and integrated ASEAN social development policy.

## MONITORING, REPORTING AND ENFORCEMENT

In order to achieve the vision for social development within the ASCC and ASEAN Vision 2020, there is a need for an effective monitoring, reporting and enforcement mechanism.

The ASEAN Social Charter proposes the setting-up of an institutionalized participation of business and labour representatives in the context of an ASEAN Social Charter. This will involve ASEAN Labour Ministers, ASEAN Confederation of Employers, and the ASEAN Trade Union Council (ATUC).

The ASEAN Trade Union Council will work in close collaboration with the International Confederation of Free Trade Unions - Asia Pacific Regional Office (ICFTU-APRO), regional and national labour centres including Global Union Federations.

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<sup>1</sup>The eight core labour standards: 1) Con.87: Freedom of Association and Protection of the Right to Organize; 2) Con.98: Right to Organize and Collective Bargaining; 3) Con.105: Abolition of Forced Labour; 4) Con.138: Minimum Age for Employment; 5) Con.182: Worst Forms of Child Labour Convention; 6) Con.100: Equal Remuneration for Work of Equal Value; 7) Con.29: Forced Labour; 8) Con.111: Discrimination in Employment and Occupation.

<sup>2</sup>United Nations, Report of the World Summit for Social Development, (Copenhagen, 6-12 March 1995)

<sup>3</sup>ILO, Decent Work: Report of the Director-General, International Labour Conference, 87th Session

<sup>4</sup>Joint Communiqué of the 33rd ASEAN Ministerial Meeting Bangkok, Thailand, 24-25 July 2000  
<http://www.aseansec.org/3659.htm>