

**Opening Contribution by John Sutton, UITBB President at the
6th Asia/Pacific Building Unions Seminar held in
Christchurch, New Zealand 14-15 April 2008.**

Dear Comrades,

First of all a warm welcome to all attending this 6th Asia/Pacific Building Unions Seminar, held here in Christchurch New Zealand, in April 2008, convened by the New Zealand Building Trades Union and the UITBB.

I am pleased to say that we have labour movement activists from 8 countries in the Asia/Pacific region attending this Seminar. We were expecting participants from 12 countries across the region to be present; however we have run into enormous difficulties with the immigration authorities and comrades from Philippines, Pakistan, Bangladesh and Mauritius that were anxious to come, have been denied visas.

I wish to place on record our gratitude and thanks to our hosts the New Zealand Building Trades Union. Organising this type of event takes an enormous amount of work behind the scenes and they have done a great job. The NZBTU is to be admired for the way in which it is rebuilding construction industry trade union organisation in New Zealand, after the dark days of the Employment Contracts Act in the 1990s.

I would also like to acknowledge and thank our Japanese comrades from Kenkoro and my own union the CFMEU for their financial assistance to make this event a success.

We are honoured to have the President of the New Zealand Council of Trade Unions (NZCTU) Helen Kelly as our special guest. I look forward to hearing her contribution on the measures being taken here in New Zealand on the question of regulating the entry of temporary migrant workers.

Background

It is a measure of the worth of this process that we are here for the sixth Asia/Pacific Building Unions Seminar after previous meetings in Sydney, Calcutta, Hanoi, Tokyo and Manila.

The focus of this meeting will be on two areas, namely occupational health and safety (OHS) today and immigration abuses within our industries tomorrow. These issues of course are often intertwined as many employers attempt to use the vulnerability of temporary migrant workers to undermine OHS standards and boost their profits.

I look forward to the contributions on both these topics by Seminar participants and our special guests.

Turning now to some of the matters arising from the Resolution passed at the 5th Asia/Pacific Seminar in Manila.

It was resolved to hold a day of protest across the region to draw attention to the plight of temporary migrant workers. This happened on October 28th 2007 across the Asia/Pacific.

In my country Australia CFMEU protests were held in Sydney and Canberra.

In Pakistan the PBKLU held meetings in six cities, Gujrat, Gujranwala, Mandi Baha-U-Din, Multan, Bahawalpur and Bhawalnagar.

In the Phillipines TUPAS held a seminar in Manila and resolved to observe an annual action day.

Activity was limited in Bangladesh due to the state of emergency banning all trade union activity, nonetheless a public meeting was held due to the persistence of the JNSF.

In India the AICBCW held seminars in Chennai, Trivandrum and Bangalore.

Our Japanese comrades in Kenkoro held national collective bargaining negotiations with their Labour Ministry to press concerns over the abuse of migrant trainees.

In Hong Kong the CSGWU conducted a workshop for striking migrant construction steel workers.

In Malaysia the TEUPM spent the day meeting with Bangladeshi migrant workers to assist them in their struggle to claim unpaid wages.

These actions were a success and participating unions are to be congratulated for their efforts.

We resolved in Manila to conduct a study into migrant workers and Australian academic Stuart Rosewarne will present this research in his paper tomorrow morning.

We have a big challenge ahead of us to strengthen the ILO Multilateral Framework on Labour Migration. One of the weaknesses of the Framework is that because it is non-binding, there is no reporting required from countries and we therefore have no readily accessible objective record of how many countries have adopted it, or are working on its implementation.

In terms of ILO Conventions 97 and 143 regarding migrant workers there is also much to be done. Out of our region only Mauritius and New Zealand have ratified Conventions 97, and only the Philippines has ratified Convention 143.

The 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families also has limited application in our region. With Bangladesh and Indonesia having signed but not yet ratified the Convention and only the Philippines and Sri Lanka having ratified it fully.

Clearly in this area there is much to be done, as our governments in the Asia/Pacific are failing to fully respect these important international instruments that underpin the rights of migrant workers.

Occupational Health & Safety

At the Manila meeting in 2007 we also resolved to vigorously campaign on the issue of asbestos.

The stark truth regarding asbestos is that it is still in widespread use in this region. The only countries to my knowledge to have banned its use are New Zealand and Australia, although Japan is in the process of instituting a complete ban on asbestos this year.

This means that our workers and members of the wider community are still at risk of contracting asbestos related diseases.

So what can we do? The following are some suggestions for a campaign by our affiliates to implement our agreed position on asbestos discussed at the 4th and 5th Asia/Pacific Building Unions Meetings.

First, the backbone of the successful Australian campaign of which I am familiar with was the refusal of CFMEU members to handle asbestos products. This decision and its successful implementation was the seed action around which a broader community campaign grew.

This campaign started with an education campaign to alert construction workers to the dangers posed by asbestos and that is where we need to concentrate first in this continuing struggle.

To that end I propose that we co-operate to produce clear and concise leaflets and other publications alerting our members to the dangers of asbestos mining, manufacture and the resulting construction materials.

In this respect I note the excellent work done by our Indian comrades who produced the recent "A Fox in the Hen House" report, exposing the pseudo-science used in asbestos promotion in India.

Second, we need to place pressure on employers that attempt to make our members use asbestos products and to publicly expose them in our newspapers and electronic media. Wherever

possible we must use the traditional methods of demonstrations and pickets to draw attention to employers who try to make our members use asbestos products.

Third, arising from these first two steps we must pressure our politicians at all levels of government to ban the mining, manufacture and distribution of construction products containing asbestos. Ensuring there is a just transition out of asbestos mining and manufacturing for workers affected by this step, is also essential.

Further we must campaign for governments to provide free palliative and pharmaceutical care, with just compensation for asbestos victims, both workers and citizens.

Finally, acknowledging that asbestos exists in many existing structures, we must ensure that wherever our members are involved in construction or demolition work, that prior to any work taking place, a thorough study is done on the structures concerned by qualified occupational hygienists. Where asbestos is identified, only appropriately qualified workers, using all necessary personal protective equipment are to be employed for such work.

We must also ensure that the surrounding local community are aware of the work to be done and all necessary steps are taken to ensure zero contamination beyond the construction site.

Obviously asbestos is not the only OHS issue that is of concern to our members but it is the most deadly disease causing agent that our members regularly come into contact with. The issue is one where trade unions can build strong alliances with other groups in civil society that can be of use to our movement in broader industrial and political struggles. The International Ban Asbestos Secretariat is performing an invaluable role in this regard.

On a broader note we look forward to tomorrow hearing from local OHS specialist Mike Cosman.

Temporary Migrant Labour - The International Context

The use of temporary labour is booming in the region as is the exploitation of millions of disempowered workers. A recent newspaper article by journalist Eric Ellis in the Sydney

Morning Herald detailed the conditions of migrant workers in Dubai's migrant slum town Sonapure:

"It is a Middle Eastern Soweto, where as many as 500 000 foreign labourers, mostly illiterates from impoverished rural villages of the sub-continent, who build Dubai, are housed in some of the most depressing conditions I've seen." wrote Eric Ellis.

In the international context, we have made some minor steps forward at least in pushing the ILO on this issue. After the 2004 Calcutta meeting we called on the ILO to conduct a Special Discussion on temporary migration. Our call, along with others, was successful and they did. The ILO has since paid tribute to us for showing leadership on this issue. The Special Discussion was part of the momentum that led to the adoption of the ILO Multilateral Framework on Labour Migration in October 2005.

The Australian Example

At the Manila meeting, I gave seven recent Australian examples of gross exploitation of temporary workers under the notorious section 457 visa programme. Unfortunately that list continues to grow.

Under the conservative government, in mid 2007 three temporary migrant workers were killed at work over the course of a month- details were scarce because the government wouldn't release information. However, a major Sydney newspaper undertook a special investigation. The story detailed the conditions under which these men lived and how they died. One of the men from China, Guo Jian Dong worked in the harsh pine forests of central Queensland. Mr Guo worked and died alone - his face knocked into his chainsaw by a falling tree, his body was only discovered many hours later.

He left behind a wife and a baby daughter he never met. Work in Australia promised his family a better life - now they have to cope without him. Two Filipino workers Pedro Balading and Wilfredo Navales died at work around the same time - our union expects charges to be laid in the case of at least one of these fatalities soon. All three men were 457 visa workers.

Linking back to the theme of safety, recent calculations by Australian researcher Bob Kinnaird produced a startling fact - 457 visa workers are almost twice as likely to die at work as the national average. There are 3 workplace deaths per 100,000 workers nationally. That figure for 457 visa workers is 5.8.

Mohammed Nayeem, an Indian 457 worker and proud CFMEU member is another example. He was made to work 50 hours a week with no overtime and forced to sleep in a converted office with five other 457 workers. For the privilege the employer deducted \$100 per week from each of their wages. When Mohammed asked for his overtime, he was sacked and told by his employer *"I will break your legs and send you back to India."* Facing deportation Mohammed bravely told his story to the Sydney press. My union the CFMEU found him a new employer and he now continues to work in Australia.

The Australian labour market dynamic is not just influenced by the 457 visa. More than 135,000 Working Holiday Maker visas were issued in 2006/2007; together with around 200,000 student visas (students can work up to 20 hours per week, more during vacations). And a new visa, the Graduate Skills Working Visa, allows graduates to stay and work for 18 months. The new Labor Immigration Minister, has recently announced longer stays for temporary migrant labourers working on construction projects in rural and regional areas and there is active discussion of a temporary migrant worker program for labourers from the Pacific Islands.

Finding Solutions

As you will know the conservative Howard Government has been thrown out of office, giving us in Australia an historic opportunity to work with the new Rudd Labor Government, to end the exploitation of temporary migrant workers. It is timely that we are discussing the issue of temporary migrant workers here in New Zealand, where to their credit the Labour Government is engaging cooperatively with the NZCTU to address these issues.

I am interested to hear from our special guest, NZCTU President Helen Kelly, how this engagement with the Government is working out and how temporary migrant workers are faring under the pilot Seasonal Work Permit and Approval-in-Principle schemes. I am also keen to hear her views on the potential local impact of the Temporary Employment and Working

Holiday provisions, of the New Zealand – China Free Trade Agreement, signed only last week. This latest development sets off very loud alarm bells for us on the other side of the ditch.

Comrades, ultimately we will only end the widespread exploitation of guest workers through international governmental cooperation, together with effective international trade union structures. Governments need to take private migration agents out of the process. Instead, they must regulate temporary worker migration arrangements directly with employers and trade unions. Also critical is making sure that temporary migrant workers receive identical wages and conditions as the locals they work alongside.

Conclusion

With the forces of big capital ascendant globally none of the issues I have discussed will be fixed easily or quickly. International action and solidarity through disciplined, militant class struggle, as ever, is our main hope for a better future. This meeting is one part of that process. I look forward to lively, informed debates over these vital issues and the synthesis of new ways to improve the lives of our members.

Thanks.

John Sutton

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