

Workshop on
"Setting Labour Agenda for South Asia"
Organised by
The Labour Rights Thematic Group of South Asia Alliance for Poverty Eradication (SAAPE)
General Federation of Nepalese Trade unions(GEFONT)
Pakistan Institute of Labour Education & Research (PILER)

Date:

30-31 March 2011-03-30

Venue:

Hotel Gangjong, Kathmandu ,Nepal

Participants:

36 participants mainly from different trade unions and labour supporting organizations, participated from Nepal, India, Bangladesh, Pakistan and Sri Lanka.

Objective of the Workshop:

To identify labour issues and consolidate the trade union movements in South Asia.

Methodology of the Workshop:

Different tools were used to facilitate the workshop. Presentations, plenary discussions.

Out-Come of the Workshop:

Participants agreed to reactivate South Asian Labour Forum and it would be discussed at country level and then at Kathmandu on the occasion South Asia Social Forum at Dhaka, Bangladesh.

Brief Report

The South Asian Labour Forum (SALF) evolved as a consequence of a South Asian Consultation conference on Labour Rights known as "The Kathmandu Consultation" during 20th to 23rd May in 1996. It was formed as a step towards promoting regional solidarity in peace and labour rights .The second significant meeting of the trade unions of South Asia took place in Karachi, Pakistan in September 2003 that resolved that labour in the region must work for regional peace, demilitarization, denuclearization and elimination of foreign military bases.

Recalling and reaffirming the statement of the Kathmandu Conference and its resolution on South Asian Labour Rights Charter on Environmental Standards and Rights and on Human Rights the Participants adopted the **Karachi declaration**. Annex-I

And, this two days workshop was conducted to identify the labor issues and consolidate the trade union movements in South Asia. The workshop was being jointly organized by South Asia Alliance for Poverty Eradication (SAAPE), General Federation of Nepalese Trade Unions (GEFONT) and Pakistan Institute of Labour Education and Research (PILER).

Mr. Ganga Lal Tuladhar, Minister and Spokesperson of Government of Nepal inaugurated the workshop and Mr. Bishnu Rimal, GEFONT Chairman and Member of CA/Parliament of Nepal presided over the inaugural session.

Inaugural Session:

Addressing the inaugural session of the workshop, Nepalese Minister Mr. Tuladhar said in 19th and 20th century Europe was the centre of trade union movements, but in the 21st century South Asia has become the leader of trade union and democratic movements. "In Nepal we are passing through a transition period. We are changing our movement to social and economic development." He said adding that during the democratic movement of Nepal, many South Asian labour movements supported Nepali people. He expressed thanks for that support to Nepalese movement. He said in South Asian region unions are divided. He asked the trade union movements to be united.

Mr. Tuladhar said workers are facing many problems in Nepal including social security, minimum wages, job insecurity, issues of migrant and women workers. We should address all these problems. He also praised the GEFONT for playing a vital role in the movement of labour in Nepal. We have asked Mr. Bishnu Rimal to help in formulating a bill on Social Security, which would be introduced in the Parliament.

Talking about the issue of visa on arrival for Afghani citizens, he said he would check it with the Ministry of Foreign Affairs and hoped to solve this problem very soon.

Addressing the inaugural session Prem Sing Bohra, Vice presiden of NTUC-I said that in Nepal's 23% economy depends on remittance .We are facing problems due to lack of awareness and lack of information. Education is the key for development .Due to the lack of skills Nepalese migrant workers are facing problems. He extended his best wishes for the success of the workshop.

Executive Director of PILER Mr. Karamat Ali gave a presentation about labour's condition in South Asia. He recalled the history of SALF and said the representatives of trade unions, NGOs and labour support organizations from Bangladesh, Pakistan, Sri Lanka, Nepal and India had met in

Kathmandu in 1996 and formed the South Asian Labour Forum (SALF), which was a step towards promoting regional solidarity in peace and labour rights.

He pointed out that there were a number of issues which were identified by labour and trade union leaders of South Asia. For example, issue of migrant workers within SA. "Today we have 10 times more migrant workers than in 1990s," he added.

He said South Asia is the only region where there is no trade cooperation. Open trade and free movement of people should be included in our agenda.

He deplored that neither people nor the governments in South Asia had raised voice for Tamil people in Sri Lanka, who have the right to demand their basic rights. "We did not show regional solidarity with Tamil people." When we are expressing solidarity with Vietnam and other people of the world, why not solidarity with Tamils of Sri Lanka, he asked. "A labour movement has to be different and based on principle of solidarity with people," he said.

Mr. Karamat Ali underlined the need to devise a strategy to develop a common platform like South Asian Labour Forum. In the SAARC process, he pointed that many institutions have already been established like SAARC Development Fund, SAAFRC Food Bank, SAARC Social Charter and SAFTA. We need a legal framework like South Asian Labour Convention. No country in South Asia has implemented ILO Conventions, therefor we need to hold accountable our governments to implement all ILO Conventions and other UN Covenants.

Mr. Ali requested Nepali minister to address the visa issue of Afghani people, as they are not given visas on arrival like other South Asian citizens, but they need to get visa from India. He said more than 60,000 Nepalese are working in Afghanistan and they don't have counselor access. So this problems should be solve on priority basis.

In his presidential address Mr. Bishnu Rimal welcomed the guests, particularly from South Asian countries. He said no doubt South Asia is the centre of labour movement, but irony is that this movement has not invited attention in European nations. Europeans still exploit our products. "We are producing, they are consuming," he added.

Mr. Rimal said we have similar programmes and challenges. Organisations in South Asia are ideologically divided, some are apolitical and some are too political, where as some are following one party. We can find out solutions through unity. The wide spread informalization of the jobs, is creating job insecurity. Employers are not putting their recruiting processes, but they are outsourcing through contractors. Lower wages and delayed payments are other major problems. Employers are using hire and fire powers frequently. Capital is influencing political movements. Labour migration is the biggest issue in Nepal as well as other South Asian countries. He said SALF is aimed to address these issues. We always talk about organise, educate and agitate. In

Nepal we have established Joint Trade Union Coordination Centre for a single union. After 2006 uprising we are trying to introduce new trade union movement in which every member should pay fees.

Recently, he said we have made deal with employers. Non-implementation of the social security was a big issue. Four days ago besides increasing in workers' wages by Rs 1500, we have initiated drafting a social security bill, which would soon be introduced. We expect the government contribution would be 20 percent, 11 percent by employees. He hoped that Rs 37 billion would be collected in a year to cover 2 million workers in Nepal.

Day 1 - Session -1

Country Presentation on Contemporary Labour Issues:

Chair: Ms. Chair: Akeela Naz (Pakistan) and Ms. Nazma Akter (Bangladesh)

1. Bangladesh

Mr Zafur Hasan, Bangladesh Institute of Labour Studies (BILS)

He gave an overview of labour situation in his country. He said there is 49.5 million civilian labour force in Bangladesh. Workers in the formal sector are 15%, where as 85% are in informal. Out of that 30% workers are working in public sector, 70% in the private sector. Agriculture workers are 48%, Industrial 14.5%.

Article 38 of Constitution of Bangladesh provides every citizen right to form or join trade unions. According to legal system all workers should be in the organised sector. The Labour Act 2006 was passed, which is integrated code, replacing 25 different labour laws, enforced earlier. The labour law maintains many restrictions. About 48% workforce is in agriculture sector, but in the Labour Act they are excluded from forming trade unions. State employees, nurses also do not have rights of trade union formation, thus about 80% of the workforce is out of labour laws.

He pointed out that whenever an activist is dismissed or transferred from the job he or she can no longer continue in the union. There is wide gap what is in the books and what is in reality.

Out of 20% workers who have right to unionization, only 25% of them are so far organized. No effort has been made to include the remaining 75% eligible workers in the trade union movement. Trade unions have not reached them. Poor capacity of trade union movement is a main reason. There are 32 national trade union centres. Total membership of all the unions is 2.2 million.

He said there 42 garment federation of garment workers. He pointed out that major problem is globalization. Public sector is shrinking. Casualization of workforce is common. Unemployment rate in Bangladesh is quite high.

Existing minimum wage is well below the subsistence level. A normal worker other than public sector face difficulty to survive in such a situation. Organise the unorganized sector is a big challenge. We have not yet been able to organize vast unorganized sector. Unions are not able to extend their activities in unorganized sectors.

In the bricks and ship building sectors working conditions are worse. Similarly in Export Processing Zones, the labour laws do not apply. There is a separate law. In the EPZ they can get themselves organized, but they can raise their voices or strike.

In the garment sector there are 85 percent women workers. It is very difficult to register unions in the garment sector.

There are some positive areas in Bangladesh. In the Labour Act 2006, the government had agreed to form a tripartite reforms committee to remove flaws in the law. The present government in its election manifesto had promised to revise the law and bring it in conformity with ILO conventions. Presently, the review committee is working.

The government has declared Child labour elimination policy, whereby child labour employment is legally prohibited. Govt. and ILO have formalized a list of worst forms of child labour. Occupational and health system is inactive. About 51 workers died only last year. For home based workers, the government had formulated a policy. Recently the government. has declared a Women Policy. Many ILO projects are working. ILO's better work programme focuses on garment workers. Violence against women project by ILO is there. Migrant workers' skill is the main problem. Under the ILO and trade union we are working jointly on technical and professional training programmes for workers.

Organising the workers is the main challenge as most of workers are unorganized. Trade union movement should come forward. They should derive an action plan on how to organize. Solidarity support and networking with other national and international organizations can strengthen the trade union movement.

For capacity building of the unions we need to do something on improvement of the capacity. Most of the parliamentarians in Bangladesh are industrialists and highly corrupted. There is no policy for women even among trade unions. There is no women leadership. Poor working conditions is a big challenge. We don't have appointment system.

Lunch Break

Continuation of Session 1: Country Presentation on Contemporary Labour Issues

2. Nepal

Mr. Umesh Upadhyaya, Secretary General of GEFONT

We are passing through a transition. Labour market situation is also in transition. Issues of rights, representation and welfare are in difficult situation. Still we have to go on and were are trying our level best through joint initiatives. In Nepal labour force situation there are 11.7 million workers. About 4.5-5.5 million are wage employees workers. 17% are organized in one way or other. If we try to estimate the number of workers unionized does not go more than 1 million. Our best focus is formation of new Constitution to make it labour inclusive, from the present capitalist tilt position. It would be a pro-worker constitution. It is our motivation to work with other trade unions. Joint trade union coordination centre has been established. Labour agenda has been made common. We have been lobbying with members, political parties to make basic themes.

Rights: 4 fundamental rights, right to work, right to join trade unions, right to social security andn right to strike.

Representation: 10-15% reservation or representation is necessary for working class from local government, state governments after formation of the constitutions.

Welfare: Through various types to federal welfare programmes we can lead the society towards roots of socialism. More or less political parties are associated with socialism. Some are fully some are silently supporting socialism. Welfare programmes have been given high importance. In order to formulate a new Constitution, we would lobby for welfare programmes.

On issue of wages, all unions are working together. After intensive exercise with employers organizations, we have revised the wages. On social security, we have compelled employers to contribute 20%. Govt. is collecting 1% from workers in social security fund. We are in the process of law on social security. A tripartite board has been formalized. Unionization of every sector is our priority. About 6% workforce is in the formal sector. Economic activities of Nepal are slow because of international conditions and transitional period at home.

Formal sector is weak. Investment friendly environment does not exist. Lack of security is there in both employees and employers. Formal sector is not expanding, therefore, informal sector economy is flourishing. We have been trying to unionize the workers in domestic sector. More than 50,000 health volunteers are workings. We are organizing beauticians. We are now developing federations of trade unions.

Policy intervention phase is important. Unstable society needs heavy exercise to intervene in policy matter, influence policy makers and other stakeholders. Research, publications and campaign are in the process. For example campaign for social security, ILO Convention 87, other various issues of labour market.

He said we are also trying to cover the workers and workers family beyond workplace in their residential places. We have started GEFONT Community Clubs in various sectors. These location based clubs are formed in order to cover workers families beyond the workplaces and beyond enterprises. Our long term goal is dignified progressive and creative work life.

He said we are working on labour market issues. Joint programmes, some international initiatives have been started. We have expanded our international work. We are working with various workers organization, engaged in various regional blocks. Main priority of work is networking within South Asia. Through this meeting we can achieve this target. South Asian initiative is more important.

Basic challenge in the country is to make the pro-worker Constitution. Labour market reforms amendments in labour laws and formulation of new labour laws are on top priority. We need support from neighboring countries.

3. Pakistan

Mr Shujauddin Qureshi: Senior Research Associate, Pakistan Institute of Labour Education and Research (PILER)

He gave a power point presentation on labour situation in Pakistan. Following are highlights:

- The estimated population of Pakistan in 2010 was over 173 million (132 million in 1988 Census).
- Per Capita Income: US\$ 1085 (annual).
- Literacy rate: 54% (Male 67%, Female 40%).
- Major Crops: Cotton, Wheat, Rice and Sugarcane
- Industry: Textiles, Cement, Fertiliser, Steel, Sugar, Electric Goods, Shipbuilding

Pakistan's total workforce is 51.78 million

1. Agriculture/Forestry/Hunting & Fishing - 45.1%
 2. Wholesale & Retail Trade - 16.5%
 3. Manufacturing – 13%
 4. Construction - 6.6%
 5. Transport and communications 5.2%
- Formal Sector employment -- 26.7%
 - Informal Sector employment – 73.3

- Agricultural and fisheries sector forms 45.1% of total labour force of Pakistan. But workers in this sector as well as in the informal sector are excluded from all labour rights, i.e. pertaining to wages, work time, social protection, health and safety.
- In the very small formal sector, labour inspection to check violations remains suspended.
- Unionised workers are only 3-5%. Rest are in informal sector, agriculture sector, home based workers, contract basis, daily wagers.
- Minimum wages for unskilled workers – PKR 7,000 (US\$ 81) per month (Announced in July 2010)
- The growth in labour force is 3.7%. (2008-09). The growth in female labour force was greater than male labour force.

Industrial Relations Laws

- The first main law in Pakistan was Industrial Relations Ordinance 1969, provided provisions for formation of trade unions. The law applied to all industrial and commercial establishments throughout the country.
- The Military dictator General Pervaiz Musharraf enacted notorious IRO- 2002, which aggravated the workers' rights situation as several provisions of IRO-2002, were not only violation of fundamental rights but were also not in conformity with the standards as prescribed by the ILO. Although the IRO-2002 was replaced with Industrial Relations Act 2008 by the parliament, the law did not conform to the spirit of the Constitution.
- Article 17 (which ensures the right to form association or trade union to every citizen). The Act was not in compliance with the ILO Conventions No. 87 (freedom of association) and No. 98 (right to collective bargaining). IRA 2008 was restrictive and exclusionary, as was the case with the IRO 1969 and IRO 2002. The IRA 2008 excluded workers from the largest sector—agriculture, forestry, hunting and fishing--that tops the official list of 'Major Industry Divisions'. This amounted to denial of rights to 22 million workers in this category alone.

Post-18th Amendment

- IRA 2008 lapsed on 30 April 2010, creating a void and closure of labour judiciary in the absence of a new law. The National Industrial Relations Commission, labour appellate tribunals, labour courts and registrar trade unions at the provincial and district level ceased to function temporarily.
- The uncertainty and confusion was compounded with the passage of 18th constitutional amendment that abolished the concurrent list and devolved labour in totality to the provinces.
- Provinces have enacted their own laws: Sindh Assembly and Punjab governments passed their own Industrial Relations Acts, where as Balochistan and Khyber Pukhtunkhwa provinces have issued respective Ordinances.

- Punjab has restricted the number for registration for trade unions is 50 members, there was no such restrictions in previous laws. Outsider quota for office bearers of a trade union, which was 25% has been reduced to 20%.

Mr. Farid Awan also added that after 18th Amendment in Pakistani Constitution, the Labour related issues are being taken by the provinces and there is a lot confusion in this regard.

4. Sri Lanka

Mr A. Muthulingam

He said workers in tea and rubber plantation in Sri Lanka are living below the poverty line. Before 1970 most of enterprises tea, rubber, coconut, steel were privatize. Due to labour movement they were again nationalized. In 1992 under the slogans of "peoplized", the government announced to again privatize. The businesses are given to local and multinational companies. In 1992, former president privatized some public institutions. Insurance Corporation was also privatized, which is was actually profitable. A case was filed in the Supreme Court and SC asked the government to nationalize. So now it is nationalized.

In Sri Lanka we had war in 1980s on wards. Thousands of people were killed, property worth billions was destroyed. Ethnic conflict created problems. In case of bomb blasts Tamil employees were not treating Sinhali employees and vice versa. Now we are lucky war is over. We can move in streets without any fear.

Now all civil society is pressing the government to introduce political solution to the ethnic problem. I appeal to go together and pressure the government to introduce a solution. Not only Sri Lanka, Pakistan is facing civil war which is bad. I personally suffered a lot in the civil war. My house was burnt. I was made refugee. I was then elected as Chairman of the Tamil refugees. War is very dangerous. I appeal all to pressurize the government together to solve Tamil issue.

My country is capitalized country like others. 175 years ago plantation started by colonized power. People were living in pathetic conditions, Lined rooms with even no electricity, water and sanitation condition was poor. After 1992 it was given to private sector.

There are usually two sectors -- urban and rural. In Sri Lanka there are three sectors -- Urban, Rural and State Sector. We demand state sector should come under rural sector.

Our President announced to increase wages during his election campaign, but now he is saying he had not given any period so those would be increased during his tenure.

Sri Lankan population includes more than 52% women. In law making process, no lady is involved. A few widow ladies are members of the parliament, but there is no true representation of women. The situation in provincial and local governments is the same. In the last year local government elections some females were encouraged to take part and out of them a few were elected.

5. India

Mr. Gautam Mody

He said out of total 1.1 billion population of India about 458 million are active workforce. Percentage of women in the national workforce is 30%. About 55% workforce is in agriculture sector, but this sector contributes only 15% in the national GDP. Growth in agriculture is negative 1.5 percent from previous the previous 2%. Due to this negative growth tens of millions of people are pushed in destitute. In service sector, total number of IT jobs has not reached 1 million. There is expansion in service sector which include construction and hotel services. Only 4 million new regular jobs are created, majority are contract jobs.

No dispute resolution mechanism is available in agriculture and fisheries sector. India has not ratified ILO Conventions No. 87 and 90 and it has no intention to ratify. Trade Union Act 1926 is there. Trade union Trade Union Act applies to everyone except four categories – police, military, civil servants, and those who have disciplinary powers. Minimum wages is a complicated mechanism. There are about 145 different minimum wages only in Maharashtra state. Implementation of minimum wage is very poor. Only 6% can get minimum wage.

Mr. Mody said there are discriminatory provisions of provident fund and gratuity. Social Security Act 2008 remains a piece of paper. There is nothing universal in social security system. There was vast acquisition of land to establish Export Processing Zones. But labour laws do not apply there. Government of India has enacted Unorganised Social Security Act 2008, which is a mile stone. We are demanding a comprehensive social security system.

Pension, compensations are available at two levels (workers die during work or during travel), unemployment, healthcare, maternity benefits, children benefits and housing. No government has formed rules to implement the act. Out of 28 states in India, no state is interested to implement it. We should demand a new act for unorganized sector.

Session 2 - Discussion on South Asia Thematic Areas

Chair: Mr. Gautam Mody and Mr. Khalid Mahmood

Following thematic issues were included in the agenda:

1. Garment/textile workers situation in South Asia
2. Workers/trade Unions in similar Multinational Companies in South Asia
3. Social Protection situation in South
4. Migrant workers in South Asia
5. Labour Unionisation in South Asia

The chair asked if there are any other issues to be included in list:

Participants suggested the following issues:

- Minimum Wages,
- Domestic Workers both local and migrants,
- Women Workers, Gender Equality at workplace and within trade unions

From the plenary following issues are raised for the above agenda:

Farid Awan: After 18th Amendment Labour has become the provincial subject. All the four provinces have enacted their own industrial relation laws. Restrictions under earlier laws were there and in these new laws the same restrictions still exist. A large number of employees are excluded from labour laws particularly agriculture, employees of hospital, security printing press, home based workers, daily wage workers and self employed. Present government which has come into the power after democratic struggle is not interested in making any changes.

Zafrul Hassan: Asked question about Pakistan's labour situation.

Karamat Ali: There was minimum wages law, but it was not operative. But the present minimum wages are applicable to all industries. Implementation of labor laws has always been a provincial subject. Presently there is confusion after 18th amendment.

Nazema: MNCs are playing double games. When we try to form trade unions or associations, they pull out their businesses.

Kamran Ali: When we first held a meeting of SALF we invited trade union of MNC and formed a coordination committee. Unilever, Philips, Siemens and Pfizer are some MNCs which are sharing information with each other. That coordination committee needs to be reinvigorated. Recent example is Coca Cola workers in Pakistan; they have won support from Coca Cola companies in other regions.

Garment sector can be brought together. In Pakistan 39 plus trade union of garment workers are there. There is a strict competition between garment industries of countries in South Asia. We need to study comparison of minimum wages in South Asian countries.

Gautam Modi: If we build coordination among MNC unions in our countries that would be a good start.

Zafarul: In Bangladesh all garment workers are unionized.

Shirin: We need unity of the workers in garment sector. In the entire South Asia old pattern of trade union exist. Capacity building of trade unions is required. Strategy should be evolved how to fight patriarchy and protect rights of women.

Gautam Mody:

We have experience of workers in MNCs. MNCs exploit technically, workers cannot do anything in such a situation.

Khalid Mahmood: In Pakistan, home based workers issue has been taken up many organisations and now Home Net South Asia has also joined.

GVD Tilakasiri: There are some domestic workers organizations in Sri Lanka. MNCs like Uniliver, Bata, Singers are working in SL.

Hussain: There are some similarities between fishermen of both India and Pakistan. We have industrial trawlers or foreign deep sea trawlers, which are causing depletion of fish stocks. Sea water border issue between India and Pakistan is yet to be resolved.

Shirin: Asian floor wage is important. It is important to engage civil society, NGOs to strengthen trade union movement.

A Nepali participant: Wherever MNCs start business, the concerned governments make laws. The companies need to follow the local labour laws.

Mody: There is a consensus on common minimum wages. Homenet provides us reasonable framework. Harmonising social security where 1% workers contributions to the fund should go to the social security fund.

Akeela: For agriculture workers, there are no wages fixed.

Loganathan: Kerala has enacted an Act for agriculture workers. Two other states in India have also their own agriculture laws. Agriculture workers Act 1996 was prepared by Indian government but the bill is still in pending.

It was decided to continue the session 2 of Day -1 on next day.

2nd Day

Continuation of Session -2

Chair: Mr. Gautam Modi and M r. Khalid Mahmood:

Zafarul Hassan: There are labour laws, which are favourable to workers in some countries. We need to take benefit from these laws. We are proposing social security for permanent sectors, where as majority of workers are in informal sector.

Gautam Modi made an inquiry from the Nepali participants whether it was correct to say that 1% contribution by workers would go to national social security fund and the benefits will go to all workers or to only those workers who are contributing.

Umesh: In the Social Security fund the system is contributory but we ensure the contribution from workers should be less. We propose 1% from worker, 2.5% from employers and 2.5% from the government. There is senior citizens allowance of Rs 500 for 75-year old citizens. We are trying to have a social security system which should cover all the workers.

Tilakasari: Some sections contribute to some extent, but the government should contribute maximum.

Loganathan: There should be comprehensive social security. I suggest first component is the pension, compensation on death and injuries, unemployment allowance, healthcare for all workers, maternity benefits, financial assistance for children's education and housing facility.

Karamat: We should agree that there should a comprehensive social security. ILO convention has already covered comprehensive social security.

Khalid Mahmood: Is there any comprehensive study on standardization of labour laws?

Gautam: In India there is no unanimity among trade unions on labour rights. We want to defend rights. First we should educate each other, what we have. Then explore how to bring about common code.

Khalid Mahmood: We can put forward a demand regarding labour unionization in SA. Basic demand can be all constitutions have provision and there should be free unionization.

Karamat: 8 Conventions of ILO Core Labour Rights. Some countries have not ratified some ILO Conventions. Core labour standards are obligatory to all member states even if they have not ratified. Incompliance with core labour standards, each member country of United Nations have to submit a report annually. I will circulate a format to get basic information about labour rights. It can be in the form of booklet. We will circulate it and each country representative can provide the information.

Umesh: If we analyse political space of trade union movement together with the information booklet we are going to compile.

Farid Awan: Constitutions of every country provides provisions of formation of trade unions, the countries have also ratified ILO conventions, so such information should be compiled.

Khalid Mahmood: Migrant workers status should also be included.

Muthalingum: Each South Asian countries should make registration of migrant workers. We can pressurize the governments to make legislation on migrant workers issue.

Shirin: Women trafficking also effects migrant workers. South Asian countries workers suffer a lot in Middle Eastern countries particularly in case of Libya. How labour groups raise voice for rights of migrant workers, is a big challenge.

Zafarul: Trade union organizations usually work only for their members. Trade unions can work on migrant workers, but these workers are usually not connected with the labour unions. There should be legislative regarding protection of migrant workers at least at the South Asia level. Most sufferers are unskilled workers as most of migrant workers do not possess any skill. Skilled workers face less problems than unskilled workers. We need to ask the governments to strengthen skill development programmes in each country.

Tilakasiri: Migrant workers do not have any base of organize in the receiving country.

Karamat: Rather than talking about what the government can do, we need to focus what we can do together. GEFONT can take a lead, they have started the process of organizing migrant workers. We can learn from their experience. Each country can facilitate migrant workers. Bangladesh workers are there in Pakistan. We can collect information about Bangladesh workers in Pakistan and then contact the Bangladesh organizations.

For information sharing a hand book can be published and all information can be put together and we can share this information with others. There should a focal trade union or labour support group for interaction, information sharing and implementation the collective decision.

Ramesh: We spend money on skill development of workers, but the receiving countries pay just salaries. Labour receiving countries are developed and labour sending countries are becoming poor. We should start claiming our share in the revenue generated by the migrant workers in a particular receiving country. We need compensation from receiving country similarly the Carbon trade.

Gautam: GEFONT would provide leadership.

Decisions:

There was unanimity on:

1. Harmonising the minimum wages

2. Coordination between unions of MNCs
3. Women workers problems can be taken through HomeNet alliance as a start up.
4. Social Security document has been prepared, input from the country, which are missing will be included. The main emphasis is The UN Social and Economic Charter.
5. Standardization of labour laws, Labour rights in Constitutions, ILO Core labour standards in each SA country. PILER has taken responsibility to start a process for gathering information and a booklet would be published after information gathering. Political space of workers and trade unions in South Asia would also be part of the information.
6. On migration issue we are committed to the UN Charter. Automatic eligibility of labour laws in the receiving country would be pressed. GEFONT to lead this process and guide others on issue of migrant workers.

Session -3 Status of South Asian Labour Fom(SALF)

Chair: Ms. Shirin Akhter & Mr. Umesh Upadhyaya

Karamat: The idea of SALF came out from earlier interactions of peoples movements. The first was PP-21 that was an idea to work out peoples programme for 21st century. It was the process continued till 2001 and later on was taken out by World Social Forum process, where people come together every year and discuss the global issues. Trade unions also took part in these discussions. In South Asia we have the some history, especially the issues of migrant workers. It is the workers who are creating a region. There was realization that people to come together and change the nature of states, which is mostly militarized. Then came the idea of SALF formation. In 1996 trade unions were in much better situation. We had established two coordinating centre, Centre for Communication at Delhi and PILER. We held a number of meetings afterwards. We could not move beyond that stage. We could not really achieve the objectives. ICFTU, South Asian Regional Trade Union Council (SARTUC) were other forums. We asked SARCTUC to open up and work together.

In India and Pakistan fishermen issue is very serious. Both India and Pakistan arrest each other's fishermen. They are kept in jails for years without any trial and if they are sentenced for six months, but they spend many years afterwards. We took up the case with the help of Indian friends. PILER and PFF jointly filed a Constitution petitions in Pakistani Supreme Court and before a decision can come, the government of Pakistan released over 400 Indian fishermen. We also got some Pakistani fishermen released. First we took out on a report on fishermen issues. We also decided to create interaction with garment workers in South Asian countries. In the Pune meeting we brought plant level workers. Since 2003 we have not been able to raise any other issue except fishermen.

Last time, in 2008 we had a proper meeting in Sri Lanka and we committed to reactivate the SALF. There is urgent need to reactive the SALF. Bengladeshi, Nepalese and Sri Lankan workers are migrating in other South Asian countries like Pakistan, India and Afghanistan. They face harsh climate and inhospitable atmosphere. There is more poverty, hunger, illiteracy, militarization,

nuclearization in South Asia. India and Pakistan are in the arms race. What happened in Japan regarding nuclear power generation. There is an urgent reason that South Asian countries come together. Trade unions right now cover less than 10 percent. 90% workers are not organized in trade unions.

Shirin: The PP-21 process started by arly 1990s. In 1996 South Asia Labour Charter which stated in one point about detention of workers. We have done something about fishermen. In the first meeting employment right was also discussed. Establishment of Labor Rights Commission in South Asian countries was also discussed.

Umesh: From historical perspective please tell us about what is current situation of SALF in each country so we can create an environment for way forward of SALF.

Farid Awan: As far as SALF is concerned we should first decide whether we are in favour of SALF or not because since 1996 in all the meetings we discussed this issue and on various occasions we took some decisions. In Karachi we adopted a SALF charter. That declaration was very comprehensive. We should form a preparatory committee at regional level to organize SALF in their respective countries. I agree we should have SALF without any further delay.

Shirin: There are some success stories. We should discuss the situation of SALF. What is status of national forums of SALF. Then we can discuss its future.

Khalid: We also agreed on SALF taking steps further. Solidarity actions are important. Fishermen issue is already taken there are other serious problems. Power loom workers in Faisalabad and peasants in Punjab are some other issues. ICFTU is not active, so joint actions are more important.

Zafrul Hasan: I attend SALF meeting first time. I face difficulty in understanding the *modus operandi* of SALF. There are still diverse initiatives. It is important to coordinate these initiatives.

Loganathan: There is a problem in informal functional structure of SALF. I propose a person should take responsibility in each country. Earlier PILER and CEC took responsibilities. Whether CEC is still interested, we don't know. There should be a three member coordination committee.

Gautam: In 1996 many in India deluded that BJP would not come into power. Many Indian comrades did not associate with Pakistani trade unions because of the fear of BJP. We must try to work together. We need to be open. In India it is difficult to get the trade unions united. I propose we would meet at South Asia Social Forum in Dhaka in November and further discuss. We can hold MNCs coordination, complete the work of sharing and understanding on minimum wages and we can hold a meeting of garment workers union, India, Bangaldesh and Pakistan. We already have some connections in this sector. GEFONT must take the leadership for framework on migrant workers. GEFONT can show us the way forward.

Nazma: European and American have their own agenda. If we have problem, we can talk at SALF level. If Bangladesh workers have some problem, friends in Pakistan or in India can raise their voice in front of Bangladesh Embassy. There should be some solidarity expressed at workers level. We have to work on unity.

Tilikasiri: In Sri Lanka the Sri Lankan Social Forum is there. Most of the time we have some divisions. I propose we can keep the coordination process open.

Farid Awan: I suggest, we should agree that we need a common platform to discuss our problems. In our own country we can initiate the SALF's country process.

Nepali participant: We can have a loose structure of the forum.

The chair discussed formation of the drafting committee. The following committee was nominated:

Bangladesh: Mr. Zafarul Hassan

Pakistan: Mr. Shujauddin Qureshi

Sri Lanka: Mr. A. Muthalingum

India: Mr. Gautam Mody

Nepal: Mr. Umesh Upadhyaya.

Special Session on Nepal: Sharing of Contemporary Labour Agenda in Nepal

By Mr. Bishnu Rimal, President of GEFONT

Chair: Mir. Karamat Ali

The chair welcomed the guest speaker and said the formation of Nepal's Constitution is an inspiration of democratic movements in South Asia.

Mr. Bishnu Rimal:

I have also participated in many trade union and political movements. We got very little changes in 1990s. When GEFONT was formed, I was below 30 year, We achieved multiparty democracy in a period of absolute monarchy. During 2006 uprising, we made good deal with insurgents and successfully removed 2000-year old monarchy. We have achieved much, but a lot of things have to be done. We have learnt from many movements. We are very young and we are trying to learn from your experiences.

Four months back I was in Europe to address Danish parliamentarians. I asked what did they know about Nepal. Some Danish friends said Nepal is a country of Buddha and some said it is a country of rebels, some said Nepal is Shangrila, a country of Mount Everest. I said Nepalese are trying to demystify all these mysteries. We are still in process of great transformation. Nepali politics have many problems.

We found common goal. About one and a half year back I was in China. I said there is no comparison between China and Nepal. But there is one point I dare to compare with Chinese. Both are unequal societies. Nepal has been ruled by absolute monarchy, where as China is an unequal society. They agreed on this. They have 20 million plus poor people which is equal to the entire

Nepali population. Some Maoists believe in deconstruction. We don't want to limit to old situation. Transformation means deconstruction of our own society. We are not destroying our society. This is core of all our jobs. We have big constitution assembly of 601 members. We have removed centuries old dynasty which had robbed our society. We have established republic, which is the first republic in the 21st century. People have higher aspirations. We are central unitary state. Federal setup will be there, that would be different from our own structure and different from Chinese structure. We are aiming to have a Constitution by 28th May of this year. This is deadline for us. Nepali society is not a capitalist or feudal society. It is a semi-feudal. It is post-peasant society. It has not transformed into industrial society.

Class structure is mix. Traditional class is still in place. Capitalist and working class are there. Employment structure may be similar. Regular and irregular job holders are there. Irregular workers are daily wage earners, contract labourers and home based workers. We have exploited home based workers in many ways. We have time rated and piece rated workers also.

We have established a National Centre. We have scarcity and plenty of workers. There are many jobs for skilled people, but people are not available. We have population of 26.43 million. We have female population almost equal. The GDP growth rate 5.5%; per capital income is US\$ 562, 53% female are literate. In the Constitutional Assembly one third are women. Every section of the society has been given representation in the assembly. I belong to Miscellaneous group. Dalit are 14%, geographical plane people 31% percent, 4% disadvantaged people.

Nepal is the land of minorities. There are 92 plus languages and dialects, more than one dozen languages. Nepali society is mixed. Every piece of the land is a min-Nepal.

89% of people live in own houses, 9-10% live in rented houses. 69% use wood as fuel. 12% use LPG. The country produces 88,000MW hyro power but still there is power problem. During 10 year insurgency no power plant was established.

25% population use modern toilets. One- third household is receiving remittances from the workers working abroad. About 700 workers go to third country every day. Deshi (India) are not treated separately. Indian can come and work without any hindrance. 21.1% people go for migration. 1% (7) bodies of migrant workers come to Nepal every day. We are not been able to bring bodies back to Nepal in many cases. Sometimes formalities are so long that it takes months to reach a body. About 55,000 Nepalise are working in Iraq. USA occupied Iraq and they allowed illegal Nepali workers to do go. Obama won the elections, he decided to pull back American army. Nepal announced not to allow workers to come back from Iraq. We were compelled to lift the ban, now 55,000 Nepali workers who were illegal, but they are now working as legal workers in Iraq.

Trade union movement should be political. We cannot change the society alone. We have to learn politics and political economy. If we cannot influence political parties on labour agenda we would

not get our rights. Trade union movement should influence the political parties. In Nepal and entire South Asia, none of the political party is based on economic class. They are ideology based. Because of this contradiction between practices and theory, they are not addressing the problems of working class. BJP is popular because of ideological class people.

In our part of the world, our leaders talk about masses during election campaigns, but after winning they talk about class. There should be some marriage between mass and class.

We have 53 % women in labour force. This is base for us. We never or ever forget women as partner. We always admire female workers. Capitalism divide the people in two sections male and female. We try to bring together male and female. In GEFONT it should not be class, Class plus three – eco exploitation, social operation and regional dis-balance.

We are raising voice at 4 places:

1. We are debating at union forum (Last night we discussed with employers about coverage of Social Security to all workers).
2. Bilateral forum of employer and employees.
3. Tripartite system.
4. Political forums – There are 8 members from trade unions in the assembly and four are from GEFONT. There is also Gender balance.

We are also on different committees. We are sufficient to incorporate trade union issues in the Constitution. We have included strike as a fundamental right of workers. Others are right to employment.

In the assembly 28 members are from employer side.

We are talking about three rights:

1. Rights as fundamental right
2. Representatives from working class in the parliament. We are asking at least 10 percent members should belong to workers.
3. Constitutional Labour Commission, recommended by tripartite process. The commission members should be selected by head of the state.

So far 4 labour laws have been amended or introduced.

The participants asked many questions from the speakers:

- Role of religion,
- Human Rights situation in Nepal
- Number of rich people.

- Tea plantation workers situation.
- Gender status within GEFONT. Is there female in executive body in GEFONT & Its affiliates?

He said there is no role of religion in the state. Nepal has a strong Human Rights Commission,

Session-5 Way forward _ South Asia labour Forum

Chair: Mr. A. Muthalingum and Mr. Umesh Upadhyaya.

Presentation of draft of Declaration – Shujauddin Qureshi

The chair sought opinion or any changes in the declaration. Mr. Shuja was asked to incorporate those changes and Mr. Khalid Mahmood was requested to help Mr. Shuja in this regard.

Participants view:

- We cannot make all efforts together - some work should be done at country level.
- Before next meeting if we campaign on some issues such as on wage campaign, it would be beneficial.
- We must have some responsibility-we should have secretariat.
- Communication is very important, whether there is programme or not but that should be updated by the secretariat which make SALF effective. Update can be through email.
- Next meeting of SAALF during the SAARC meeting.
- Every country should nominate a person as a focal person.
- The Preparatory Committee should be expanded adding one members from every SAARC country.
- Special day –women day can be conducted at SAARC level.
- Interested 3 or 4 person committee should be formed as Coordination Committee.
- We try to revise the structure of the committee, but we cannot form a proper structure. Now we can select a focal person from each country, we should develop relationship with different trade unions on issues.

Decision:

1. The next meeting of SALF members would be held on the occasion of South Asia Social Forum in Dhaka, Bangladesh in November this year. But before the November meeting following would be completed:
 - i) A meeting of MNCs Unions Coordination would be held in any country.
 - ii) Information sharing as promised by PILER would be completed in the form of a booklet.
 - iii) A joint meeting of garment workers union of India, Bangladesh, Nepal and Pakistan would be held on the occasion of SA Social Forum. Shirin would be the host of the meeting.
2. Focal Persons/Organisations of each country were identified till Dhaka meeting:

India: Mr. Gautam Modi
Pakistan: Mr. Khalid Mahmood
Nepal: Mr. Umesh Upadhyaya.
Bangladesh: Ms. Shirin Akhter
Sri Lanka: Mr. Arumugam Muthulingam

At the end the final version of the Declaration was read out. (Please see the Annexure -2)

The workshop ended with a vote of thanks by the chair.

Annexure

Annx-1

Karachi Declaration [September 2, 2003]

The participants of the South Asia Labour Conference for Peace and Regional Cooperation, belonging to workers organisations and labour support organisations in Bangladesh, India, Pakistan and Sri Lanka, having met at Karachi at the invitation of PILER, Karachi - Pakistan and CEC, Delhi -India, on behalf of the South Asian Labour Forum (SALF);

Recalling and reaffirming the statement of the Kathmandu conference of May 1996 and its resolutions on a South Asian Labour Rights Charter, on Environmental Standards and Rights and on Human Rights; adopt the following declaration, to be known as the Karachi Declaration.

We have assembled in Karachi to strengthen people's urge for peace and solidarity among the peoples of South Asian region generally and particularly the working classes of the region.

We jointly affirm and resolve:

1. That developments since 1996 have added urgency to the need for adopting the South Asian Labour Rights Charter, and resolves to formulate a SAARC Code of Conduct for Trans- National Corporations, based on ILO's Tripartite Declaration, and therefore labour organizations in the region redouble their efforts towards realizing these objectives;
2. That the people and governments of the region must press for ward for the maintenance of peace, reduction of tensions of all kinds and the fostering of a climate of good and friendly neighbours;
3. To initiate a process of demilitarization and move towards global and regional denuclearisation and elimination of foreign military bases and weapons of mass destruction and the arms race and ensuring that no such bases are allowed to be set up in future in South Asia;

4. To press for immediate drastic reduction of defence budgets, in order to minimize the risks of armed conflicts and wars, and promote a sense of security and mutual confidence; and that the money saved from reducing defence budgets should be used for promoting people's needs and interests in education, housing, health and welfare;
5. To create healthy and friendly atmosphere, all outstanding international disputes shall be settled by bilateral comprehensive, continuing, political dialogue;
6. To increase people to people contacts and take part in political, economic and cultural events to promote friendship, mutual and common interests and reduce prejudices; and in order to achieve these objectives, make travel facilities including the granting of visas easy, friendly and fast;
7. To press for an unfettered exchange of information -newspapers, magazines, books and other publications among the South Asian countries;
8. To resume, strengthen and expand regional trade ties for the maximum and equitable benefits and interests of all people of the region, which provide all safeguards necessary for the protection of comparatively smaller economies in the region;
9. To mobilize labour against all hatred, prejudices and divisions based upon ethnicity, race, caste, religion or national chauvinism;
10. To ensure the free political participation of workers and peasants and all the people, to determine their destiny;
11. That the widening gap between workers in the formal and informal sectors, caused by a huge expansion of the latter, calls for special efforts by the trade unions in these sectors to effectively coordinate among each other with a view to defending and ensuring their basic labour rights; social security, fair wages and safe working conditions;
12. To press for the right of people to move freely across the world and the region to earn livelihoods, through a system of work permits for immigrant labour; which ensures that no discrimination takes place between national and immigrant workers, and creates national legislation for the special protection of immigrant women workers;
13. To ensure that governments in the region withdraw all anti-trade union and anti-worker laws and administrative measures; and governments ensure secure employment, fair wages and safe working conditions to the workers in the unorganized sector, including those in the agricultural sector;
14. To ensure safe, fair, equal and equitable working conditions to women workers, while opening more employment opportunities to women; sexual harassment and exploitation of women and girls at the workplace must be stopped. All social laws, customs and practices militating against gender equality must be removed;

15. To eliminate Child Labour from all occupations which are hazardous or deprive a child of rights to healthy physical and mental development and to ensure that governments in the region protect the rights of the child as embodied in the UN Convention on the Rights of the Child;
16. To fully implement all United Nations and ILO Conventions on human and democratic rights as well as social, economic and cultural rights and to ensure that no persons, areas or occupations are excluded from such rights; and that labour unions are promoted for implementation of such rights;
17. To press for equitable agrarian reforms to promote rights of peasants and agricultural labour; for elimination of all exceptions contained in policies and laws; for measures to make peasant agriculture more productive and sustainable; to reject contract farming and corporatisation of agriculture; and develop institutions and policies to support and promote cooperative farming;
18. To press for evolving a suitable legal regime conferring the rights of custodianship of natural resources vis-a-vis water, forest and land on the labour communities which depend on them for their livelihood and evolve adequate mechanisms to protect these resources;
19. To ensure that the South Asian Governments immediately stop harassment, arbitrary arrest and indefinite detention of fish workers crossing the boundaries of maritime territories and evolve an effective permanent regional mechanism to deal with these issues. We also demand the immediate release of all the fish workers currently under detention in these countries.
20. To pursue policies of full employment generation, by making the right to work as a fundamental right for all men and women;
21. To reject privatisation and disinvestment of Public Sector Enterprises and withdrawal of the state from social, economic, education, health, housing, civic services and welfare spheres and the ideology that private sector is more responsive and more efficient than the public sector in these fields; all public assets related to the infrastructure sold through the privatization process should be renationalised.
22. That the WTO perpetuates a subtle and pervasive form of recolonisation through economic warfare and sham negotiations, which promote the stranglehold of the international economic elite upon people; therefore, the labour movement should build alliances with all progressive social forces that stand in opposition to the WTO;
23. To reject the so-called poverty reduction strategies prepared for South Asia by imperialist agencies, which are a perpetuation of the neo-liberal programmes of structural adjustment that have already intensified unemployment, mass poverty, and crushing foreign debt;
24. The imperialist debts, whose principal has been returned many times over, should be considered fully paid back.
25. To co-ordinate efforts of the labour movement towards these ends nationally, regionally and internationally, by expanding the Preparatory Committee of SALF to include additional participating labour organizations at the Karachi Conference and all other organizations that endorse the South

Asian Labour Rights Charter, in order to implement the Karachi Declaration and prepare an Action Plan of 2004, to be circulated to all the participating organizations for their approval.

26. To authorize the Preparatory Committee to constitute a South Asian Labour Commission of 4 to 5 eminent persons, preferably sympathetic jurists, from each of the South Asian countries, for regional oversight of implementation of ILO and UN conventions and national labour legislations.

Annex – 2

Declaration

Kathmandu, Nepal – March 31, 2011

Workshop – “Setting Labour Agenda in South Asia”

Organisers: SAAPE, GEFONT & PILER

We the participants from South Asian countries – Bangladesh, India, Nepal, Pakistan and Sri Lanka – assembled in Kathmandu to share experiences and views on contemporary labour issues of the SA region and also to explore appropriate actions to reduce suffering of working class. We focused our attention on frequent violation of labour rights in SA despite recognition of the rights in national constitutions and legislations. Freedom of association for the working class is still a big challenge due to non-responsive character of the states and policy makers.

The meeting agreed to revitalize the South Asian Labour Forum (SALF) and endorse the South Asian Labour Rights Charter and adopt the subsequent declarations passed in 2003 and 2008.

We also discussed the issues of insufficiency of minimum wages for the workers for a decent living. The need to introduce and redesign social security system in each of the SA country has become more relevant in the context of international economic crisis and IFI-led globalization. The workforce in SA is dependent on informal sector of employment including agriculture, garment textile and domestic work and overwhelming masses are suffering under acute poverty. The contribution of large number of women workers is still not recognized and they are deprived of equal opportunities at workplace and in the society. The meeting demanded the SA governments to ensure gender equality at work places in its economic and social policies.

The need to develop a common understanding for negotiations with multinational corporations working in SA is eminent for similar working conditions, wages and benefits. Recognizing the contribution of migrant workers in the economies of SA countries the need has been reemphasized for appropriate mechanism to ensure basic rights and protections to the SA migrant workers within SA and beyond. The meeting emphasized need for practical measures for greater solidarity within the labour movements of South Asia. The participants urged governments of South Asian countries to liberalise the visa restrictions to facilitate people-to-people contact.

The participants expressed serious concern over growing militarization and nuclearization in SA and demanded the governments of SA countries to enter into no-war pact and reduce military expenditures and transfer these resources on provision of social security to all workers.

Analyzing the current situation, we have come to the conclusion that a new type of unified movement is necessary in order to create effective political space for the working class of SA. The trade union movement, labour friendly organizations and pro-people, pro-worker organizations should join hands in order to create a new labour friendly and better SA. For this objective, we express our commitment to coordinate actions throughout South Asia by developing a sound coordination mechanism among the potential organizations.

Resolution Drafting Committee:

Bangladesh: Mr. Zafrul Hassan

India: Mr. Gautam Mody

Nepal: Mr. Umesh Upadhyaya

Pakistan: Mr. Shujauddin Qureshi

Sri Lanka: Mr. Arumugam Muthulingam