

# INTERNATIONAL TRANSPORT WORKERS' FEDERATION

## 43<sup>rd</sup> Congress

Sofia, 10-16 August 2014

### REPORT OF THE RESOLUTIONS COMMITTEE

1. The Resolutions Committee met on 11 August 2014. Members are:

Africa/Arab World	George Turkieh, LCCA, Lebanon Tabudi Abner Ramakgolo, SATAWU, South Africa
Asia/Pacific	George Abraham, AEIG, India Mich-Elle Myers, MUA, Australia Jose Raul Lamug, AMOSUP, Philippines
Europe	Mark Dickinson, NI, Great Britain (chair) Brigitta Paas, FNV, Netherlands Katrien Verwimp, ACV-Transcom, Belgium Jan Villadsen, 3F, Denmark Fatima Aguado Queipo, FSC-CCOO, Spain Katarina Mindum, RTUC, Croatia
Latin America/Caribbean	Ivan de la Guardia, UCOC, Panama
North America	Owen Herrnstadt, IAM, United States Travis Harrison, UNIFOR, Canada

2. The Committee elected Mark Dickinson of Great Britain as its Chair and agreed that the Chair should also act as the Committee's rapporteur.
3. The Committee noted that the Executive Board had considered a report of the informal Resolutions Working Group and had provided recommendations to the Resolutions Committee.
4. The Committee also noted that the Executive Board had agreed upon a deadline of 5pm on Monday 11 August 2014 for the submission of emergency motions.
5. The Committee noted that motion 14 'Mexico City Policy: National Flags, Mutual Respect and Solidarity' had been withdrawn by the movers. As the motion had been withdrawn the amendment to this motion would not be discussed.
6. The Committee also noted the following editorial error in amendment 4 to motion 15 in the 'Amendments to Motions' document (43cMotionsAmendments):

- i. Amend paragraph 6 by deleting the text which is struck through and adding the text which is underlined, as follows:

*Therefore, urges the ITF Seafarers' Section to implement the standards as set out in the Guidelines adopted by FPC-SG on November 2011 on the Mexico City Policy Implementation, that will allow beneficial ownership affiliated unions and affiliated unions from all labour supplying countries to claim an active role in the negotiation process for FOC vessels, and where possible, bilateral relationships should be cultivated between national flag unions and labour supply unions, ~~comparable bilateral relationships~~ for National Flag merchant vessels in the worldwide trade, so that labour supply seafarers will continue to have adequate protection and social benefits at the workplace, and additionally, at the place of domicile which is reasonably and justly in the best interest of the seafarers.*

7. The Committee agreed to refer the following motions to the ITF's 43<sup>rd</sup> Congress plenary:

Motion	Title	Amendments
1	Human and trade union rights	None
2	Respect and practical adherence to basic union and democratic rights by the Swazi Government including the right to a healthy and safe working environment	None
3	Freedom of association, collective bargaining and inter-company unions in Chile	None
5	Solidarity with transport workers in the Bolivarian Republic of Venezuela	None
6	Solidarity with the Cuban people	None
10	An international campaign against the anti-union Gulf states especially in the aviation sector	None
11	Violence against women	None
12	Young workers' activities	None
13	ITF Executive Board meetings open to all affiliates	None
28	Promotion of ITF's 'Our Public Transport' campaign	None
A	Reflecting current practice	None
B	Strengthening the Executive Board and Management Committee	None
C	Vice Presidents	None
D	ETF	None
E	To support work to improve membership processes	None
F	Increasing women's representation at Congress	Amendment 6

8. The Committee noted that the movers of motions 7, 8, and 9 were in discussion about the content of the motions, and agreed to consider the referral of these motions at the next meeting of the Committee.

9. The Committee agreed to refer the following motions to the Joint Seafarers and Dockers' Conference:

Motion	Title	Amendments
15	The role of labour-supplying unions in the negotiation process for vessels in the worldwide trade	Amendment 4 Amendment 5
16	On the need to review ITF policy for flag of convenience vessels	None
17	Pensions for seafarers working on FOC vessels	None
18	Chilean international registry	None

10. The Committee agreed to refer the following motions to the Seafarers' Section Conference:

Motion	Title	Amendments
4	Attacks on fundamental rights of Greek seafarers	None
19	Seafarers' welfare	None
20	Shipboard workload, fatigue and manning	None
21	Fair treatment of seafarers	None
22	Employment scams	None
23	European shipping	None
24	Crisis in merchant marine with particular reference to Pakistan	None

11. The Committee agreed to refer the following motions to the Inland Navigation Section Conference:

Motion	Title	Amendments
25	Inland navigation labour ILO instruments	None

12. The Committee agreed to refer the following motions to the Fisheries Section Conference:

Motion	Title	Amendments
26	Fishing industry	None

13. The Committee agreed to refer the following motions to the Railway Transport Section Conference:

Motion	Title	Amendments
27	Neoliberal rail policies	None

14. The Committee agreed to refer the following motion to the Urban Transport Committee:

Motion	Title	Amendments
29	Transport and mobility in Mexico City	None

15. The Committee noted that a number of emergency motions had already been received. It was agreed that the following motions (attached as **Annex 1**) met the criteria of being of a truly urgent nature and should be referred to the Civil Aviation Section Conference:

Motion	Title
Emergency 1	Unfair dismissal by Japan Airlines
Emergency 2	Aviation safety and security after MH17
Emergency 3	Malaysia Airlines

16. The Committee discussed three other emergency motions on sectional issues. It was agreed that these did not meet the criteria of being of a truly urgent nature and would therefore not be discussed.

17. The Committee agreed to arrange a further meeting following the deadline for the receipt of emergency motions, at which other emergency motions would be discussed. A further report would be presented to Congress following this meeting. The Committee mandated the Chair to deal with any emergency motions submitted for discussion at section conferences which took place before the next meeting of the Committee.

## Emergency motion 1: Unfair Dismissal by Japan Airlines

The 43rd Congress of the ITF, meeting in Sofia, Bulgaria from 10-16 August 2014:

1. Acknowledges that 84 cabin attendants and 81 pilots were dismissed by Japan Airlines (JAL), while the company went through a corporate rehabilitation program under the bankruptcy protection law, and among the dismissed 165 workers 71 cabin attendants and 70 pilots filed separate lawsuits demanding the nullification of their dismissal firstly in the Tokyo District Court and then in an appeals court. The Congress also notes that the Tokyo High Court upheld the decisions of the Tokyo District Court and ruled that the dismissal of the 165 workers was valid on 3 June (for the cabin crew case) and 5 June 2014 (for the pilots case).
2. Notes that the Tokyo High Court did not mention the ILO recommendations issued in June 2012 and in October 2013 in its ruling on the cabin crew case at all, and that in the ruling on the pilots case, the court stated 'the ILO recommendations do not require the government institutions of Japan take any concrete measures, nor do they mention those who have played a central role in union activities should not be dismissed.'
3. Further notes that the then CEO of JAL testified in court that the dismissal was not necessary from a corporate management perspective. In addition, the court judged that the dismissal was valid on the grounds that the company's rehabilitation program referred to the necessity of job cuts, without the testimony of the dismissed that the company's job reduction targets had already been met before the workers were dismissed being examined for proving its appropriateness.
4. If, in general, the court does not thoroughly examine evidences in relation to job cuts born in the process of restructuring under the bankruptcy law and thereby fails to make findings of facts, observes with great concern that the basic rights of workers could be infringed and undermined.
5. Notes that the court ruled that the criteria of 'age' and 'sick records' used by JAL to select those to be dismissed were reasonable.
6. Further concerns that those dismissed include the incumbent presidents and many activists of the unions concerned, which has weakened the unions.
7. Notes that Japan Airlines Cabin Crew Union (CCU) made a complaint to the ILO Committee on Freedom of Association with support from organisations such as the ITF and the IFALPA and that the committee made recommendations to the Japanese Government 'to instruct the company to negotiate with the unions concerned for the reinstatement of the dismissed workers.'
8. Observes that the negotiations between JAL and the concerned unions have not taken place in effect for the reinstatement of those dismissed, while the company has recruited 1820 cabin attendants since the unfair dismissal and has now started recruiting aspiring pilots who have no flying experience.
9. This Congress urges the Japanese government to implement the ILO recommendations and calls on ITF affiliates to support the dismissed workers by JAL in their struggle to win swift reinstatement of all.

**Submitted by:**  
**Japan Airlines Cabin Crew Union (CCU)**

## Emergency motion 2: Aviation safety and security after MH17

The 43rd Congress of the ITF, meeting in Sofia, Bulgaria from 10-16 August 2014:

1. Knowing that transport workers worldwide are deeply shocked by the tragic crash of Malaysia Airlines Flight 17 (MH17) on 17 July 2014, which was a scheduled from Amsterdam to Kuala Lumpur.
2. Considering that our sisters and brothers were amongst the 298 innocent people who were killed, our members across the globe have been immediately affected by this act of terror. Our thoughts are with all those touched by these terrible events.
3. Further considering that whoever was responsible for the downing of Flight MH17, it was clearly an act of terrorism and should be investigated properly and the issue should be decided scientifically. Flight crash investigators should be provided with the necessary means and conditions to determine what caused the crash from traces left on the debris.
4. Knowing that although the shooting down of a Ukrainian military plane before the tragic crash of MH17 had already highlighted the dangers of flying over the conflict zone there were no compulsory avoidance measures for this dangerous flight route. A number of other airlines have opted to voluntarily avoid the area since the conflict started, but some others have not, in spite that airlines diverting traffic would have meant spending more on fuel, and thereby cutting their profits.
5. Considering that thanks to the ongoing liberalisation and deregulation and the cutthroat competition that was created in the international aviation industry, cost cutting has been relentless over the last two decades. Under these harsh market conditions, immense commercial pressures pushed some airlines to take risks – i.e. to put lives of aviation workers and passengers on the line – in order to protect their profits and competitiveness.
6. Calls on ICAO to design proper procedures in order to avoid major and long-term armed conflicts and wars that could endanger the security and safety assessment of flight routes so that they will not be left to the decision of individual airlines. In the current state of the globalised world ICAO Council should be allowed to make decisions ensuring the security and safety of aviation workers and passengers alike.
7. Calls for new levels of co-operation between governments, industry and aviation unions. It is imperative that those who experience the day-to-day realities of operating air transport, and those whose lives are put at risk, have their voice properly heard.

**Submitted by:**

**Transport Workers Union (TWU), Australia**

### **Emergency motion 3: Malaysia Airlines**

The 43rd Congress of the ITF, meeting in Sofia, Bulgaria from 10-16 August 2014:

1. Considering that less than five months after the unsolved disappearance of Malaysia Airlines flight MH370, the airline has again been thrown into turmoil by the tragic crash of MH17 in eastern Ukraine.
2. Knowing that this is a time for reflection and a time for solidarity, members of the ITF affiliated unions, whether crews in the air or ground staff, feel a very personal and direct empathy for the horrors of this crash that killed 298 innocent people, including 15 crew members.
3. Considering that Malaysia Airlines' future is now in doubt but this shouldn't be the case. Once again, aviation workers are suffering very personally the economic consequences of an external shock. Aviation workers are expected to foot the bill directly with their jobs and conditions.
4. Further considering that Malaysia's international trade links depend on aviation and its people and substantial parts of the country's economy rely on air services. If the government wants to avoid deeper economic consequences it needs to protect its national airline, which forms the backbone of the country's aviation industry.
5. Calls for positive measures from the Malaysian government acting in the public interest as it should not allow the industry to become a further casualty of an act of terror so, as the global family of aviation unions, we expect the government to commit to actively engage in supporting its civil aviation industry.
6. Calls on the Malaysian government – and all governments around the world – to agree that air travel can no longer be regarded simply as a commercial business. The costs of security and the vulnerability of the sector to political events must mean that air travel is given special treatment.
7. Calls on the government and our Malaysian affiliate the MASEU to work together to find appropriate and effective local solutions to protect jobs and working conditions of the mourning Malaysia Airlines workforce.

**Submitted by:**

**Malaysian Airline System Employees' Union (MASEU)**