

**A NEW COMMITMENT FOR ASIA-PACIFIC ECONOMIC  
AND COMMERCIAL DEVELOPMENT THROUGH THE  
PROMOTION OF DECENT WORK**

**STATEMENT OF THE INTERNATIONAL TRADE UNION  
CONFEDERATION/ ASIA PACIFIC LABOUR NETWORK  
(ITUC/APLN)**

**TO THE 2008 APEC ECONOMIC LEADERS' MEETING  
Lima, Peru, 22-23 November 2008**

**INTRODUCTION**

*Decent work and  
workers' rights as  
the basis of genuine  
social justice*

- The leaders of the Asia Pacific Economic Cooperation (APEC) forum will meet for the 16<sup>th</sup> APEC Leaders' Summit in Lima, Peru on 22-23 November 2008 under the theme of 'A New Commitment for Asia-Pacific Development'. APEC Leaders must recognise that APEC needs to give the highest policy priority to achieving social justice through the creation of decent work for all, based on the full respect of fundamental workers' rights.

*A priority: tackling  
the financial and  
economic crisis*

- It is critical that APEC take action to tackle a world economic crisis that is spiralling out of control. APEC Leaders must rise to the challenge and work on a major recovery plan to stave off the risks of a global recession and get back on the track to the creation of decent work and meeting the millennium development goals.

*Peru should support  
consultative status  
for trade unions in  
APEC*

- The Peruvian hosts of APEC have proposed broadening participation in the construction of this community to other actors including representatives of civil society. Peru must not let this opportunity pass and must provide political impetus for the participation of democratic and representative trade union organisations from APEC member countries in its decision-making processes. Peru should promote consultative status for the Asia Pacific Labour Network as the legitimate voice of workers of the region and demonstrate a firm, unequivocal political determination to other APEC Leaders regarding this issue.

## RECOMMENDATIONS OF THE ASIA PACIFIC LABOUR NETWORK

### *The APLN proposes:*

1. The APLN urges APEC Leaders to use the APEC forum to promote decent work, establish effective rules for the global economy and strengthen labour market security, with full involvement of trade unions in APEC economies. As immediate points for action – and as steps in the best way to a stronger community, a more sustainable future – the APLN calls on APEC Leaders to:
  - 1) Adopt concrete measures to promote labour participation in APEC and endorse the establishment of an APEC Labour Forum;
  - 2) Strengthen the Human Resource Development (HRD) agenda within the APEC process, resume the tradition of HRD Ministerial Meetings, and hold the next such meeting with full consultation of the social partners, and a strong emphasis on the creation of decent and productive employment through developing comprehensive APEC Decent Work Guidelines;
  - 3) Promote fundamental workers' rights in multilateral, bilateral and regional trading systems as well as in APEC in general;
  - 4) Tackle climate change and global warming in an ambitious and comprehensive manner, including by paying attention to its employment and workplace aspects and promoting the creation of green jobs;
  - 5) Develop APEC guidelines to ensure the proper implementation of non-discriminatory policies with regard to gender and other forms of discrimination;
  - 6) Develop an APEC framework for a rights-based approach to migrant workers;
  - 7) Develop an APEC framework to encourage social dialogue in multinational enterprises, and revise the APEC Non-binding Investment Principles; and
  - 8) Start an APEC initiative for effective policies to promote decent work and sustainable investment and trade rather than, frequently, allowing sweatshop manufacturing production and exploitation in EPZs, where the majority of workers are women.

### **Recommendation 1: Adopt concrete measures in order to promote labour participation in APEC and endorse the establishment of an APEC Labour Forum**

#### ***Promoting workers' participation throughout the APEC process***

2. Since its creation in 1995, the APLN has been striving to make workers' views heard by APEC, through representations to governments at the national level, by consultations with the hosts of APEC Summits<sup>1</sup> and in contributions to the work of APEC on

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<sup>1</sup> The APLN has discussed its recommendations, in the form of annual trade union statements, with the heads of States or Governments hosting annual APEC Leaders' Meetings in every year since 1995, except in 2001 when the APLN met the Chinese Vice Premier, in 2003 when the Thai Prime Minister designated his Labour Minister to meet the APLN and in 2007 when the APLN met Kevin Rudd, who became Australian Prime

Human Resource Development<sup>2</sup>. The APLN welcomes the proposal of the government of New Zealand on labour participation in APEC in response to the 2003 Bangkok Leaders' Declaration calling APEC members to make APEC more efficient and responsible to all stakeholders, including labour representatives. It is significant that APEC Ministers endorsed the New Zealand proposal for regular interaction with the host economy and the Executive Director of the APEC Secretariat. APEC Leaders must, however, agree to take concrete measures to further promote workers' participation throughout the APEC process. Such participation would be an asset to APEC by helping to bring the cooperation closer to its goals of sharing the fruits of economic growth. With this participation, APEC the stated theme of the 2007 Leaders meeting could become a reality.

***Setting up a permanent consultative APEC Labour Forum***

3. The APLN has been calling on Leaders to endorse the establishment of an APEC Labour Forum, in the form of an APEC formal consultative mechanism with trade unions comparable with the arrangements for access by the APEC Business Advisory Council (ABAC), and based on the criteria agreed by APEC's trade union movement (see Annex to this statement), including the involvement of representative trade union centres of APEC economies. Leaders must agree to instruct their Senior Officials to work in consultation with the APLN to ensure the successful operation of the APEC Labour Forum.

***Trade union participation in the HRD Working Group***

4. APEC Leaders should further instruct their Senior Officials to promote the representation of trade unions on selected APEC committees, working groups and Ministerial meetings, and allocate resources to support such representation. In particular, as recognised by APEC Human Resource Development (HRD) Ministers,<sup>3</sup> trade union representatives need to be involved in the APEC HRD Working Group to develop adequate HRD strategies.

**Recommendation 2: Strengthen the HRD agenda within the APEC process to resume the tradition of HRD Ministerial Meetings, and hold the next such meeting with full consultation of the social partners**

***Hold a further APEC HRD Ministers' Meeting with full, significant consultation of trade unions***

5. APEC has recognised the importance of human resource development (HRD) since its creation and has worked on the development of HRD in the region through the activities of its HRD Working Group and the discussions of the APEC HRD Ministers' Meetings. However, while Trade Ministers meet on an annual basis to facilitate the process towards the Bogor goals of

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Minister shortly afterwards.

<sup>2</sup> Trade union inputs to HRDWG have included an informal presentation by the AFL-CIO President at the 3<sup>rd</sup> HRD Ministerial Meeting (Washington, 1999), an informal consultation with representatives of RENGO at the 21<sup>st</sup> HRDWG (Sapporo, 2000), an informal consultation with the RENGO President at the 4<sup>th</sup> HRD Ministerial Meeting (Kumamoto, 2001), and a presentation of the AFL-CIO International Committee's Chair at an APEC symposium preceding the 23<sup>rd</sup> HRDWG (Washington D.C., 2001).

<sup>3</sup> APEC Human Resource Development (HRD) Ministers recognised at their meetings in Manila (1996), Seoul (1997), Washington DC (1999) and Kumamoto (2001) that social and labour policies would be achieved most effectively through the partnership of governments, labour and management, and repeatedly instructed the APEC HRD Working Group to develop concrete measures to promote such partnership.

free and open trade and investment, the last meeting of HRD Ministers was in 2001. HRD policies must be central in public policies to ensure sustainable and equitable pro-poor growth. APEC Leaders must recognise the importance of holding APEC HRD Ministerial Meetings on an annual basis and, therefore, ensure that the tradition of frequent HRD Ministerial meetings is resumed as well as that the next be organised with full, significant consultation with trade unions, building on the precedents set in Washington D.C. (1999) and Kumamoto (2001).

***A new dimension in  
APEC members'  
economic integration***

6. There is a persistent business-driven effort to enlarge trade and investment in APEC, focusing on market-opening measures and giving lower priority to goals such as full and productive employment as well as social protection. This imbalance must be redressed. APEC has been evolving from an organisation solely concerned with commerce into one which seeks to create regional consensus on issues varied from political and security domains to education, social security and public health. APEC members must incorporate a socially acceptable dimension into their economic integration. APEC Leaders must agree to address the question of growth, investment, and decent employment creation, with the involvement of the International Labour Organisation (ILO) and social partners in the region.

***APEC Decent Work  
Guidelines***

7. Decent work must be at the centre of APEC. The primary responsibility lies with public policies and should not be left to the individual alone. APEC should develop and implement comprehensive APEC Decent Work Guidelines comprising active measures to integrate unemployed people into employment, with special attention given to preventing unemployment from becoming long-term. A particularly important effort is required to enable women and young people to overcome the specific obstacles they face in the labour market. Measures should include:

- Early identification of needs of the unemployed and provision of services such as guidance, job search assistance and personalised action plans;
- Accessible training and retraining programmes for all people to enhance their employability and chances of integration;
- Improved labour market institutions, particularly employment services;
- Specific action programmes to enable women to participate in the labour market on a greater scale and to achieve equal treatment and wages;
- Targeted youth training and skills enhancement programmes to overcome unemployment and low-wage employment among young people;
- Regular evaluation and review of the effectiveness and efficiency of labour market programmes.

***Effective social safety nets with universal coverage***

8. Much has been done as part of the work programme at the APEC level in the area of social safety nets, but little has been put into practice in individual economies. There are still hundreds of millions of people, indeed a majority in developing member economies, who have fallen out of safety nets in the region. Leaders must instruct the newly established Labour and Social Safety Net Network (LSSN)<sup>4</sup> under the auspices of the Human Resources Development Working Group and other relevant fora within the APEC process to work jointly, with full participation of trade unions, on guidelines for achieving effective social safety nets responding to real needs for workers, such as adequate unemployment insurance schemes, old age and retirement benefits, provision of worker-friendly employment services/guidance and vocational training and retraining, and the implementation of employment creation measures, with an effective review process to ensure the implementation of these guidelines in individual economies.

**Recommendation 3: Promote fundamental workers' rights<sup>5</sup> in multilateral, bilateral and regional trading systems and in APEC in general**

***Fundamental workers' rights - the basis of creating a rule-based framework for globalisation***

9. The often negative consequences of global trade need to be balanced by an effective rule-based international framework. Core labour standards, enshrined in the *ILO Declaration concerning the Fundamental Principles and Rights at Work (1998)*, are the basis of creating a rule-based market. But they are frequently violated in the race to increase trade and investment. All APEC governments, as well as employers and trade unions, must reaffirm their pledge made through the adoption of the ILO Declaration to respect, realise and promote fundamental workers' rights.

***Including fundamental workers' rights in the APEC agenda***

10. APEC is more than halfway through the process designed to lead towards the Bogor goals of free and open trade and investment. And with a continuing standstill in WTO negotiations, APEC Leaders have encouraged Senior Officials increasingly to seek complementary alternatives to multilateral trade liberalisation, including regional and bilateral trade agreements, to reach this goal. The report of the World Commission on the Social Dimension of Globalisation (WCSDG) of the ILO suggested that a strong social dimension embracing the issue of decent work and respect of fundamental workers' rights is essential to make regional economic integration a stepping stone towards a fairer globalisation. However, many fundamental Conventions of the ILO still remain to be ratified and, even if ratified, to be fully

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<sup>4</sup> By September 2007 the Social Safety Net Capacity Building Network (SSN CBN) will be integrated into the Labour and Social Protection Network (LSPN) as part of streamlining the Terms of Reference of the HRDWG.

<sup>5</sup> Fundamental workers' rights, also known as core labour standards, are internationally-agreed fundamental human rights for all workers, irrespective of countries' level of development, that are defined by the ILO conventions that cover freedom of association and the right to collective bargaining (ILO Conventions 87 and 98); the elimination of discrimination in respect of employment and occupation (ILO Conventions 100 and 111); the elimination of all forms of forced or compulsory labour (ILO Conventions 29 and 105); and the effective abolition of child labour, including its worst forms (ILO Conventions 138 and 182).

applied in APEC economies. APEC leaders must agree to include the promotion of the ratification and application of fundamental workers' rights in the APEC agenda as part of an expanded agenda on labour and social issues.

***WTO must take impact assessments into account to analyse the effect of trade on employment and sustainable development***

11. A significant contribution which the Sydney Leaders' Meeting could make to reinforce the long-term sustainability of the World Trade Organisation (WTO) would be to support taking employment issues into account in future trade negotiations, and thus strengthen the analysis of the impact of trade on employment and sustainable development within the WTO. The breakdown of the Doha Round of WTO negotiations shows that the benefits of trade liberalisation increasingly appear vague and multilateral trade negotiations are at risk of being abandoned because they cause more job destruction than job creation. APEC Leaders should recognise the need for the WTO to begin a dialogue in this area and should recommend that the WTO set up a committee on trade and employment that could seek to analyse and anticipate the impact of trade liberalisation on the level and quality of employment, and make recommendations back to the WTO General Council accordingly.

***Including provisions on the protection of labour rights in all RTAs/ FTAs***

12. Regional Trade Arrangements and Free Trade Agreements (RTAs/FTAs) must contribute to promoting sustainable development and improving living standards and working conditions of workers in all countries participating in them. Therefore, it is regrettable that the *APEC Best Practice for RTAs/ FTAs*<sup>6</sup> and the work on *Model Measures for RTAs/FTAs chapters*<sup>7</sup> do not have any reference to social and labour standards, nor do they include any assessment of the impact of free trade on the level of development or the creation of decent work. APEC Leaders must take an APEC-level initiative to encourage the inclusion, in all RTAs/FTAs between APEC economies, of provisions on the protection of labour rights. Such agreements should not only contain obligations with regard to national labour laws but also to internationally recognised core labour standards, as well as contain a mechanism to institutionalise the participation of the social partners in the process of surveillance and promotion of these standards. In the region there already exist some FTAs that contain such clauses. APEC Leaders should ensure the inclusion of labour clauses and reference to core labour standards in future trade agreements so that these agreements serve to advance sustainable development and decent work.

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<sup>6</sup> Endorsed at the 16<sup>th</sup> APEC Ministerial Meeting (Santiago, 17-18 November 2004).

<sup>7</sup> Called for in Busan in 2005 and to be developed by 2008.

**Recommendation 4: Tackle climate change and global warming in an ambitious and comprehensive manner, including by paying attention to its employment and workplace aspects and through the creation of green jobs**

*Ambitious, just transitions are needed more than ever, with creation of green jobs and promotion of effective social dialogue in workplaces*

13. Progress on tackling global warming and climate change has been worryingly inadequate. The need for action is now more urgent than most of us imagine. A mixed approach is necessary, which begins with the recognition that developed and developing countries alike are ‘economies in transition’ from an environmental and energy point of view. APEC must work toward long-term energy plans within a sustainable development framework that achieves energy security and environmental protection, and that are compatible with full and decent employment. Liberalisation and increased competition among energy suppliers is far from being a panacea. Indeed, as the market does not ‘think strategically’, it cannot solve the fundamental problems related to balancing energy production and protecting the environment. APEC must increase its efforts to promote the green jobs within its sphere of actions. Policies must ensure secure, clean, environmentally friendly and affordable energy, based on the promotion of renewable energy. Policies must also be based on multilateral approaches and joint investments by key national and regional actors. And policies must, through effective and enforceable agreements, ensure investment in new capacity and in infrastructure. At the workplace level, measures for energy efficiency and energy-saving should be developed jointly between employers and trade unions. At the level of individual economies, resource efficiency and technological innovation should be undertaken in a way that promotes employment and in a process of consultation with the social partners.

**Recommendation 5: Develop APEC guidelines to ensure the proper implementation of non-discriminatory policies in member economies**

*Gender inequality is evident throughout the APEC region*

14. Gender inequality is evident throughout the APEC region in access to resources, educational opportunities, political power, and leadership positions. In particular, structural reform programmes, most often including measures of privatisation and austerity in public spending, have a negative impact on the status of women at work and in society since they adversely affect levels and conditions of employment in sectors in which women are highly represented, as well as reducing the provision of public services on which women are disproportionately dependent, particularly because of their unequal assumption of family responsibilities.

*APEC guidelines to ensure the proper and effective implementation of non-discriminatory policies*

15. We acknowledge initiatives taken by APEC to address gender equality through discussions of APEC Woman Ministerial Meetings and the establishment of the Gender Focal Point Network (GFPN). However, these initiatives have confined their actions to ensuring gender integration across various APEC fora. APEC Leaders must agree to further advance the initiatives so as to develop APEC guidelines for adequate measures and monitoring mechanisms to ensure the proper implementation of non-discriminatory policies in member economies. Such mechanisms should also be extended to other vulnerable groups facing discrimination on grounds other than gender.

**Recommendation 6: Develop an APEC framework for a rights-based approach to migrant workers**

*An APEC framework for a rights-based approach to labour migration*

16. Migration represents both challenges and opportunities in the Asia-Pacific. While migration can benefit workers in both sending and receiving economies, far too often it is a last resort for people who are unable to find work at home and therefore are left open to exploitation in foreign lands. For the opportunities to prevail, APEC Leaders must agree to develop a framework for migration which takes account of national labour market needs, with reference to the Conclusions on a Fair Deal for Migrant Workers that were adopted at the 92<sup>nd</sup> International Labour Conference in 2004 and the ILO Multilateral Framework on Labour Migration adopted in 2005. Such a framework should be drawn from available information on policy and best practices in economies in international migration, existing proposals to enhance the economic benefits of migration and relevant international standards, including the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>8</sup> and ILO Conventions Nos. 97<sup>9</sup> and 143<sup>10</sup>. The APLN considers that APEC Leaders should pay attention to the poor ratification rate of these international standards in APEC economies. APEC member economies should work out a timetable for their ratification.

**Recommendation 7: Develop an APEC framework to encourage social dialogue in multinational enterprises, and revise the APEC Non-binding Investment Principles**

*Social dialogue is the most effective means to ensure that MNEs contribute to economic and social development*

17. Multinational enterprises (MNEs) are key actors of the global economy that can bring about more and better jobs in host countries, but some MNE activities can also lead to increased exploitation and worsen social conditions. This happens when they only look at short-term profits and when they neglect their social and labour responsibilities. In addition to legislative frameworks,

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<sup>8</sup> Ratified by 25 countries, including Chile, Mexico and Philippines in the APEC region.

<sup>9</sup> Migration for Employment Convention (Revised), 1949 (No. 97), ratified by 42 countries, including New Zealand in the APEC region.

<sup>10</sup> Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), ratified by 18 countries, but none in the APEC region.



social dialogue which is part of the social responsibilities of business is the most effective means to ensure that MNEs contribute to economic and social development and are accountable to all stakeholders. This is, however, often ignored in a ‘race to the bottom’ with regards to social standards and working conditions.

***APEC framework to promote sound industrial relations and collective bargaining***

18. APEC Leaders must agree to develop an APEC-level framework to promote sound industrial relations and respect of the right to collective bargaining in MNEs. This would complement and reinforce the increasingly common practice of negotiating International Framework Agreements (IFAs)<sup>11</sup> between Global Union Federations and multinational enterprises, many from APEC economies. APEC’s Industry Dialogues, currently established in automotive, chemical and non-ferrous metal industries, could organise joint meetings between business and trade union representatives to facilitate social dialogue on this issue.

***APEC Non-Binding Investment Principles must be revised***

19. APEC Leaders must agree to revise the *APEC Non-Binding Investment Principles* so as to incorporate the importance of respect for fundamental workers’ rights and employment objectives, with reference to *the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy* and the *OECD Guidelines for Multinational Enterprises*. A formal APEC mechanism must be established to promote and monitor the observance of social responsibilities by multinational enterprises, through the effective use of the National Contact Points under the OECD Guidelines (presently existing in the following APEC countries: Australia, Canada, Chile, Japan, Korea, Mexico, New Zealand and the US).

**Recommendation 8: Start an APEC initiative for effective policies to promote decent work rather than allowing exploitation in economic processing zones (EPZs)**

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<sup>11</sup> As of May 2008, 55 Framework Agreements have been concluded between Global Union Federations and individual enterprises.

***Over 45 million are working in EPZs in the APEC region without effective labour protections***

20. More than 50 million workers are now employed in Export Processing Zones (EPZs) around the world and at least 90 percent of them or 45 million are working in the APEC region.<sup>12</sup> There are real and excessive efforts in many APEC economies to lower regulations, taxes, environmental protection and labour standards to attract investment. Trade union organisation is either prohibited or made practically impossible and the great majority of workers in EPZs are denied by law or in practice the exercise of ordinary workers' rights. As a result, many EPZs essentially attract footloose investment and have a different class of enterprises that builds their success on the exploitation of a cheap and compliant workforce. Women are the most frequent victims of exploitative, dangerous and sometimes brutal practices, as they constitute about 80% of the total workforce in EPZs.

***Effective policies to promote decent work, investment and trade in EPZs***

21. APEC must start an initiative for effective policies to promote decent work, investment, and trade instead of exploitation in EPZs. Such an initiative should address issues of labour standards with a specific focus on rights and working conditions of female workers, linkages to the domestic economy, a development framework of foreign direct investment (FDI) and the ways that enterprises can contribute to economic and social progress through investment and technological upgrading. Involvement of social partners is essential to the success of such an initiative.

## **CONCLUSIONS**

***Strengthening the social dimension of APEC and achieving a genuine partnership with workers and their trade unions***

22. In practice business promotion is predominant in the APEC process. APEC Leaders must correct the distortion and redirect APEC so as to achieve the overarching and interrelated objectives of equitable and sustainable growth and narrow the gap between and within member economies. This can be done only through strengthening the social dimension of APEC and achieving a genuine partnership with workers and their trade unions in the region. The APLN is ready to make a commitment to reach that end.

***Achieving recovery from the economic crisis***

23. APEC needs to play a key role in concrete measures to achieve recovery, to reduce the social impact of this unprecedented financial and economic crisis and to create jobs. Therefore APEC Leaders must work together to devise strong, effective and coordinated economic recovery programmes within the framework of a decent work agenda.

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<sup>12</sup> ILO database on export processing zones, ILO, April 2007, <http://www.ilo.org/public/english/dialogue/sector/themes/epz/epz-db.pdf>

## **Establishment of APEC Labour Forum**

### **Background**

1. Trade unions, representing the workers of the APEC region, are able to bring a uniquely valuable perspective to the wide-ranging examination of policies needed to support workers in a period of rapid change. APEC trade unions therefore seek to establish a formal relationship with APEC. Such involvement should be initiated at the APEC Leaders' level, comparable with the arrangements for access by the APEC Business Advisory Council (ABAC)\*, as well as throughout the APEC process.

### **Composition**

2. The APEC Labour Forum would consist of the representative national trade union centres of the APEC economies.
3. All the representing national centres could meet in a general assembly at least once a year, possibly prior to the APEC Leaders' Meeting to discuss APEC issues of common interest.

### **Mandate**

4. The Forum's mandate would be as follows:
  - To work together with governments and employers on the promotion of APEC outcomes which can achieve stronger economic growth and higher living standards;
  - To contribute to the development of appropriate policies from APEC on matters such as human resource development, industry development, education and social welfare;
  - To convey the views and needs of workers in APEC economies in their dialogue with governments on APEC issues;
  - To encourage tripartite dialogue at national and APEC levels on issues of concern to the region.
5. Activities of the Forum would include:
  - To advise APEC Leaders and other officials on issues of interest to workers;
  - To present workers' positions in APEC Leaders Meetings, Ministerial Meetings, Senior Official Meetings and committees/working groups relevant to workers' interests;
  - To keep the Forum members informed of progress in APEC; and
  - To maintain a continuing exchange of information and views on the various themes and subjects covered by APEC, with the Secretariats of APEC and ABAC.

\* ABAC members are appointed by their respective Leaders (Prime Minister or President). The APEC Labour Forum would not use the same model for its composition.