ADVOCATING FOR DEVELOPMENT OF THE ASEAN STANDARDS AND MECHANISM ON PROTECTING WORKERS

DRAFT ASEAN AGREEMENT ON THE PROMOTION AND PROTECTION OF THE RIGHTS OF WORKERS

Sub-Committee of Law Reform in ASEAN Community Law Reform Commission of Thailand (LRCT)
OUTLINES

- Brief introduction of LRCT
- Goal
- Objectives
- Basis for the draft ASEAN agreement
- Structure and Contents of the Draft
- Process on drafting and advocacy
- What next?
- Lesson Learnt: Civil Society Involvement on Human Rights in ASEAN
an independent law reform agency

To impartiality in revise and develop the laws and to amend laws in consistent with the Constitution and international human rights obligations in order to make it just and current and the participation of all concerned sectors.

To submit opinions to the Cabinet.

To provide opinions and observations to the Cabinet and the Parliament
The realisation of a regional system for the promotion and protection of the rights of ALL workers based on legally binding instrument with effective monitoring body.
Who are the “Workers”? 

[Image of various workers from different industries]
OBJECTIVES

- To establish a common regional standard that is up to recognised international labour standard.
- To establish a standard that all workers in the region including their families shall be equally protected.
- To establish a regional body to ensure and monitor the implementation of standard set forth.
BASIS FOR THE DRAFT ASEAN AGREEMENT

Principle of Equality and non-discrimination

Principle of Universal of human rights

- UDHR – CEDAW – CRC- ICMW – International Labour Standard
- Vienna Declaration and Programme of Action 1993

ASEAN Principle on human rights

- ASEAN Human Rights Declaration (AHRD) – ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers
- Other relevant ASEAN documents such as Roadmap for an ASEAN Community 2009-2015
PART I: Preamble, Definition, General principles (Article 1-2)

PART II: Rights of Workers and Migrant Workers (Article 3-16)

PART III: Implementation/monitoring system and State Obligations (Article 17-26)
PART I: Preamble, Definition, General principles

Preamble

Article 1 Definition

Labour, Worker, Child labour, Migrant workers, Members of the family, Employment, Force or compulsory labour Social protection

Article 2 General principles.
PART II: Rights of Workers and Migrant Workers

Article 3 Right to Decent Work and Employment
Article 4 Right to Association and Collective Bargaining
Article 5 Right to Social Protection
Article 6 Gender Equality and Women Workers’ Rights
Article 7 Child Labour
Article 8 Right to Nationality
Article 9 Right to Health
PART II : Substantive provisions

Article 10  Right to Training and Education
Article 11  Right before the Law
Article 12  Right to Compensation
Article 13  Right to Housing
Article 14  Right to Found a Family
Article 15  Right to Freedom of Movement
Article 16  Rights of Migrant Workers
PART III: Implementation and monitoring, Obligations

Article 17 Implementation
Article 18 Reporting
Article 19 Review of the Report
Article 20 Rights and Duties of the Committee
Article 21 Communications
Committee on the Promotion and Protection of the Rights of Workers

- Receive individual complaint
- Review of the State’s report
- Annual report and recommendation to ASEAN

experts of high moral standing, impartiality, recognized competence, gender balance
PART III: Implementation and monitoring, Obligations

Article 22 General Provisions
Article 23 State Obligations
Article 24 Amendment
Article 25 Language
Article 26 Final Provisions
- Conduct study / research
- Organize consultations at both national and region level
- Meeting with Ministry of Labour and Ministry of Foreign Affairs
- Submit opinion and the Draft ASEAN Agreement to the Cabinet
WHAT NEXT?


- Follow up with Ministry of Labour and Ministry of Foreign Affairs of Thailand
ASEAN Structure on Labour

- ASEAN SOCIO-CULTURAL COMMUNITY COUNCIL
- ASEAN LABOUR MINISTERS MEETING (ALMM)
- SENIOR LABOUR OFFICIALS MEETING (SLOM)
- ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW)
LESSON LEARNT: CIVIL SOCIETY INVOLVEMENT ON HUMAN RIGHTS IN ASEAN

- Develop strategy / combine the timing and the message
- provide optional for lobby /negotiation
- Divide roles – high level lobby, dealing with media, share information, etc.
- National lobby makes different
Enhancing the Protection of the Rights of Workers:

ONE ASEAN STANDARD