



Occupational safety and health:

A policy position paper of the ASEAN
Confederation of Employers

Occupational safety and health: A policy position paper of the ASEAN Confederation of Employers

About ASEAN Confederation of Employers (ACE):

The ASEAN Confederation of Employers (ACE) was established in 1978 and represented by Employers' Organizations in ASEAN, to optimize liaison, co-operation and representation in the fields of labour and social legislation, industrial relations and practices.

The five founding members, Employers' Association of Indonesia (APINDO), Employers' Confederation of The Philippines (ECOP), Employers' Confederation of Thailand (ECOT), Malaysian Employers Federation (MEF), and Singapore National Employers Federation (SNEF), firmly supporting the fundamental objectives of ASEAN in its pursuits of effective measure for regional economic co-operation, declared their agreement to unite and establish the ASEAN Confederation of Employers. The Cambodian Federation of Employers and Business Associations (CAMFEBA) later became a member of ACE in 2004.

ACE is governed and administered by a Board of Directors consisting of a designated representative from each member. The President holds office for a period of two-years at which point it is rotated amongst the board members. Annual meetings for the Board and Chief Executive Officers take place. Overall ACE's objectives are to:

- safeguard and promote the interests of ASEAN employers;
- collate and disseminate information on legislative changes and general developments in the fields of labour, social and economic matters, which are likely to affect the interests of employers;
- foster closer relations and co-operation between and among the members, and to render mutual assistance in matters of common interest;
- maintain closer relations and co-operation with regional and international organizations having similar aims and objectives;
- promote harmonious industrial relations, help maintain peace, and encourage improved productivity; and
- coordinate the views of members and to represent their views at regional and international levels.

About International Labour Organization's Bureau for Employers' Activities:

The Bureau for Employers' Activities (ACT/EMP) is the specialized unit within the International Labour Organization that maintains direct and close relationships with employers' organizations. Employers' organizations advance the collective interests of employers at country and regional levels. ACT/EMP assists employers' organizations with becoming strong representative organizations that help to shape conducive business environments.

About ILO Tripartite Action for the Protection and Promotion of Rights of Migrant Workers (ASEAN TRIANGLE Project):

The ASEAN TRIANGLE Project (ATP) was launched in April 2012 and aims to increase labour rights protection, labour mobility, and decent work opportunities for women and men migrant workers in the ASEAN Region. ATP promotes regional approaches to address shared concerns, makes regionalism more effective and enhances the capacity of institutions, such as the regional representative bodies of workers' and employers' organizations, in the ASEAN region. The ATP promotes close engagement with social partners on all aspects of migration management and one of its three objectives is to enhance the capacity of social partners to influence labour migration policy and protect the rights of women and men migrant workers.

Overview

In recent years, labour migration flows within and from South East Asia have grown in volume and complexity. According to the World Bank the stock of international migrants has been estimated at 247 million in 2013 and it is expected to surpass 250 million in 2015.¹ The number of migrant workers departing ASEAN countries each year is estimated to be over 14 million and the number of documented migrant workers within the region is close to 6 million.² Business and its representatives are key stakeholders in the migration process and it is imperative for national business communities across the ASEAN region to prepare for ASEAN Economic Community (AEC) in 2015.

In order to fully engage employers' organizations in the ASEAN processes on labour migration, an Action Plan was developed for the employers' component of the ATP. Overall the Action Plan entailed regional meetings, trainings, policy work and research work undertaken with the main implementing partners ACE together with ten national employers' organizations: National Chamber of Commerce and Industry Brunei Darussalam; Cambodian Federation of Employers and Business Associations (CAMFEBA); Employers' Association of Indonesia (APINDO); Laos National Chamber of Commerce and Industry (LNCCI); Malaysian Employers Federation (MEF); Myanmar Federation of Chambers of Commerce and Industry (UMFCCI); Employers' Confederation of The Philippines (ECOP); Singapore National Employers Federation (SNEF); Employers' Confederation of Thailand (ECOT); Viet Nam Chamber of Commerce and Industry (VCCI). The activities aimed at strengthening the voice of employers, through ACE, at national and regional level policy discussions on labour migration. This 3-year ATP programme with ACE was designed to have a relevant impact at regional level and has three main objectives:

1. To strengthen the capacity of ACE and its members to engage in effective policy dialogues based on empirical evidence to promote a sound governance framework for Mobility and Migration in the ASEAN region.
2. To strengthen the capacity of ACE to convene members around labour migration-related issues, in order to raise awareness and share good practices among them.
3. To develop regional guidelines and other tools and products that can be customized at the national level by employers' organizations into demand driven products that can practically assist enterprises.

¹ The World Bank. 2015. *Migration and remittances: Recent developments and outlook* (Washington DC, World Bank)

² UNDP. 2015. *The right to health: the right to health for low-skilled labour migrants in the ASEAN countries*. (Bangkok, UNDP).

Five priority areas were identified by ACE in relation to labour migration and mobility with regional employers' workshops convened for each of them. These were:

- Five priority areas were identified by ACE in relation to labour migration and mobility with regional employers' workshops convened for each of them. These were:
- The role of employers' organizations in matching skills and increasing mobility across the ASEAN region – 6 November 2013, Bali, Indonesia
- Increasing productivity through enhancing the safety and health of migrant workers – 29 - 30 April 2014, Bangkok, Thailand
- The role of the recruitment sector in facilitating more effective ASEAN intra-regional labour mobility - 6-7 November 2014, Bangkok, Thailand
- Businesses' perspective on addressing forced labour in ASEAN migration – reputational risks and practical responses– 31 March – 1 April 2015, Bangkok, Thailand
- Managing diversity and workplace integration in the ASEAN countries – 2016

This publication presents the ACE policy position paper on **increasing productivity through enhancing migrant workers' safety and health at work** that was drafted, discussed and adapted during the regional workshop. A background paper that was used for the meeting can be found in the accompanying publication *Managing labour mobility: Opportunities and challenges for employers in the ASEAN region*. Through presentations by regional and global experts and open discussion between ASEAN employers, the workshop was aimed at the following:

- ACE members to identify priority issues related to the productivity and safety of migrant workers leading up to the AEC 2015 and develop draft policy positions to address each issue;
- ACE's draft policy positions will be consolidated by the ILO into a comprehensive ACE policy paper and adopted; and
- ACE members' capacity to price and promote their OSH related services to be enhanced.

ACE policy position paper: Increasing productivity through enhancing migrant workers' safety and health at work

Background

In preparation for ASEAN economic integration in 2015 the ASEAN Confederation of Employers' (ACE) adopted an Employers' policy framework for sustainable labour migration in the ASEAN region. This framework identifies five key areas requiring the attention of ASEAN businesses and policymakers in order to achieve effective labour mobility in 2015 and beyond:

- better matching of employers' skills needs and increasing mobility across the ASEAN region;
- increasing productivity through enhancing migrant workers' safety and health at the workplace;
- effective recruitment procedures to facilitate labour migration;
- enhancing competitiveness through embracing diversity; and
- a commitment to combatting forced labour and human trafficking.

In this overarching framework ACE:

- **strongly believes** that appropriate safety and health arrangements are key drivers of productivity and economic development. ACE **affirms** its commitment to protecting all workers' safety and health; and ACE
- **recognizes** that providing safe and healthy working environments, not only ensures that workers are adequately protected, but also reduces business risk of being associated with inadequate OSH practices. In addition, safe and healthy working environments enhance the long-term sustainability of enterprises by reducing the potential for workplace safety and health incidents to impact on the wellbeing, financial security, and productivity of employers and workers.

This paper will outline in broader detail ACE's policy positions on increasing productivity through enhancing safety and health at work to be taken forward by ACE members when engaging national policy makers on the necessary reforms, policies, and programmes required for effective integration in 2015.

ACE policy positions on increasing productivity through enhancing migrant workers' safety and health at work

Accessibility and consistency

- ACE acknowledges that OSH frameworks at all levels (i.e. from national laws and regulations through to workplace policies and practices) should be applicable to all workers as defined by occupation. Furthermore, policymakers should ensure the equity of access to and information regarding relevant OSH services, orientation and training, and the consistent application of any remedies.
- ACE considers that accessible and consistently applied OSH frameworks are conducive to industrial stability and certainty, which assists in building and maintaining business and investor confidence.
- In addition, fair and equitable OSH frameworks can greatly assist in retaining workers and in encouraging workers to actively contribute to enterprise productivity.

The business case for OSH at work

- ACE **recognizes** that safety standards and transparency in global supply chains are of increasing relevance to global market access and brand reputation. Accordingly, ACE **appreciates** that effective, accessible, and consistent OSH policies and practices are essential for any business operating in ASEAN now and as integration occurs in 2015. ACE **realizes** the competitiveness brought about by global markets and that at a regional and national level ASEAN businesses should strive to formulate and achieve safety and health standards and programmes on par with global standards.
- ACE **acknowledges** the correlation between competitiveness and the incidence rate of occupational incidents. ACE **urges** both policymakers and ASEAN businesses to work together to achieve consistently low rates of OSH incidents to enhance investor confidence in ASEAN through a stable OSH environment. Indeed, ACE believes that given its industry-specific knowledge, the ASEAN business community should be actively engaged in the development and implementation of appropriate OSH policies and practices. ACE **encourages** ASEAN businesses to share their safety and health standards, practices, and programmes with business membership organizations including national employers' organizations to promote the disseminations of best practices.
- ACE explicitly **recognizes** that, as well as being unethical, compromising OSH standards to lower production cost is a short-sighted and an increasingly commercially unviable approach to conducting business. ACE stands ready to support members in providing evidenced based analysis to support enterprise investments in OSH, particularly at a preventative level. Furthermore, ACE **understands** that this shall be the shared responsibility of all stakeholders, including inter alia, employers, employees, manufacturers, products and processes, workplace designers, employer representatives, labour and trade unions.

- ACE **advocates** the establishment of effective OSH management systems to ensure the maximum OSH protection in the work environment. OSH management systems offer enterprises considerable return on investment in terms of productivity and in ensuring the financial security of enterprises and their workers through the reductions of incidents and illnesses.
- In addition, ACE **recognizes** the role of the worker in the reduction of financial and business risks and the valuable contribution for the growth of the organization. ACE encourages the leadership in OSH at all levels to support both employees and employers and in effect a sustainable business environment.

Prevention enhances productivity

- ACE **considers** that enterprise productivity is in part dependent on the level of OSH risk at the workplace.
- Accordingly, ACE **considers** that enterprises small and large should work towards achieving the necessary OSH environment at the workplace to ensure consistent levels of productivity. ACE therefore encourages all enterprises, in particular Small and Medium Enterprises (SMEs), to consider innovative means of achieving effective OSH in line with national law and practice. ACE **acknowledges** that many tools are already available to assist SMEs in complying with national OSH law and practice. According ACE **affirms** its support for governments to collaborate with employer organizations to raise awareness of these tools and to enhance the accessibility of OSH resources to SMEs.
- ACE **affirms** its support for preventative and consultative approaches to OSH at the enterprise level. This reduces the potential for avoidable productivity losses and other costs incurred by OSH incidents (e.g. physical injury, workers' compensation, fines, reputation, etc.).

OSH is a shared responsibility

- ACE believes that governments, employers, and workers share tripartite responsibility in implementing and achieving appropriate OSH practices at the workplace. ACE encourages the development of OSH frameworks that ensure that tripartite partners, including migrant workers, clearly understand their OSH rights and responsibilities. This will be of particular importance where workplaces employ a proportion of foreign workers.
- ACE encourages governments and employers to take additional measures to ensure that migrant workers are able to clearly understand their OSH rights and responsibilities and contribute to workplace safety and health. In particular, ACE supports enhanced resources and efforts to facilitate cooperation and dialogue between employers and all workers on maintaining and improving workplace safety and health and productivity.

Occupational safety and health: A policy position paper of the ASEAN Confederation of Employers

This publication presents the ASEAN Confederation of Employers policy position paper on occupational safety and health (OSH) for migrant workers in ASEAN countries. This document was agreed upon and drafted as a result of a technical workshop on OSH held for the employers' component of the ASEAN TRIANGLE project on the 29th to 30th of April 2014.

supported by

Canada 