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SPEECH TO:

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INTERNATIONAL LABOUR ORGANISATION: DEMOCRACY, LABOUR LAW AND
THE ROLE OF TRADE UNIONS**

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Why strong trade unions are essential to a free democracy

*ACTU President Michele O'Neil address to the Symposium on the
Centenary
of the International Labour Organisation*

I'd like to acknowledge the traditional owners of the land we meet on today, the Wurundjeri people of the Kulin Nation, and pay my respects to their elders – past and present.

It always was and always will be Aboriginal land.

Friends,

One hundred years ago, in a world reeling from the devastation of World War I, the ILO was formed as a unique global tri-partite body representing working people, employers and governments.

The preamble to the ILO Constitution begins with the acknowledgement that lasting peace is only possible if it is based on social justice.

It explicitly states that the ILO should be “moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world”.

For a century the ILO has worked towards a peace that can only be built on a foundation of freedoms for working people, like the freedom to organise in their common interest.

And though we have made enormous progress, right now that foundation is anything but solid.

Inequality is rising, both globally and locally.

The top 10 percent of households have more than half the wealth in Australia, while the poorest 40 percent control just 2.8 per cent of the nation's wealth between them.

The average net worth of the top 20 percent is 93 times that of the lowest 20 percent and those at the top have seen a 68 percent growth in their wealth over the last 15 years.

Working people are not getting a fair share of the wealth their labour produces.

The labour share of national income has fallen in almost all OECD countries, including our own in recent decades.

Fewer working people have the freedom that secure work brings. The freedom to plan and live good lives.

Nearly half of the workers in Australia are in insecure work.¹

We are currently experiencing the longest period of low wage growth since the end of World War II.²

Even the IMF has recognised that law reforms that have weakened working people's bargaining power have led a lower share of national income for workers.³

Half of all new jobs in our economy are second jobs, and people working two jobs in our country earn less than those working one.

And more than a million people working part-time can't get enough hours.⁴

¹ The Dimensions of Insecure Work: A Factbook – Centre for Future Work
https://d3n8a8pro7vhmx.cloudfront.net/theausinstitute/pages/2807/attachments/original/1528337971/Insecure_Work_Factbook.pdf?1528337971

² Andrew Stewart, Jim Stanford and Tess Hardy 'The Wages Crisis in Australia', University of Adelaide, p 6, 2019.

³ 1 IMF Working Paper 'Employment Protection Deregulation and Labor Shares in Advanced Economies' by Gabriele Ciminelli, Romain Duval and Davide Furceri, August 2018

⁴ Characteristics of Employment, Australia, August 2018

Women working full-time in Australia are paid on average 14.1 percent less than men, ⁵and retire with around half of the superannuation balances that men do. ⁶

Our rights and laws have failed to keep pace with the tactics used to exploit us.

Employers are profiting from platforms that use 21st-century technology to spread work with 19th-century conditions.

A survey by the Transport Workers Union of more than 1000 food delivery workers in Australia found that even before fuel, insurance and maintenance costs are deducted, three in four drivers earn less than minimum wage.

Nearly half those riding bikes have been injured on the job or knew someone who had been.

Three riders working for one company alone have been killed at work in Australia.

The freedom to organise is one of the vital freedoms that underpin democracy.

And governments who are willing to undermine these freedoms represent a threat to democracy.

Last month the global peak body for working people, the International Trade Union Confederation, sounded the alarm on these freedoms.

According to the body's 2019 Global Rights Index, countries that many would consider liberal democracies regularly violate working people's rights.

Australia, Canada, Spain and the United Kingdom are in this category, along with Russia, Liberia, Jordan, Nepal and El Salvador.

⁵ Workplace Gender Equality Agency 2018

⁶ Not So Super For Women, Australian Services Union 2017

The World Economic Forum (a generally business-friendly international policy organisation) ranks Australia 5th-last among OECD countries in protecting worker rights.

ILO Convention number 97, to which Australia is a party, states that “workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes”.

Yet a top priority on the Morrison Government’s legislative agenda is the so called “Ensuring Integrity” bill.

This is an extreme, anti-democratic law that would allow employers and politicians to apply to have union leaders sacked from their jobs and entire unions de-registered.

The Government's attempts to paint it as being about one individual or one union are merely a smoke screen.

At its core it is an attack on ordinary workers and will if passed result in more dangerous workplaces, increased wage theft, superannuation theft, exploitation and further suppress wages.

Because the work unions do everyday is literally life-saving and equality-building.

Hobbling our capacity to do that work is not targeting union officials – it’s targeting working people.

That’s a long way from the “full freedom” that the ILO convention is supposed to protect.

And with every attack on these freedoms the foundation of our democracy is less firm, our rights as working people are less secure.

According to analysis by the International Centre of Trade Union Rights, this bill would be incompatible with Australia’s commitments under two separate ILO conventions that protect the right to organise and collectively bargain.

This is a regressive move that would further undermine the rights of working people in our country to organise and run our own organisations.

The report into these laws by an internationally respected body does not mince its words. They call this bill what it is. They say it is “cynically designed to encourage deeply damaging interference in trade unions' activities”.

One of the most concerning aspects of this bill is that it allows not just government ministers the ability to apply to have a union de-registered, but any person with a sufficient interest – a category that could include employers and other parties.

Again, the international researchers are clear. They say the bill is “harmful to workers, undermining to trade union democracy, and of no tangible benefit to the promotion of harmonious industrial relations.”

They could not find a single industrialised democracy that had even entertained the idea of what our government is planning.

The Morrison Government's approach compares unfavourably even with the repressive measures against working people's representatives adopted by Turkey, a country whose recent record on protecting freedoms – whether of working people or the press – is not one to be envied or emulated.

The only place full parallels could be found are places where the state has actively banned trade unions – either in one particular sector, or overall. The most comparable laws in a democracy exist in Brazil – but they were introduced in 1943 under the Vargas dictatorship.

“For Australia to propose an industrial law reform that would bring it closer to the example provided by Brazil's historical dictatorship than to those found in modern Western Europe illustrates just how alarming these developments are,” the report says.

“The proposal is not merely ‘out of step’ with the industrial relations systems of comparable countries,” they write, “It has no rightful place in a modern liberal democracy.”

That our elected government is willing to violate international law just to attack its political enemies is deeply, deeply concerning.

The proposed laws are fundamentally un-democratic. They are also bad for all working people.

All Australian workers benefit from the work of unions. When Governments silence and shut down working people's representatives, it is an attack on the rights of all working people, their families, their communities.

They use the vast resources and power of the state to target ordinary workers who volunteer as union officers. Teachers, nurses and postal workers who occupy offices of their union because they want to improve the rights, pay, conditions and safety of their co-workers.

The only people who would benefit from these laws are the Morrison Government and unethical employers.

There is nothing comparable to this un-democratic law in the legislation that governs the behaviour of corporate or political figures in our country.

If there was those of us in the union movement would have the right to take action in the Courts to deregister a retail company because we had discovered wage theft in two of their stores. We could have the directors disqualified and face criminal charges if they dared to even advise the business again.

If there was, there would be consequences for the likes of Christopher Pyne and Julie Bishop for personally profiting on their publicly owned knowledge and influence a few short weeks after leaving office.

There is no Ensuring Integrity Bill for banks. There is no Ensuring Integrity Bill for politicians

It's also clear from recent events that our own Government here in Australia – despite their lip-service to liberalism – feels as free to violate international conventions around press freedom as it does those around working people's rights.

Shortly after the re-election of the current government the Australian Federal Police conducted raids on two media organisations over years-old stories that they claimed had endangered national security.

They raided one reporter's home, demanded vast amounts of documents and, by the Minister's own admission, are still considering pressing charges over these stories.

Over recent weeks it has emerged that officers sought to take hand and fingerprints from the reporters concerned and demanded details of their travel movements from Qantas.

The ABC's head of Investigative Journalism, John Lyons, has written that these developments "appear to be part of a new climate in which journalists and their sources of information, sometimes referred to as whistleblowers, are targeted".

"With fingerprints and flight details being sought, there's a strong sense that genuine investigative journalism is being placed by the Federal Government and its agencies in the same category as criminality."

This is chillingly familiar to us in the trade union movement, who have been subject to the weaponization of politicised public service agencies in the course of our work representing working people.

Two years ago the offices of one of our affiliate unions, the Australian Workers' Union, was raided by the same organisation, acting at the behest of the Registered Organisations Commission – a body established by the conservative government to oversee unions.

People working at the union found out about the raids when camera crews started to show up outside their building – political staffers had tipped off the media to maximise the damage to the reputation of the union.

In 2015 a Canberra CFMEU organiser was charged with blackmail. The charges were dropped within months.

His supposed offence? Negotiating for fair pay on behalf of the members he represented. Arrested and paraded in front of the media.

He sued for malicious prosecution and the case was settled, but the message that was sent by subjecting him to this ordeal was clear.

We are long past the point in this country where genuine union organising was placed by the Federal Government and its agencies in the same category as criminality.

It shouldn't be this way and it doesn't have to be this way.

There is a correlation between those countries with the highest living standards and those where union membership is highest.

And there is a clear correlation between inequality – which is a result of the suppression of working people's organisations – and the willingness of governments to undermine adjacent freedoms, like the free press.

Countries where unions are engaged and recognised as having a legitimate social and economic role are more equal, more free and more peaceful – something that the founders of the ILO knew a century ago.

In an economy that is increasingly focused on services, it's not just the people performing labour in a workplace who win from an organised workforce – it is the patients, the consumers, the clients of the services themselves.

The recent Aged Care Royal Commission in Australia has revealed the harrowing consequences of allowing private aged care providers to place profit before the needs of residents.

Only this week we heard the story of a woman who entered an aged care facility healthy and was dead in a month of untreated ulcers and skin conditions.

Although the facility housed 65 high-care residents, they employed only a single nurse, for seven and a half hours a day.

We've also learned that companies operating these facilities pay as little as \$7 per day to feed the residents, and sometimes even ration incontinence pads – all in the name of profit.

In January this year I lost my Mum who died in an aged care facility. My sisters and I saw up close and in the most personal of circumstances the difference that staffing levels, trained and experienced carers, hours and rosters and resources make to the quality of care.

People working in aged care homes are fighting back.

They're organising not just for their own wages, but for the safety and dignity of the people in their care.

They are demanding that aged care operators place the humanity of their residents before the profit imperative.

That good quality care can be delivered when you have good quality jobs.

When working people are organised and active, our communities and our society are better.

When working people are prevented from organising, there is no floor on how inhuman they can become.

A recent paper by the Centre for Future Work examined the regulatory and legal environments for union membership across the world.

They found a clear strong relationship between a country's protection of freedoms for workers, and the success of unions.

Countries with strong protections of people's freedom to organise are likely to have a greater proportion of union members.

And in turn, countries with a greater proportion of union members on average are more equal and have fewer working people living in poverty.

Inequality is a political choice.

It is not, as some economists would have us believe, simply a confluence of factors or the natural result of market forces interacting without human assistance.

It is a choice made by politicians, regulators and policy-makers to rig the game in favour of corporate greed and against the common interests of working people.

It's a choice they make when they put extreme, anti-worker, anti-democratic laws to the parliament.

It's a choice they make when they raid union offices on confected grounds, and when they make sure there are cameras there to capture it.

It's a choice they make when they demonise working people's representatives, creating stereotypes that drive division and fear, in order to undermine the legitimacy of our work.

And it's a choice they make when they raid the homes of journalists, when they intimidate people who work every day exercising the freedom on which our democracy rests.

It is a choice that our government has made repeatedly, and a choice with disastrous consequences.

These consequences are not restricted to the world of work. They reverberate across our society and across our world.

Many people are losing faith – not just in particular governments, but in the institutions of society itself.

To restore that faith, we must build our unions and make our laws more fair and our country more free.

There is no time and no need to decide between workplace organising and political campaigning – the need for both is urgent and we need them both working together.

Our job is to build our movement.

Our job is to fight. To mobilise. To organise. At work, in our communities, in our homes and in our parliaments.

The only path to freedom is one that is carved and widened by the sheer number of bodies who walk it.

We must stridently, constantly and fearlessly advocate for the freedoms of working people.

The freedom to organise.

The freedom to run our own organisations.

The freedom to be represented by the people we choose.

The freedom to withdraw our labour.

When Governments pass regressive laws targeting working people and our unions, every one of us is made poorer, less empowered and less free.

This is a fight for the kind of country we want Australia to be. This is a fight for the kind of world we want to bring our children into.

It's up to us to lay a new foundation of freedoms, to set our democracy firm again.

Those who target working people do not know how resilient we are.

They don't know that everything that we have – and the freedom that our society rests on – is only here because we fought for it.

This is what gives us confidence. This is what gives us strength. That good, smart, strategic working people are prepared to stand together for what we believe in.

This, friends, is no time to stop fighting.

After all – If you don't fight you lose.