

Australians Marginalised From Decent Work Aboriginal and Torres Strait Islander Peoples Policy

ACTU CONGRESS 2003

*"If you've come here to help me, then you're wasting your time.
If you've come here because your liberation is bound up with mine,
then let us work together."*

Lilla Watson, Aboriginal Activist

Source: Baxter Easter weekend Protest Poster April 18-20, 2003

INDIGENOUS BUSINESS IS UNION BUSINESS

Opening Statement

1. The Australian union movement faces perhaps its most challenging time and as such we have many competing priorities and demands.
2. Notwithstanding this we acknowledge that the destiny of the Australian union movement is entwined with the destiny of Australia's Indigenous peoples. The fact the Australia's Aboriginal and Torres Strait Islander peoples remain at the bottom level of every economic and social indicator is unacceptable. We are clear that there is much work to be done and that the Australian Trade Union Movement must play a leading role in transforming the situation for our Indigenous peoples.
3. In making this policy the ACTU and its affiliates are making a clear statement that we will campaign to improve the situations for Australia's Indigenous people and that this process will be a priority for our unions.
4. This 2003 policy represents a break from our past approach. We accept that we are accountable for the situation for Indigenous people of this country and that we will be called upon to both initiate and support campaigns for Indigenous Australians.
5. We say to the Indigenous peoples of Australia, including our members, delegates and activists that you can count on us. Your struggle is now our struggle.

Context

6. Aboriginal and Torres Strait Islander peoples are the First Nations peoples of Australia, and as such, have a distinct and inalienable set of rights. The right to self-determination is the paramount of these.
7. Aboriginal and Torres Strait Islander cultures are living cultures. Despite hundreds of years of systemic oppression, colonisation, and racism, Aboriginal and Torres Strait Islander peoples continue to maintain a connection to their lands and surrounding waters.
8. The ACTU recognises that as a consequence of the process of colonisation, Aboriginal and Torres Strait Islander peoples have come from a range of diverse circumstances, and have a range of knowledges and experiences in relation to their cultural backgrounds.
9. Further, the ACTU acknowledges that non-Indigenous peoples and systems have played a crucial role in the oppression of Aboriginal and Torres Strait Islander peoples, through the denial of opportunities, the reinforcement of racial stereotypes, the lowering of expectations and quality, the exclusion of participation, and the reinforcement of cultural and political values which are ultimately alien to the original inhabitants of this land.
10. The ACTU and affiliated unions are committed to rectifying this situation, through the implementation of this Aboriginal and Torres Strait Islander Peoples Policy.

Policy Priorities for Action

11. The ACTU and affiliated unions reaffirm our commitment to:
 - (a) The negotiation of a Treaty with Aboriginal and Torres Strait Islander peoples facilitating self determination and reconciliation.
 - (b) Improving employment outcomes by bargaining for increased employment opportunities.
 - (c) Targeting and organising Indigenous workers in affiliates and key industries and growth sectors.
 - (d) Ensuring provision of industrial protection for Indigenous workers through both awards and enterprise bargaining agreements.
 - (e) Social justice for Aboriginal and Torres Strait Islander peoples through advocacy in relation to health and education.
12. The ACTU and affiliated unions affirm their conviction to value the diversity of the cultures and forms of social organisation of Aboriginal

and Torres Strait Islander peoples and commit to the social, economic, educational, health and community development of Aboriginal and Torres Strait Islander peoples.

13. The ACTU commits to working with unions to develop and implement effective recruitment, retention and activism strategies specifically targeted to Indigenous peoples within the union movement and utilising innovative organising techniques that are culturally sensitive.
14. The ACTU will work with unions to specifically target Aboriginal and Torres Strait Islander workers for participation in Organising Works, the Anna Stewart Program, and other trade union training activities.
15. The ACTU commits to promote the employment, economic and community development of Aboriginal and Torres Strait Islander peoples as core business for unions, and encourage unions to be significant contributors to the broader social debate and actions occurring in these areas.
16. Stolen wages are not a welfare issue, they are an industrial issue. The ACTU believes that the Queensland Government and other Governments with similar histories should negotiate with Indigenous representatives about this issue.
17. The ACTU and affiliated unions stand in solidarity with the Indigenous communities in opposition to the nuclear waste dump proposed for South Australia.
18. A Sub-Committee of the ACTU Executive will seek to work closely with the Indigenous Committee to implement policy priorities and support these initiatives.

Principles and Objectives

19. The ACTU:
 - (a) Is committed to the principles of self-determination and self-management for Aboriginal and Torres Strait Islander peoples, and asserts this as a fundamental democratic right of Aboriginal and Torres Strait Islander peoples. This right must be applied in all areas of decision making, including decision making within trade union structures.
 - (b) Affirms its conviction to value the diversity of the cultures and forms of social organisation of Aboriginal and Torres Strait Islander peoples, and commits its members to the social, economic, educational, health and community development of Aboriginal and Torres Strait Islander peoples.

- (c) Recognises the important contribution that Aboriginal and Torres Strait Islander peoples make to the socio-economic, cultural and environmental advancement of Australian society.
- (d) Is dedicated to ensuring that all Aboriginal and Torres Strait Islander peoples have local access to a range of systems and services which affirm cultural identity, and enable Aboriginal and Torres Strait Islander peoples to contribute to, and participate in their own societies and broader society.
- (e) Emphasises the important role of cooperation and partnerships between Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander Australians in promoting and implementing the goals and activities of Aboriginal and Torres Strait Islander peoples.

The Union Movement and Aboriginal and Torres Strait Islander Peoples

20. The ACTU commits to:

- (a) The development of an effective partnership with Aboriginal and Torres Strait Islander peoples and communities, and believes that such a partnership should:
 - (i) continue the ACTU's involvement with, and commitment to Aboriginal and Torres Strait Islander rights, including addressing social justice issues such as land rights, racism and reconciliation;
 - (ii) acknowledge the extent to which institutionalised racism within unions and workplaces, has deterred Aboriginal and Torres Strait Islander workers from entering the workforce, and embracing union culture;
 - (iii) continue to work towards the redress of the economic and social disadvantage faced by Aboriginal and Torres Strait Islander peoples, particularly in relation to employment;
 - (iv) strengthen representative structures within the ACTU to encourage participation by Aboriginal and Torres Strait Islander workers; and
 - (v) provide support and assistance to affiliates in order to improve Aboriginal and Torres Strait Islander representation and activism within unions generally.
- (b) The ACTU and affiliates will:

- (i) continue to advocate for social justice and issues impacting on the lives of Aboriginal and Torres Strait Islander peoples;
- (ii) encourage affiliates to identify and promote appropriate training opportunities for non-Aboriginal and Torres Strait Islander union officials, aimed at improving understanding of the needs of Aboriginal and Torres Strait Islander workers, and the effect of majority race privilege on the pursuit of justice for Aboriginal and Torres Strait Islander workers;
- (iii) provide cross-cultural awareness training for union staff, workplace delegates and members;
- (iv) provide community visitation programs for union officials including senior union officials;
- (v) collaborate to develop a "Claim Framework" or minimum entitlements and conditions to be included in all awards and agreements based around Indigenous employment claims which would be the minimum standard expected to be negotiated in any EBA or Award (eg: the AEU Indigenous Employment Claims);
- (vi) promote rule changes, or other affirmative action strategies to ensure that Aboriginal and Torres Strait Islander peoples have a representative voice within unions; and
- (vii) provide adequate support to the ACTU Indigenous committee, the annual ACTU Indigenous conference, and the ACTU Indigenous Executive member(s).

Organising Aboriginal and Torres Strait Islander Workers

21. The ACTU commits to working together with existing Aboriginal and Torres Strait Islander networks and structures in the union movement (including the ACTU Indigenous committee and committees and structures established by affiliates) to develop and implement effective strategies to recruit and organise Indigenous workers.
- (a) The ACTU will do this by:
 - (i) ensuring that Aboriginal and Torres Strait Islander cultural protocols and community aspirations are incorporated in all initiatives related to the recruitment and organisation of Aboriginal and Torres Strait Islander workers;

- (ii) developing effective mechanisms to ensure that Aboriginal and Torres Strait Islander voices are represented, both formally and informally within the ACTU and affiliates;
 - (iii) working with unions to develop and implement effective recruitment, retention and activism strategies specifically targeted to Indigenous peoples within the union movement;
 - (iv) ensuring that the rights of Indigenous workers are protected and promoted in workplaces and in unions; and
 - (v) ensuring that Aboriginal and Torres Strait Islander unionists have an opportunity to develop their knowledge of unions through participation in union education and training activities, such as trade union training, the Anna Stewart Program and the Organising Works Program.
- (b) The ACTU and affiliates will:
- (i) Develop and implement a protocol for Welcome to Country at all union meetings (eg: the NSW Teachers' Federation Welcome to Country);
 - (ii) collaborate and share information on successful strategies which have resulted in higher Indigenous membership, and a higher level of Indigenous activism within affiliates;
 - (iii) formalise the documentation of this information as a guide for unions to use when they are working with Aboriginal and Torres Strait Islander workers;
 - (iv) ensuring that Indigenous members have an opportunity to input in to the development of the industrial business of unions (including the development of logs of claims, and campaigning);
 - (v) ensuring that Aboriginal and Torres Strait Islander members have an opportunity to self-identify on membership forms, and that they are provided with information about the broader Indigenous unionist's networks and structures;
 - (vi) establish data bases on Indigenous members and activists;
 - (vii) develop an Aboriginal and Torres Strait Islander Award category for the ACTU Awards; and
 - (viii) specifically target Aboriginal and Torres Strait Islander workers for participation in Organising Works, the Anna Stewart Program and other Trade Union Training Activities.

- (c) In addition to the above initiatives the ACTU and affiliates will conduct a national audit of unions and peak organisations prior to the 2006 ACTU Congress to:
 - (i) identify the systems that unions are using to identify how many existing and potential Indigenous members there are in their areas of coverage;
 - (ii) evaluate the extent to which unions are effective in organising Indigenous workers with a view to assessing what can be done to support unions in increasing their effectiveness in this area;
 - (iii) to identify what support mechanisms are in place for Indigenous members and activists;
 - (iv) to assess how many Indigenous union officials are employed full and part time; and
 - (v) examine the extent of cultural awareness training systems and initiatives that are currently taking place within the Australians union movement.

Employment, Community and Economic Development

22. The ACTU commits to:

- (a) Promote the employment, economic and community development of Aboriginal and Torres Strait Islander peoples as core business for unions, and encourage unions to be significant contributors to the broader social debate and actions occurring in these areas. This will occur through:
 - (i) building a sophisticated body of information and knowledge on the employment of Aboriginal and Torres Strait Islander workers, including CDEP participants, their rights and entitlements, and access to and participation in economic and social development activities;
 - (ii) ensuring that this information is shared broadly across the ACTU and affiliates;
 - (iii) developing campaign frameworks and advocacy strategies which are inclusive of these issues;
 - (iv) supporting the aspirations of Aboriginal and Torres Strait Islander peoples and their communities, through supporting the establishment of appropriately targeted strategies and programs;

- (v) actively encouraging employer bodies to acknowledge and support these aspirations through both industrial and social justice frameworks; and
 - (vi) researching and implementing where appropriate a "quota" system for employment of Indigenous people, the quota being based on the size of the Indigenous population in the area where the organising strategies are being implemented.
- (b) The ACTU and Affiliates will:
- (i) lobby employer groups, including industry and governments, to ensure that appropriate Aboriginal and Torres Strait Islander employment targets are established, and that, where necessary, these targets build in effective education and training programs;
 - (ii) collaborate to ensure an appropriate strategy is developed to protect the rights of CDEP workers, building on the existing work done by the ACTU in the development of the draft CDEP award, and ensuring that there is an effective mechanism for the development of an ACTU policy on protecting the rights of CDEP workers;
 - (iii) conduct and share research, as identified and prioritised by the ACTU Indigenous conference and committee, and use this research for the development of ACTU positions and campaigns on the prioritised areas;
 - (iv) lobby governments and other employer bodies to ensure that all employees, but specifically educators, police and health professionals, have conducted Indigenous studies, as a minimum requirement for their employment;
 - (v) in conjunction with Aboriginal and Torres Strait Islander peoples, develop and support specific programs (such as a union-sponsored workplace orientation, school breakfast programs, or targeted finance industry programs) which support Aboriginal and Torres Strait Islander community development aspirations; and
 - (vi) given current Indigenous mortality rates, explore provisions for earlier access to superannuation for Indigenous workers.

Social Justice

23. The ACTU commits to recognising the rights and social position of Aboriginal and Torres Strait Islander peoples in Australia, and the obstacles presented to labour market and union participation, caused primarily by a denial of these rights, and culminating in a range of social disadvantages. In recognition of this, the ACTU will continue and strengthen its commitment to the broad array of social justice issues and initiatives, including but not limited to:
- (a) native title, land rights and land tenure issues;
 - (b) preventative and diversionary justice mechanisms as an alternative to incarceration;
 - (c) globalisation and the effect on Indigenous people;
 - (d) the increased government and private sector expenditure in the areas of Aboriginal and Torres Strait Islander housing, arts, health, justice, employment, training and education;
 - (e) the promotion of Aboriginal and Torres Strait Islander cultures and cultural activities as part of the ACTU's broader involvement with Australian communities; and
 - (f) intellectual property and copyright.
24. The ACTU and affiliates will:
- (a) contribute to ongoing campaigning to ensure the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, particularly those relating to employment;
 - (b) support the continuing voice and participation of Aboriginal and Torres Strait Islander unionists and communities before relevant bodies, including the UN and its various bodies in particular: the Committee on the Elimination of Racial Discrimination; the Permanent Forum on Indigenous Issues; the International Labour Organisation; and the Human Rights Commission;
 - (c) continue to develop an effective response to national struggles aimed at promoting the recognition of Aboriginal and Torres Strait Islander rights and employment, including the process of reconciliation;
 - (d) continuing support for the work and achievement of native title rights for Aboriginal and Torres Strait Islander communities through bodies such as Australians for Native Title and Reconciliation (ANTAR);

- (e) continue involvement with the National Sorry Day Committee (NSDC) and its campaign to ensure the implementation of the “Bringing Them Home Report”; and
- (f) ensure that there is real participation of Aboriginal and Torres Strait Islander peoples in union movement activities, such as conference delegations, awards nights, and other key forums.