

POLICIES & Resolutions

ACTU Congress 2015



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CONGRESS 2015 POLICIES & Resolutions

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WORKERS' RIGHTS



POLICY

WORKERS' RIGHTS

1. OUR SAFETY NET

DECENT MINIMUM WAGES

1. Congress affirms the objective of minimum and award wages is to reduce poverty and inequality and to provide workers with decent living wages and working conditions.
2. Congress affirms that increases in award rates of pay should:
 - a) Provide a decent living wage for award dependent workers;
 - b) Improve the absolute and relative living standards of award dependent workers; and
 - c) Reduce the gap between award and agreement rates of pay.
3. Congress is concerned at growing inequality between award dependent workers and the wages and conditions of those covered by agreements.
4. Congress acknowledges the large number of workers who depend on minimum and award wages and for whom enterprise bargaining is not a means to ensure decent living wages and fair wage increases. Congress resolves to pursue a mechanism to combat growing inequality between award rates and market rates.
5. Australia has had the biggest drop in the minimum wage as a percentage of the average wage of any OECD country between 2003 and 2013. Congress is committed to raising the National Minimum Wage to reduce the ever increasing gap between the minimum wage and the average full-time wage.
6. Congress rejects the proposition that minimum wages should be restrained on the basis of creating more jobs and containing inflation and encouraging enterprise bargaining. These propositions are simply not borne by the facts.
7. The ACTU and unions are committed to raising and restoring the relevance of award rates of pay through annual cases before the Fair Work Commission, based on the principles of:
 - a) Social inclusion and increased workforce participation;
 - b) Relative living standards and the needs of the low paid;
 - c) Equal pay for work of equal or comparable value; and

- d) Secure fair minimum wages for juniors, trainees, apprentices and workers with a disability.
8. Congress resolves to continue to:
- a) Advocate for substantial increases in the real value of award minimum rates through national wage case proceedings;
 - b) Broaden efforts to achieve minimum wage improvements through public campaigning aimed at highlighting the position of the low paid, and mobilising workers and others in the community to demand greater wage justice; and
 - c) Develop strategies to ensure award wages function as a genuine safety net by more closely reflecting market rates.
9. Congress notes that the level of the casual loading has not been increased since the 2000 metal industry award case. Casual employees must be properly compensated for the loss of safety net conditions and industrial citizenship. The increased use of labour hire, long term casual work and rising inequality require that Congress conduct a thorough review of the level of the casual loading having regard to contemporary considerations.
10. Congress recognises the importance of skill based career paths and wage progression for productivity, equity and social inclusion.
11. Congress recognises that both occupational and industry structures have built-in gender biases, something evident during the long struggle over equal pay for work of comparable worth. Congress will continue to campaign for equality in actual rates of pay for work of equal or comparable value, in workplaces sectors and industries.
12. Congress recognises that the living standards of low paid workers are particularly reliant on the social wage, which includes tax and social security policy and the provision of public services including health, education, housing and transport. Congress will campaign for social wage improvements to lift the living standards of low income households, as a complement to – but not substitution for – real increases in Award and minimum wage.

PROTECTING PENALTY RATES

13. Congress reaffirms that employees must be appropriately compensated for working at inconvenient and unsociable hours. Penalty rates are an integral part of the minimum safety net of employment terms and conditions.
14. Congress is concerned about the relentless attack on penalty rates by employer groups. Opponents of penalty rates often suggest that the historical justifications are irrelevant in today's "24/7 economy". Congress rejects this claim, noting that it is inconsistent with the facts.
15. Employees have to work when they are directed to do so by their employer and often have no choice to refuse work. The negative effects of non-standard work hours on family and social interaction apply equally to all employees who work during unsociable times. All workers deserve to receive penalty rates regardless of the reasons they work unsociable hours.
16. All societies have regulated patterns of work with distinct days of rest and cultural significance when it is expected that individuals will be able to participate in activities other

than work. Penalty rates form an important part of a broad community consensus of when work activity should mainly take place. Congress acknowledges there is longstanding historical precedent and broad public support and consensus for distinguishing weekend and weekday work.

17. Congress acknowledges that some of the most vulnerable employees rely on penalty rates to make ends meet. These employees include the low paid, casual workers, women and those in regional and rural areas. Many employees who receive penalty rates are also dependent upon minimum pay rates or work part-time, and penalty rates are a vital component of their income. Congress resolves to continue to vigorously oppose any attempts to reduce penalty rates in the minimum safety net.

A FAIR AWARD SAFETY NET

18. Congress acknowledges that:
 - a) Modern awards are a vital part of the safety net of terms and conditions that ensure employees have access to fair wages and conditions; and
 - b) Modern awards continue to have practical relevance in today's workplaces as is evident from the relatively high proportion of employees that have their pay and conditions of employment set by modern awards, either directly (18%) or indirectly (35%).
19. Congress rejects the proposition that, without the Award system, the tax and transfer system, the NES and minimum wages can serve as an adequate safety net. The Award system is critical: minimum terms and conditions of employment are regulated by the NES and modern awards working together.
20. Congress notes that the Fair Work Act has not been successful in stamping out exploitative individual agreements and that there are some parallels between the uses of WorkChoices era AWAs and Fair Work Act Individual Flexibility Arrangements. Affiliates will defend the integrity of the safety net against these practices and will campaign for the abolition of individual flexibility arrangements.
21. Congress notes that the FWA unnecessarily restricts the content of modern awards. Whilst preserving base standards as reflected in the NES, restrictions on the content of awards need to be lifted to ensure that the safety net can develop in the interests of workers without being confined to unnecessary technical limitations.
22. Congress acknowledges that the award system has been thoroughly reviewed on numerous occasions over more than two decades and the total number of Awards reduced from many thousands to 122 Modern Awards. Congress affirms that the compulsory four yearly review process should be abolished in favour of a mechanism that enables parties to apply for an award variation which should be determined by FWC on the basis of a genuine contest of the merits within a concrete factual setting.

IMPROVED UNFAIR DISMISSAL RULES

23. All employees should be entitled to a remedy for being unfairly dismissed.

24. Congress advocates for the reduction of the qualifying period for all unfair dismissal claims to three months, in line with the common probation period, and that there should be no exemptions for employers based on the number of employees in the organisation.
25. Congress advocates for broader unfair dismissal remedies. Compensation for unpaid wages is insufficient. An employee should be able to receive other forms of compensation and an employer should be exposed to punishment such as civil remedy provisions. Other forms of compensation should include monetary compensation that is in addition to the compensation for lost income. There should be no reduction to or substitution of current forms of compensation.

SECURITY OF ENTITLEMENTS

26. Congress believes that no employee should be left short-changed when their employer becomes insolvent. The ACTU and Unions will continue to advocate for reforms to the Fair Entitlements Guarantee, the Corporations Act and the Fair Work Act to ensure that:
 - a) all employee entitlements, including all deductions and contributions, are fully recoverable from the Fair Entitlements Guarantee;
 - b) the Commonwealth is armed with the laws and resources it needs to maximise its recovery in insolvencies, including from individuals and related entities in appropriate circumstances;
 - c) irresponsible dealing with and avoidance of employee entitlements and trading when insolvent is better detected and deterred;
 - d) employees and their unions are better informed about the financial activity and performance of employers and are able to take meaningful action to protect and recover entitlements;
 - e) there are strong incentives through supply chains to encourage timely payment of entitlements;
 - f) the priority status of employee creditors is further elevated;
 - g) there are more accessible options to secure employee entitlements against the assets of an employer or place them in trust; and
 - h) individuals involved in phoenix operations are put out of business for good.

NATIONAL EMPLOYMENT STANDARDS

27. Congress acknowledges that:
 - a) the National Employment Standards and a fair modern award system need to work together to provide an appropriate safety net for workers; and
 - b) by the end of the term of the next Federal Government the NES will have been fixed for nearly ten years.
28. Congress advocates for a review of the NES by the next Labor Government which will improve the NES but with no reduction in any existing standard. Such a review should be concluded in the first half of the Government's first term.



POLICY

WORKERS' RIGHTS

2. MODERNISING THE SYSTEM

OUR BARGAINING AGENDA

1. Congress commits to a bargaining agenda which aims to deliver improvements to worker's lives and address their key industrial needs, including:
 - a) Wage outcomes that, as a minimum, maintain the real value of wages and which secure a fair share for workers of efficiency gains, productivity growth and improved profitability;
 - b) Improved hours of work;
 - c) Increased job security;
 - d) Improved conditions for casuals and workers in precarious employment;
 - e) Better work, life and family balance;
 - f) Equal remuneration for work of equal or comparable value for women, visa holders, indigenous workers, young workers, and workers with a disability;
 - g) Greater superannuation entitlements;
 - h) Protection and portability of employee entitlements;
 - i) Improved delegate's rights; and
 - j) Access to improved leave entitlements.
2. Congress rejects the notion that productivity means cuts to jobs and workers' pay, rights and conditions. Congress notes that such notions, often advocated by employers and the current Federal Government, do not increase productivity and would decrease our standard of living. Congress further notes that the real drivers of productivity are, at the macro level, investment by government and employers in social capital, and physical and social infrastructure, and, at the enterprise level, development of a management culture that values the knowledge and input of workers.
3. Congress affirms the need for adequate resourcing for wage increases achieved through bargaining for workers in the public sector or publicly funded sectors.

LIFTING RESTRICTIONS ON AGREEMENT CONTENT

4. Congress commits to pursue changes to the Fair Work Act to ensure that parties are able to engage in co-operative and productive relationships that promote social inclusion and national prosperity through enterprise level collective bargaining.
5. Congress notes that imposing restrictions on the content of collective agreements is inconsistent with international obligations and in particular article 4 of the Right to Organise and Collective Bargaining Convention and article 3 of the Freedom of Association and Protection of the Right to Organise Convention.
6. Enterprise bargaining offers workers the capacity to influence arrangements relating to their employment and the employment of others that can have wider impacts for the benefit of society as a whole.
7. Congress is firmly of the view that there is no place in our industrial relations laws for restrictions on the content of collective agreements.
8. Workers should be free to make a judgment on the merits of the matters they seek to protect and the interests they seek to advance when bargaining with their employer. This assists in accommodating the changing needs and circumstances of different types of businesses, employment relationships, workers and communities.
9. In particular, Congress is concerned to ensure collective agreements (or other collective instruments and enforceable arrangements) can cover labour hire workers who are economically dependent servants and agents of an entity or host employer with which they have no “employment relationship” for any “matter” to “pertain to”. At a minimum, agreements should apply to work performed at the workplace rather than to specific employers in a labour supply chain.
10. Congress calls for the removal of the requirement that bargaining be restricted to matters pertaining to the employment relationship in order to ensure that the industrial relations system is relevant, responsive and fair.
11. Congress opposes any restrictions on agreement content which prevent workers and employers from freely agreeing to improve upon the statutory schemes for unfair dismissal and entry by union representatives.

EFFECTIVE SECTORAL, INDUSTRY AND SUPPLY CHAIN BARGAINING

12. Congress notes that the Fair Work Act’s primary focus is on enterprise level bargaining and does not adequately support bargaining across sectors or industries.
13. Failure to negotiate on a sectoral or industry wide basis limits outcomes of bargaining to specific enterprises and does not assist with industry-wide improvements including skills development, training and apprenticeships.
14. In particular, enterprise bargaining across an industry and/or through and within a supply chain is more reflective of the modern organisation of industries operating on the basis of joint production and joint employment. Further, individual agencies in the public sector do not generally have the powers of an independent enterprise but are subject to Government policy in relation to bargaining.

15. In many industries, enterprise-level bargaining can encourage competition based almost entirely on the capacity of a single enterprise to undercut industry standards and reduce labour costs which results in a “race to the bottom” and the exploitation of the most vulnerable workers rather than competition on the basis of productivity, service or quality.
16. Congress believes that workers have a right to organize and negotiate their terms and conditions of employment at the level which achieves the best outcomes for them, which allows them to bargain with the actual decision-maker for their enterprise, and which is efficient and delivers consistency in outcomes.
17. In particular, Congress advocates for law reform to address the joint employment nature of arrangements between host employer, labour hire provider and worker. The Fair Work Act should be amended to recognise that both labour hire operator and host employer have a role in observing workers’ rights and entitlements.
18. Congress calls for amendments to the Fair Work Act to facilitate and support parties negotiating arrangements which have industry-wide, sector-wide or supply chain impact. Once set by single or particular enterprise agreements or individual contracts it should not be possible to undercut and undermine these standards.
19. Congress supports the development of industry based councils which aim to collaboratively address the key issues facing both employers and employees and develop strategies to promote and progress the industry.
20. Congress believes legislation should require all employers and supply chain participants to be accountable to their workers, unions and the community on how their supply chains are structured and operated. This should extend to enforceable bargaining and to ensuring a transparent and public disclosure of supply chain arrangements with appropriate penalties for failure to do so.

ADDRESSING INSECURE WORK

21. Despite strong and sustained economic growth, recent decades have seen a worrying and dramatic rise of insecure work in Australia.
22. Congress notes that, today, only about 60% of workers are in full-time or part-time ongoing employment; the remaining – some four million workers – are engaged as casuals, on fixed-term contracts, in labour hire, or as independent contractors.
23. Insecure work means that a large section of the workforce does not share in our national economic prosperity. They have inferior rights, entitlements and job security to their counterparts in ongoing employment. It makes it tough for working families to plan for their future when they cannot rely on regular incomes, yet have rising household costs and are shouldering increasing household debt.
24. The rise of insecure work in Australia is the result of a business model that shifts the risks from the employer to the employee. Congress does not believe a strong, prosperous economy should come at the expense of quality jobs, respect for workers’ rights, or workers exercising some control over their working lives.
25. The Insecure Work in Australia (Inquiry Report) demonstrated that this issue is not confined to the margins of the Australian labour market. Insecure work can affect any worker – blue collar, white collar, private sector, public sector. It affects younger and older workers and, disproportionately, women, Aboriginal and Torres Strait Islander workers, workers from

culturally and linguistically diverse backgrounds and those with different kinds of visas. It affects the high skilled as well as the low skilled.

26. Congress will continue its commitment to campaign for improved regulation of the labour market that provides all workers with a universal set of protections and entitlements and jobs that workers and their families can rely on and which can be enforced against their effective employer, their host, and against any supply chain participant, including:
- a) The opportunity to convert insecure work into secure work, including labour hire employees having the right to convert to the “host” employer;
 - b) Minimum engagement protections;
 - c) Fair and predictable pay and hours of work;
 - d) A say about how, where, and when they work, and to be consulted about change;
 - e) Access to important conditions like annual leave, paid personal leave, overtime, penalty rates and long service leave;
 - f) Protection from unfair dismissal;
 - g) Quality skills, training and career opportunities;
 - h) Better protections to workers employed indirectly through labour hire and agency arrangements, including prohibiting these workers from being paid less than a relevant collective agreement;
 - i) Elimination of disguised employment arrangements like sham contracting;
 - j) A healthy and safe work environment;
 - k) No zero hour contracting; and
 - l) Measures that empower workers in insecure work to build a working life based on dignity, respect and fair recognition of their work.

LICENSING OF LABOUR HIRE AGENCIES

27. Congress notes the substantial growth of labour hire agencies in recent years which currently constitutes a \$19.3 billion industry comprising over 5400 entities. The lack of effective and proper regulation of the labour hire sector often encourages undercutting behaviour and exploitation of vulnerable workers. Many labour hire agencies are insufficiently capitalized and act as little more than conduits by which casual workers are deployed to a host employer as a means of reducing costs. The engagement of many labour hire agencies is symptomatic of an increasing shifting of risk from the host employer to the employee.
28. Many labour hire agencies ignore the provisions of industrial instruments and applicable laws by avoiding tax liability, and non-payment or underpayment of return to work premiums.

29. Congress supports the establishment of a comprehensive national scheme for the registration, licensing, accreditation and regulation of labour hire agencies.
30. Congress notes that this would not be a unique or radical move – throughout the OECD the UK, Canada, Korea, Japan, Germany, Austria, Spain, Luxembourg, the Netherlands, Sweden, Belgium, France, Italy and Portugal all operate licensing systems or codes of conduct that protect the rights and entitlements of labour hire employees.

PREVENTING SHAM ARRANGEMENTS

31. Congress notes labour hire and sub-contracting arrangements are used by some host or principal employers to screen themselves from legal responsibility for the people performing work for them. The layers of contractual obfuscation arising from many labour hire and sub-contracting arrangements can lead to exploitative practices such as underpayment, unfair termination and shams for which principals or host can avoid legal and moral responsibility. Congress supports measures to ensure principal and host employers cannot avoid responsibility for the people performing work for them through legal arrangement, including:
 - a) making principal or host employers responsible for keeping employment records for all of the workers performing work for them (whether directly employed or not); and
 - b) making principal or host employers responsible for all work related matters including unfair dismissal and underpayments, in relation to all of the workers performing work for them (whether directly employed or not).

PORTABLE ENTITLEMENTS

32. Congress affirms that employment mobility and insecure work requires workers entitlements to be based on the number of years of service in an industry rather than on the service with an employer.
33. Congress notes that leave performs an important function as part of the framework of worker entitlements that:
 - a) Helps to maintain a balance between work and private life;
 - b) Supports employees wellbeing and maintains healthy workplaces;
 - c) Is an incentive to reduce labour turnover; and
 - d) Is a means to enable employees to recover their energies and return to work renewed, refreshed, and re-invigorated.
34. Congress supports working toward:
 - a) The adoption of a nationally uniform minimum standard for long service leave, based on the highest common denominator;
 - b) Access to portable long service leave, based on the new national minimum standard, for all industries that currently do not have access to industry portable long service leave; and

- c) Portable access to other forms of leave by all workers.
35. Congress calls for an inquiry in to the feasibility and options for a national long service leave standard and the portability of long service and other leave entitlements.



POLICY

WORKERS' RIGHTS

3. A FAIR BARGAINING SYSTEM

BETTER BARGAINING

1. Congress believes Australian workers deserve a unified national industrial relations system in which they all have equal access to collective organisation and collective bargaining about matters that are important to them in their working lives.
2. All workers deserve access to an independent umpire that can resolve disputes in accordance with equity, good conscience and the substantial merits of the case.
3. Congress rejects the notion that workers should be subject to any prejudice in bargaining merely because of the industry in which they work, the level at which they choose to bargain or the economic power of their employer. Congress calls for the abolition of the Fair Work Building Commission, and any regulatory body or procurement guidelines which limit the rights workers have under the Fair Work Act.
4. Congress will lobby Federal and State governments to work together to amend the Fair Work Act and State referral legislation to expressly permit the federal system, including the Fair Work Commission, to deal with all public sector employment matters that State governments have argued are subject to constitutional limitations, such as job security and staffing levels.
5. Congress believes that all agreements must meet a genuine 'better off overall test'.

CHOICE OF PARTIES TO AGREEMENTS

6. Consistent with the principle that parties should be free to determine the level at which they bargain, bargaining for multiple employer agreements and multi-agency public sector agreements should involve the same rights, processes and facilitation from the Fair Work Commission as applied to single employer agreements in all cases where:
 - a) there is agreement to bargain by the employers or government concerned; or

- b) there is majority support from their collective workforce; subject only to a simple 'public interest' test.

FAIR FLEXIBILITY

- 7. Whilst bargaining can deliver agreed flexibilities to workers and employers, this must not undermine the collective nature of any agreement reached or undercut basic safety net provisions.
- 8. Congress calls for the Fair Work Act to be maintained and improved to ensure that:
 - a) it continues to contain clear prohibitions on individual employers or employees opting out of a collective agreement;
 - b) collective agreements continue not to be permitted to cover only one employee; and
 - c) enterprise agreements are not able to be made with a small number of employees prior to the engagement of the rest of the workforce.
- 9. Congress regards the use of Individual Flexibility Clauses as inappropriate and affirms the 2009 Congress Policy on Individual Flexibility Clauses.

BETTER SUPPORT, CERTAINTY AND PARTICIPATION

- 10. Congress notes that workers must be free to appoint their bargaining representatives. Affiliates are committed to working co-operatively in single bargaining units that represent the collective interests of employees.
- 11. To ensure equal access to collective bargaining for all workers, Congress calls for amendments to competition and consumer legislation to permit unrestricted union representation for independent contractors.
- 12. Congress affirms that in any bargaining process, workers have a right to be informed and represented and advocates that:
 - a) The requirement for genuine agreement creates a practical obligation to provide all relevant information related to bargaining and the agreement in a format which will be accessible and understood by all workers, including the NES;
 - b) Where the workforce to be covered by the agreement comprises of one third or more of short or long term visa holders, the employer must facilitate for the workers to meet and confer with a representative from the relevant union within 14 days of the notification time for the agreement; and
 - c) Where the number or identity of the workforce changes significantly within one year of a non-greenfields agreement being approved, the workers, upon demonstrating

majority support, should be able to bring forward the nominal expiry date of the agreement.

GOOD FAITH BARGAINING

13. Congress believes that the statutory good faith bargaining obligations should be seen as constituting substantive and not merely procedural obligations. The legislation should make clear that a party is not acting consistently with good faith bargaining obligations if the intention is to simply avoid the making of a collective agreement, regardless of its terms.
14. Congress believes that clear rules of conduct are essential to the proper operation of a good faith bargaining system and calls for a more detailed statement of desirable bargaining conduct which reflects the substantive obligations of parties.
15. Congress will lobby to strengthen the bargaining provisions of the Fair Work Act, including:
 - a) requiring employers to facilitate meetings of workers and union representatives nominated by the relevant union in paid time within 14 days of the notification time for the agreement;
 - b) requiring employers to disclose relevant and material information , including internal accounts, budgets and forecasts, to bargaining parties in a timely manner, while ensuring genuinely confidential information is treated appropriately;
 - c) requiring the principal decision maker of the employer or a direct delegated representative to participate in the bargaining process;
 - d) prohibiting employers from submitting an agreement to a vote until the bargaining representatives are agreed on a course or bargaining is at an impasse;
 - e) promotion of the expectation that bargaining parties should reach an agreement unless there are genuine reasons based on reasonable grounds not to do so;
 - f) the need for restorative and effective legal remedies against bad faith conduct, including non-compliance as a basis for objection to the approval of an agreement and good faith bargaining orders;
 - g) orders should be available to ensure that unions are able to contact and communicate with workers on sites; and
 - h) orders should be available to ensure that unions can hold paid meetings with workers during work time over the course of the bargain.
16. Congress notes in particular the systemic failure in the operation and proper application of the good faith bargaining framework and the inadequacy of existing mechanisms to provide for arbitration when employers refuse to enter into a collective agreement.

17. The current legislation allows large employers who are able to create significant damage to the Australian economy or an important part of it to access arbitration to resolve a dispute about bargaining, at the significant disadvantage of workers in smaller enterprises or with little bargaining power.
18. Congress advocates that the Fair Work Commission should be empowered to adopt an expansive approach to pro-actively facilitate bargaining parties in reaching agreement.
19. Where appropriate, the Fair Work Commission should initiate a form of supervised negotiation process and arbitration should be available where parties are assessed to be on a trajectory towards an intractable dispute, particularly where a party surface bargains or refuses to negotiate a collective agreement. Where parties are seeking their first agreement there should be more liberal access to arbitration conducted by the Fair Work Commission.
20. Congress recognises that public and government employees may require specific solutions to deal with intransigent employers and calls for the Fair Work Act to be amended to provide access to arbitration in public sector bargaining.

PROTECTING ENTERPRISE AGREEMENTS

21. Congress notes the decision in *Aurizon Operations Limited; Aurizon Network Pty Ltd; Australian Eastern Railroad Pty Ltd* [2015] RWCFB 540 terminating 12 enterprise agreements covering over 6,000 QLD workers.
22. Congress is concerned by the Full Bench's interpretation of s226 of the *Fair Work Act* which allows enterprise agreements to be terminated where to do so is not contrary to the public interest.
23. Congress condemns the interpretation of s226 by the Full Bench, including its reasoning that (a) collective bargaining is not a central object of the Act and (b) that it will be in the interest of employees and the employer if the business can enhance its competitive position...and compete more effectively for market opportunities" regardless of the employer's existing profits, market share and competitiveness during the life of the agreements.
24. Congress notes that the employer involved in this decision earned \$300 million in the 2013/14 financial year and held 70-75% market share while the agreements were in force.
25. Enterprise agreements allow employees and employers the freedom to make a judgement on the matters they seek to advance with reference to the needs and circumstances of an enterprise at the time. The sanctity of such agreements, nominally expired or otherwise, must be protected in all but the most limited of circumstances.
26. Congress believes that this interpretation of s226 will provide a disincentive for employers to negotiate in good faith – by providing a mechanism for employers to drag out

negotiations, apply to terminate nominally expired agreements, force workers down to the relevant award, and renegotiating terms up from award rates and conditions.

27. Congress commits to pursue changes to the Fair Work Act to ensure that s226 can only be applied in very limited circumstances and not in any circumstances where bargaining is underway or is sought.
28. Congress affirms the need for good faith bargaining processes to apply equally to 'greenfields' agreements. Congress rejects assertions that there is a need for unique provisions for Greenfield sites, which are not supported by evidence. Rather, Congress supports parties to Greenfield bargaining having access to the range of dispute resolution facilities provided by the Fair Work Commission. Arbitration on the merits of the case should be available in the case of an intractable Greenfields dispute, with determinations having regard to conditions on applicable projects of similar scale and nature.

DISPUTE ARBITRATION

29. Congress notes that many workers are deterred from, or unable to enforce their agreement, NES and award rights because:
 - a) Modern award dispute resolution clauses provide that the Fair Work Commission cannot arbitrate a matter arising under the award or NES without the consent of both parties;
 - b) Workers cannot take protected industrial action over a dispute about an award or NES matter;
 - c) Seeking relief in a competent court for a breach of the award or NES is an expensive and time-consuming proposition, so is rarely taken by workers;
 - d) Not all agreements provide for the mandatory settlement of disputes about the application and operation of their agreement; and
 - e) The Fair Work Act prohibits workers from accessing the Fair Work Commission for assistance to deal with disputes about the reasonableness of an employer's refusal to a request for flexible work arrangements to extend a period of unpaid parental leave at all.
30. Congress therefore asserts that the Fair Work Act does not provide 'accessible and effective' dispute resolution options for disputes about matters arising under agreements, awards or the NES.
31. Without recourse to arbitration for disputes about all agreement, award, NES and other work related matters, there is no way of guaranteeing the effective and on-going settlement of disputes about these matters.
32. Congress calls for amendments to the Fair Work Act to empower the Fair Work Commission to arbitrate disputes about these matters.

FAIR, SIMPLE AND DEMOCRATIC RULES FOR INDUSTRIAL ACTION

33. Congress affirms that all workers must have the right to take industrial action. No worker or union should be threatened with coercive or punitive orders from a Court as a consequence of exercising their right to strike or engaging in legitimate political protest.
34. Congress notes that the International Labour Organisation (ILO) has described the Fair Work Act's processes for regulating access to protected industrial action as 'excessive'.
35. Legally protected industrial action should be available to workers seeking a collective agreement, without the necessity for a secret ballot or without the condition that bargaining has commenced.
36. Irrespective of whether unions utilise internal processes, a ballot agent or choose to avail themselves of ballot processes administered by the FWC or the Australian Electoral Commission, there should be no role for employers other than a positive obligation of non-interference.
37. The Fair Work Act should make it clear that duly authorised industrial action continues to be authorised and available to all union members irrespective of changes in the size or composition of the workforce seeking to be covered by an agreement.
38. Congress notes that workers are unduly prejudiced by lockouts and that it is not a legitimate function of industrial relations law to provide employers with legal rights to combat worker collectivism and solidarity. The Fair Work Act should therefore prohibit employer lockouts.
39. In line with ILO recommendation 188, international best practice and previous Congress policy, employers should not be permitted to engage replacement labour during periods of protected industrial action.
40. The right to take protected industrial action should not be subject to administrative interference other than in the exceptional circumstances of:
 - a) Threats to life, personal safety or health, or the welfare, of the population or part of it; or
 - b) Significant damage to the Australian economy or an important part of it.
41. Engaging in bargaining in sectors or across an industry should not diminish the right to take protected industrial action.
42. There should be no power to a Minister to terminate protected action. Orders to stop or prevent unprotected industrial action must be the domain of the Fair Work Commission in the first instance and the Fair Work Commission must have discretion as to whether it issues those orders.

43. Congress calls for loopholes that permit employers to coerce workers to stop or cease exercising their rights to take protected action to be closed. In particular, employers should be bound to make full or proportional payments for work performed in the event of protected action constituted by partial work bans. Further, employers should be prohibited from using codes of conduct to threaten or limit workers from taking protected action.

BOYCOTTS AND POLITICAL ACTION

44. Congress notes that Australia's secondary boycott provisions do not conform with the Freedom of Association and Protection of the Right to Organise Convention of the ILO (Convention No. 87).
45. Congress also notes that Australia's current industrial relations laws do not provide a proper framework for resolving disputes involving secondary boycotts.
46. Congress calls for the removal of the secondary boycott provisions of the Competition and Consumer Act 2010.
47. Congress notes the breadth of issues working Australians face and calls for the right for all workers to take industrial action in support of broader industrial, economic and political objectives.
48. Congress recognises that government and public sector employees are members of the Australian community and should have the same rights to participate in political and union activity as other workers.



POLICY

WORKERS' RIGHTS

4. IMPROVING WORKERS RIGHTS TO REPRESENTATION

ACCESS TO WORKERS AT THE WORKPLACE

1. Congress reaffirms the importance of working people to access independent information, advice and representation.
2. The right of entry provisions of the FW Act must provide a legal right to access workers at workplaces and place a positive obligation on employers and occupiers of premises to:
 - a) Facilitate entry of union officials to all areas of the workplace subject to no unreasonable disruptions of work, safety or privacy concerns;
 - b) Facilitate union officials to hold discussions with workers where the workers choose to congregate, such as the lunch room, canteen or tea room;
 - c) Continue to require the employer to facilitate transport and accommodation for permit holders where the workplace is in a remote location and provide for workers to have appropriate and timely access to the permit holders on site;
 - d) Notify their workforce when union officials will be on site and where they will be located;
 - e) Inform workers that they have a right to participate in discussions with the union official;
 - f) Provide a private room for discussions where this is requested by employee(s) or the union;
 - g) Ensure that any discussions between workers and unions are not subject to any form of intimidation, surveillance, monitoring or any behaviour which might dissuade a worker from choosing to engage with a union official;
 - h) Ensure workers have the opportunity to speak to their Union officials without fear, particularly as they first enter the workplace;
 - i) Allow union delegates the right to participate in union officials visits to the workplace; and

- j) Ensure employee access to advice, information and union representation at work, including the provision of periodic paid union meetings at the workplace.
3. Further, Congress affirms that the right of entry provisions of the Act must:
- a) Prohibit employers from requiring, directly or indirectly, that workers seek permission or identify themselves to the employer before accessing a union official who is on the premises;
 - b) Ensure that unions have a right to enter and inspect records relating to suspected contraventions affecting former, as well as current, workers;
 - c) Not require the giving of notice to access documents relevant to the investigation of workplace safety, irrespective of the class of documents that might be required in the course of that investigation; and
 - d) Not require 24 hours' notice for access to worksites as this restricts employees ability to access information and representation from their union.
4. Congress will lobby to ensure that industrial parties are free to bargain about right of entry arrangements. Congress considers that allowing parties to freely bargain about right of entry will result in cooperative and productive workplace relations.

RIGHTS FOR UNION DELEGATES

5. The role and responsibilities of union delegates should be supported in enshrined legal rights which:
- a) Recognise the role of union delegates in the workplace;
 - b) Recognise union delegates rights to actively represent union members, including by being participants and advocates in any workplace matter;
 - c) Recognise union delegates rights to communicate with employees, particularly new employees and give them the choice of being represented by the union;
 - d) Provide delegates reasonable paid time at work to perform their role;
 - e) Provide delegates reasonable paid time to represent union members at union forums and industrial tribunals;
 - f) Provide paid training for union delegates; and
 - g) Provide union delegates access to facilities at the workplace to perform their role.
6. Union delegates are the elected or appointed representatives of workers in their workplace. Congress will lobby to ensure that industrial parties remain free to bargain about their role, responsibilities and workplace rights over and above any legislated minimum.

RIGHTS FOR UNION OFFICIALS

7. Honourary Officials must be allowed paid time off work to fulfil their duties as Officers
8. Actively represent union members, including by being participants and advocates in any workplace matter.

EFFECTIVE CONSULTATION AND INFORMATION AT THE WORKPLACE

9. Congress supports the involvement of workers in decision making processes at the workplace which impact on the work they do and how it is performed and considers this contributes to better workplaces. Congress calls for legislated minimum standards for workers to be genuinely consulted about issues of significance or potential changes to their work prior to final decisions being made.
10. Congress supports the provision of information to workers about their workplace rights. The current "Fair Work information Statement" should ensure workers are informed about their right to join a union. Employers should provide new workers with short information sessions on their rights at work when this Statement is distributed. Unions should be entitled to present at these sessions.

GENERAL PROTECTIONS FOR WORKERS

11. Congress notes that the purpose of the General Protections of the FW Act is to protect persons with certain attributes, or engaged in certain conduct covered by the FW Act, from 'adverse action' including, inter alia, the protection of persons engaged in lawful industrial activity.
12. Congress recognises that general protections have been effectively read-down by the Courts and are at risk of being undermined.
13. Congress commits to pursue legislative amendments to reinstate the essentially beneficial and protective operation of the general protections provisions of the FW Act in one of the following ways:
 - a) A positive description of the relevant test of characterisation as an objective test; or
 - b) The preclusion of the purely subjective approach to ascertaining the reasons for adverse action.



POLICY

WORKERS' RIGHTS

5. WORK, LIFE AND FAMILY

1. Congress recognises that changes in social, family and labour market structures mean that both partners of couple families are now likely to be employed, making balancing work, life and family a key industrial priority for union members.
2. In addition, Congress acknowledges that higher participation in the workforce for women and the trend towards de-institutionalisation of care for dependents with a disability, or frail, elderly dependents has increased the need for support for workers with a wider range of caring responsibilities, particularly the sandwich generation of workers who care for both children and elderly parents.
3. Congress recognises the importance of enabling men and women to share caring responsibilities and the need to promote the increased participation of men in caring for dependents.
4. Congress believes that unions, employers and governments have a responsibility to support employees to balance their work and caring responsibilities.
5. Congress advocates for a suite of complementary policy and industrial measures to assist parents, carers and other employees to participate in the workforce and accommodate their other responsibilities.

FAMILY FRIENDLY WORK ARRANGEMENTS

Improved Right to Request Family Friendly Working Arrangements

6. Congress notes that the NES right to request a change to working arrangements to meet caring responsibilities was extended in 2013 to include a wider range of caring responsibilities.
7. However, Congress is deeply disappointed that the right to request still does not clearly set out an employer's obligations to properly consider and make reasonable efforts to accommodate a request and does not provide employees with a right to appeal an employer's unreasonable refusal of a request.
8. Congress notes in particular that the right to request a change to working arrangements to meet caring responsibilities or to extend unpaid parental leave are the only two provisions of the FWA which specifically deny workers the procedural justice of a right to appeal an unreasonable refusal unless they are able to negotiate the right as part of their workplace

agreement. Congress regards this as out of step with community standards of equity and fairness.

9. Congress will lobby to ensure employers are obligated to properly consider and make reasonable efforts to accommodate family friendly work arrangements and all employees have a right to appeal an employer's unreasonable refusal to accommodation of their needs by:
 - a) Pursuing family friendly work arrangements through the Modern Award Review; and
 - b) Campaigning for improvements to the National Employment Standard (NES).
10. In addition, Congress will continue to bargain for:
 - a) Greater employee control over their work arrangements, including shift patterns, rosters, targets and workloads in order to meet their caring responsibilities; and
 - b) Equality of opportunities for casual and part-time employees in the workplace, including access to paid leave and working time entitlements.
11. Workers with family and caring responsibilities are particularly vulnerable to pressure to agree to "Individual Flexibility" clauses if it is often the only way their employer will grant much needed changes to work arrangements to meet caring responsibilities.
12. Congress regards the use of Individual Flexibility Clauses as inappropriate particularly in the circumstances of workers with caring responsibilities and affirms the 2009 Congress Policy on Individual Flexibility Clauses.

Extending Personal and Carer's Leave

13. Congress will continue to bargain for and campaign for improved safety net entitlements to better assist workers with caring responsibilities including:
 - a) Extending the scope of paid personal/carer's leave so that it is available to employees who care or expect to care for a dependant who reasonably relies on the employee for care;
 - b) Extending the scope of personal/carer's leave to include a broader range of carer responsibilities not limited to illness, injury or emergencies;
 - c) Increasing the amount of (dedicated) paid carer's leave by 5 days;
 - d) Including the provision of palliative care leave as a minimum standard;
 - e) Ensuring that workers taking paid personal/carer's leave do not suffer diminution in the amount they ordinarily earn;
 - f) Providing an entitlement to paid leave to attend appointments associated with pregnancy, adoption, surrogacy and permanent care orders (including attending ante-natal appointments with a partner who is pregnant);
 - g) Extending the scope of personal/carer's leave to foster parents to ensure they have access to entitlements to provide the necessary care and support to foster children in their care; and

- h) Providing an additional entitlement to unlimited unpaid carers/personal leave where paid personal/carers leave has been exhausted.
14. Congress will also continue to bargain for:
- a) Working arrangements that provide respite for working carers (such as purchased leave arrangements);
 - b) Resource support for carers (including workplace information and referral services) and workplace based care (where appropriate); and
 - c) Other additional leave entitlements aimed at assisting employees balance work with caring responsibilities.

Building on the Paid Parental Leave scheme

15. Congress notes that the Abbott Government has failed to deliver on its promise to improve the Paid Parental Leave Scheme established in 2011.
16. Congress will continue to seek improvements to the Paid Parental Leave Scheme which will ensure the scheme:
- a) Promotes maternal and child well-being;
 - b) Assists parents to remain in the paid labour force;
 - c) Reduces the gender pay gap (including income adequacy in retirement); and
 - d) Assists families to combine work and family responsibilities.
17. Congress recognises that paid parental leave is a workplace right and should ultimately be codified as an NES entitlement of 26 weeks paid leave.
18. Given the structure of the current paid parental leave system, Congress resolves to lobby for:
- a) A government funded parental leave scheme of 26 weeks paid at no less than the national minimum wage plus superannuation at the guaranteed contribution rate; and
 - b) Mandated top-up of the Government scheme to full wage replacement to ensure a co-contribution from employers.
19. Unions will seek to improve the NES Leave entitlements and the Paid Parental Leave Scheme in order to:
- a) Align the NES eligibility criteria for unpaid parental leave with that of the Paid Parental Leave Scheme;
 - b) Mandate employer superannuation contributions to be made on periods of paid and unpaid parental and secondary carers leave;
 - c) Provide greater flexibility for parents to take their leave entitlement including double the time at half pay;

- d) Ensure eligibility for paid and unpaid leave for parents of children on permanent care orders;
 - e) Ensure accrual of all entitlements including payment of public holidays during periods of paid and unpaid parental leave;
 - f) Introduce specific eligibility criteria which recognises the long term workforce attachment of seasonal, casual and contract workers who are required to take breaks in employment of more than 8 weeks per annum; and
 - g) Introduce paid breastfeeding breaks and appropriate breastfeeding facilities.
20. Where appropriate, unions will bargain for the above improvements, and also for:
- a) Employer top up on the government mandated scheme to full income replacement level;
 - b) Increases in employer provided paid parental leave to at least 26 weeks paid parental leave;
 - c) Improved paid leave provisions in relation to assisted reproduction or fertility treatment, pregnancy, adoption, childbirth, bonding, surrogacy and breastfeeding; and
 - d) Provide employees with the right to return to work part-time from paid or unpaid parental leave.
21. Congress commits to continue to strive to provide employees with best practice paid parental leave. The ACTU will provide a report to Executive regarding parental leave entitlements provided by the ACTU and affiliates for union employees.

Dad and Partner Leave

22. Unions will campaign and bargain for an increase to the Dad and Partner Pay Scheme to provide eligible employees with 4 weeks leave rather than 2 and the relevant improvements listed above.

DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

23. Congress notes and supports the recommendations of the Pregnancy and Return to Work Inquiry conducted by the Australian Human Rights Commission.
24. Congress notes that the adverse action provisions of the Fair Work Act apply only to the extent the adverse treatment is a breach of the relevant state anti-discrimination law and therefore are subject to the state-based inconsistencies in protection against discrimination on the grounds of family or caring responsibilities.
25. Congress further notes that many complainants are discouraged from using anti-discrimination provisions due to the onerous burden of proof requirements.
26. Unions will campaign for improvements to Commonwealth and State anti-discrimination legislation to:

- a) Ensure consistent application of state anti-discrimination laws in line with the FW Act general protections; and
 - b) Adopt a reverse onus of proof model in State and Federal anti-discrimination legislation consistent with the Fair Work Act.
27. Congress will continue to lobby for improvements to Equal Employment Opportunity for Women in the Workplace Act to achieve greater equity and opportunity for employees with family responsibilities, in particular women.

FAMILY AND DOMESTIC VIOLENCE

28. Congress advocates for workers' rights to a safe home, community and workplace and takes a stand against family and domestic violence.
29. Congress supports the principle that family and domestic violence is a workplace issue and that paid domestic violence leave can:
- a) assist employees experiencing family or domestic violence maintain paid employment;
 - b) support them through the process of escaping family violence; and
 - c) promote safe and secure workplaces.
30. Congress congratulates unions on achieving domestic violence leave for over 1.6 million employees through workplace bargaining. Unions will continue to bargain for provisions designed to protect and support employees who are experiencing family or domestic violence which include:
- a) Dedicated additional paid leave for employees experiencing family or domestic violence, with an aim to achieving 20 days paid leave;
 - b) Measures to protect the confidentiality of employee details;
 - c) Workplace safety planning strategies to ensure the protection of employees;
 - d) Referral of employees to appropriate domestic violence support services;
 - e) Appropriate training and paid time off work for agreed roles for nominated contact persons (including union delegates or health and safety representatives);
 - f) Access to flexible work arrangements where appropriate; and
 - g) Protection against adverse action or discrimination on the basis of disclosure of, experience of, or perceived experience of, family and domestic violence.
31. Congress will campaign and advocate for paid domestic violence leave as a minimum safety net entitlement through the 2014 modern award process.
32. Congress believes access to paid domestic violence leave is a right that should be secured in legislation and will campaign and advocate for it to be included in the National Employments Standards. Campaigning efforts will place pressure on the Federal

Government to extend the right to paid domestic violence leave to all working Australians, including casual workers.

33. In addition, Congress supports:

- a) The creation of a new ground of discrimination (including in state and federal anti-discrimination legislation and the Fair Work Act) to better protect employees who are experiencing, have experienced, or are perceived to be experiencing family or domestic violence against adverse action;
- b) Initiatives to generate greater awareness and adoption of workplace initiatives to support cultural changes aimed at eliminating family and domestic violence; and
- c) The conduct of appropriate further research to identify the key issues relating to the interface of family and domestic violence and the workplace.

ACCESS TO EARLY CHILDHOOD EDUCATION AND CARE

34. Congress recognises that access to high quality, affordable childcare is central to enabling families balance work and care for children and notes the Congress policy on Early Childhood Education and Care. Confidence in care for children and good access enables increased labour market participation by women, as despite endeavours to encourage men to take up the role of primary carers of young children women are still disproportionately primary carers.

PUBLIC HOLIDAYS AND WEEKENDS

35. Congress recognises that Public Holidays and weekends are important opportunities for families, friends and the community as a whole to spend together and notes the Congress policy on Penalty Rates and Public Holidays and Weekends.

ROSTERING

36. Congress notes the negative impacts rostering can have on work life balance, particularly in light of:

- a) limited access to affordable, quality early education and care ;
- b) the use of punitive rostering to discriminate against workers particularly pregnant employees and those with caring responsibilities; and
- c) the impact of precarious work, insecure work and casualisation on low paid workers and women workers.

37. Congress further notes that due to advances in technology and the use of personal electronic devices workers are commonly required to work beyond their rostered hours without appropriate compensation.

38. The ACTU will establish a working group to consider the impact that rostering and technology has on work life balance across all industries and develop strategies to address these widespread issues.

FIFO AND LONG DISTANCE COMMUTING

39. Fly-in Fly-out and other forms of long-distance commuting are becoming more widespread across the resources industry. Employers' growing preference for itinerant over residential workforces is having severe impacts on workers, families and communities including:
 - a) Discrimination against local workers in regional areas;
 - b) Lack of investment in training;
 - c) Decline of population, economic activity and social amenity in regional communities;
 - d) Punishing rosters leading to fatigue, family breakdown and mental illness; and
 - e) Lack of standards and personal freedoms in accommodation camps.

40. Workers in mining and resources projects increasingly have no choice about their commuting and accommodation arrangements.

41. Congress notes the urgency of this issue and welcomes initiatives from the Western Australian bipartisan Parliamentary inquiry into FIFO suicides and the Queensland Government inquiring into the impacts of FIFO and commuting. However more action is needed.

42. Congress calls on all levels of government to work together to ensure:
 - a) FIFO is limited to genuinely remote and temporary operations;
 - b) worker accommodation camps meet minimum standards with rights and freedoms for workers;
 - c) companies may not discriminate against local workers;
 - d) shifts and rosters are developed in agreement with employees and their unions to encourage family time and reduce fatigue; and
 - e) tax arrangements do not favour the employment of itinerant over residential workforces.



POLICY

WORKERS' RIGHTS

6. WORK HEALTH AND SAFETY, REHABILITATION AND COMPENSATION

INTRODUCTION

1. Every worker has a right to a healthy and safe work environment, so that all Australians can go to work and come home safely.
2. All parties must ensure there are laws, processes, and systems in place that mandate that no Australian worker be disadvantaged if they are injured at work. A 'race to the bottom' to reduce injured workers' benefits or their access to safe working conditions is unacceptable.
3. Congress acknowledges that insecure work, in its many forms, is linked with poor safety outcomes and has negative impacts on the physical and psychosocial health of workers. Conversely, the provision of secure, ongoing work is a key factor in improving health and safety outcomes for workers. This has a particular impact on vulnerable sections of the workforce, including young workers, who face particular work health and safety risks due to their age and the generally low skilled nature of their work.
4. Although Australian unions are supportive of a nationally consistent legislative scheme for work health and safety matters, any changes to the current laws or jurisdictional coverage must not result in a diminution of the rights and entitlements of any worker, regardless of where they live and the location of their workplace.
5. Congress reaffirms its position that consistent arrangements are needed for all injured workers in terms of rehabilitation, return to work programs and compensation. While the long standing aim of establishing a national scheme to deliver these outcomes remains valid, Congress acknowledges that this is not the only way to achieve this objective. As such, Congress affirms that achieving national consistency and world's best practice in these areas is of paramount importance.
6. Congress affirms the work health rights of every worker, in particular the right to privacy and autonomy in relation to their health.
7. Congress reaffirms its commitment to the Union Charter of Workplace Rights, as outlined in the 2012 Congress Policy, which sets out rights in relation to workplace health, safety, compensation and rehabilitation.
8. Health and safety is a union issue and a basic human right of the utmost importance to Australian workers. The protection and promotion of health and safety is integral to union activity and growth. Australian unions will continue to campaign for increased rights and

protections in all work health and safety laws, including the 2011 version of the model Work Health and Safety Act and Regulation.

TRIPARTITISM AND GOVERNANCE

9. This Congress acknowledges the importance of tripartitism and genuine consultation with workers' representatives. All work health and safety, compensation and rehabilitation laws must be developed in a tripartite manner. Changes to Work Health and Safety (WHS) and workers' compensation entitlements should only be made following genuine consultation and agreement with workers and their union representatives and a process of community review.
10. Congress endorses ILO Conventions No. 155, 161 and 187, which provide a framework for best practice on work health and safety matters, including a commitment to tripartitism and genuine consultation.
11. Workers' union representatives must be fully included in all governing and regulatory bodies that provide oversight and compliance into health and safety matters. Representation is best achieved through membership on relevant Boards or committees, so that workers have a voice in the procedures and administration that govern their health and safety at work.
12. To this end, Australian unions shall seek to obtain legislative change to guarantee union representation on all relevant WHS bodies, including the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), Safe Work Australia (SWA), the Seacare Authority, the Australian Maritime Safety Authority (AMSA) and the National Industrial Chemicals Notification and Assessment Scheme (NICNAS).
13. To improve governance arrangements and transparency, and to encourage best practice and information sharing, SWA should also play a greater role in coordinating policy across all of the WHS regulators and Departments.

CORPORATE ACCOUNTABILITY

14. Congress affirms that industrial manslaughter should be an offence under work health and safety legislation or other legislation as most appropriate. The elements of the offence should include:
 - a) Where a worker dies in the course of employment or at a place of work or is injured or contracts a disease, injury or illness in the course of employment and later dies;
 - b) Where the conduct (by way of act or omission) of a person caused the death, injury or illness; and
 - c) Where the person was reckless or negligent about causing serious harm or death to the worker.
15. Congress affirms that in order to ensure compliance with work health and safety laws, there needs to be effective enforcement of the legislation, including a more active approach to prosecutions by the relevant WHS regulators. To this end, Congress supports the right of unions to initiate prosecutions for breaches of work health and safety laws in all jurisdictions, (as existed in the NSW OHS Act 2000).

16. Further, the model WHS legislation should be amended to include a provision in relation to personal liability, to hold to account individuals in decision-making positions of authority, such as company directors, for any instances of criminal negligence resulting in the death of a worker.
17. As a further deterrent, Congress resolves to lobby for higher fines for corporations and company directors found guilty of wrongdoing leading to the death of a worker, with penalties tied to the company's size in such a way that it acts as an effective deterrent to wrongdoing.
18. Congress supports legislative change that would require Safe Work Australia to refer to Australian Securities and Investments Commission, details of companies and their directors charged with offences under the various WHS Acts and other OHS Acts. This would ensure there is no unregulated resignation of directors or administration, liquidation and phoenixing of companies in the process of health and safety prosecution or paying subsequent fines. Safe Work Australia should play a coordinating role in gathering the necessary data from the health and safety regulators to provide to the Australian Securities and Investments Commission on a real time basis.
19. Congress calls for the Corporations Act to be amended to require that upon notification to a state regulator of a charge under health and safety legislation, or upon notification of a death, serious injury or disease, no corporate changes to the relevant employing entity or entities can be made, without an order of the relevant court of superior record, approving such change as having no bearing on potentially liable officers or potential corporate liability.

HEALTH AND SAFETY REPRESENTATIVES

20. Improved health and safety outcomes are achieved through good workplace organisation, with workers represented and supported by their unions.
21. Australian unions commit to improving our organising capacities by increasing the numbers, and improving the density of, union-trained and democratically elected Health and Safety Representatives (HSRs).
22. Congress reaffirms the right of workers to be effectively represented by an elected HSR, taking into account the number of workers in a work group, the nature of the work and work arrangements. HSRs must be easily accessible to the workers they represent and the employer must facilitate that access.
23. Congress affirms the right of all HSRs to seek assistance where desired from the union representative of their choice, and to issue Provisional Improvement Notices where an employer is in breach of health and safety laws.
24. If a work group is made up of multiple workplaces, HSRs should be provided with the means and transportation to physically attend any workplace in the Designated Work Group (DWG) at the request of a member of the DWG.
25. Working time should be made available and costs associated with travel to attend these workplaces should be covered by the employer.
26. Congress supports legislative change to allow for regional and roving HSRs.

27. Congress affirms that all HSRs have the right to access training of their choice in paid work time, with all out of pocket expenses paid by the employer.
28. Completion of, and access to, training should not be a prerequisite for elected HSRs exercising their full range of functions and powers.
29. The minimum days training available to HSRs should be:
 - a) 5 days general introductory training in the first year of the three year term of office; and
 - b) 7 days over the following two years of the term. This may be refresher training or industry/topic specific training.
30. Congress opposes a competency-based approach for training of HSRs in accredited training courses under health and safety law.
31. Employers should be given at least 14 days' notice of intention by the HSR to attend the training of their choice, and the employer should facilitate this attendance.
32. Approval of a HSR training provider to deliver an HSR course in one jurisdiction should be mutually recognised in other jurisdictions (so that the provider does not need to obtain approval from each jurisdiction to deliver the same training course)
33. The mode of delivery of HSR training must be face-to-face as this is the only mode that ensures networking which promotes learning and knowledge transfer between participants with similar experiences from similar industries.
34. The focus of HSR training courses should be to provide the necessary knowledge and skills to assist HSRs in their functions and exercising of their powers under health and safety law. The paramount function is to represent the health and safety interests of the workers they represent.
35. Australian unions commit to campaigning for legislative change to reinsert broad health and safety matters, particularly in relation to HSRs, into awards and agreements.
36. Australian unions will develop clauses, for insertion in workplace agreements, to support and enhance union activity in workplaces, and strengthen the involvement and protection of HSRs and workers. Key elements of such clauses should include:
 - a) The role of union delegates in negotiation of work groups and election of HSRs;
 - b) Improved number of training days for HSRs;
 - c) HSR right to choose and attend, on paid leave, union approved training courses.

SECURE WORK

37. Congress acknowledges that insecure work, in its many forms, is linked with poor safety outcomes and has negative impacts on the physical and psychosocial health of workers. Congress notes the provision of secure, ongoing work is a key factor in improving health and safety outcomes for workers.

38. Research uniformly shows that insecure work is associated with increased risk of illness and injury, more severe injuries, is a contributor to psychological risk (including bullying, harassment and stress), and results in poorer health outcomes for workers.
39. Congress supports legislative change which recognises and improves outcomes by removing exposures to unhealthy and unsafe work arrangements, irregular and non-predictable patterns of work and insecure work. This could include, for example, a legislative provision for the election of HSRs specifically for casual workers.
40. Congress recognises the impact that insecure work can have on the right of ill and injured workers to access leave entitlements, workers compensation and suitable rehabilitation programs.
41. Congress acknowledges the importance of worker involvement and consultation in all forms of employment.
42. Congress will ensure that health and safety policies, campaigns and activities seek to improve the rights of workers in insecure work.

FOREIGN WORKERS

43. Congress notes that foreign workers are often provided with inferior access to safety training, workplace safety and safety consultation. Congress also notes the particularly vulnerable position that foreign workers are often placed due to the reliance of the worker on their employer to maintain not only their employment but also their visa or residency. This makes safety consultation and issue resolution difficult and places too much power with the employer. It also sets a lower standard for all workers, and means that foreign workers are often under-represented by, or have no access to, unions.
44. Congress calls on the state, territory and Commonwealth governments to target regulatory action in workplaces where significant numbers of foreign workers are present, and specifically amend the immigration laws to prevent employers who threaten or terminate a worker for raising a safety issue, or who have a poor safety record from undertaking further use of international workers.
45. Congress notes that most workers' compensation jurisdictions terminate payments for international workers once they return or are returned to their home country. This creates an incentive to not rehabilitate the worker and also creates a cheaper category of workforce if they are injured. This reduced cost of injury has a potential to reduce the incentive to maintain a safe workplace with this vulnerable group of workers.
46. Congress calls on all jurisdictions to provide adequate workers compensation to foreign workers to at least the same level and duration as the local resident workers when injured.
47. Further regulations should apply to employers who wish to employ foreign labour, and businesses should only be allowed to engage foreign labour if they have enjoyed a strong health and safety record with no major breaches.

WORKERS' COMPENSATION

48. With extremely high levels of work-related injury, disease and death a shameful reality in Australia, Congress reaffirms its position that the rights of injured workers are of fundamental significance.

49. Congress notes extensive research, which documents that workers in insecure employment are less likely to know their compensation rights, less likely to exercise them and more likely to face negative consequences if they do.
50. Congress recognises that effective rehabilitation and return to work programs, as well as the provision of economic security through workers' compensation arrangements, are critically important to injured workers, their families and the wider community.
51. Accordingly, Congress reaffirms its position that after sustaining a physical or psychological work-related injury, all workers are entitled to comprehensive and quality rehabilitation services and to return to suitable and decent employment. Further, injured workers are entitled to compensation that restores them to the position they enjoyed prior to their injury, including full access to superannuation and leave entitlements.
52. Congress reaffirms its position that improvements and consistent arrangements are needed for all injured workers in terms of rehabilitation, return to work programs and compensation. While the long standing Congress aim of establishing a national scheme to deliver these outcomes remains valid, Congress acknowledges that this is not the only way to achieve this objective. As such, Congress affirms that achieving national consistency and world's best practice in these areas is of paramount importance.
53. Congress reaffirms its opposition to the current neoliberal use of competition between schemes to reduce benefits available to injured/ill workers. Workers compensation should be available on a no-fault basis where an injury "arises out of or in the course of employment", even where it is the aggravation of an existing injury or disease.
54. Australian unions call on all workers compensation jurisdictions to update their Deemed Diseases lists as per the Safe Work Australia (SWA) funded report, Deemed Diseases in Australia Report 2015. Current lists of Deemed Diseases are based on the International Labour Organization's List of Occupational Diseases under Convention 42 created in 1934.
55. Australian unions will:
 - a) In consultation with Trades and Labour Councils (TLCs) and affiliates continue the development of best practice elements of a rehabilitation and compensation system to be used as the benchmark for national and state based negotiations and campaigning;
 - b) Work with TLCs and affiliates to coordinate lobbying and activity at the State and other jurisdictional level to maintain and raise standards in each jurisdiction; and
 - c) Coordinate a campaign at the national level in partnership with TLC's and affiliates in each jurisdiction to promote and secure fairer workers' compensation laws and policy.
56. Australian unions commit to supporting injured workers and to ensure that education about rehabilitation, return to work arrangements and compensation issues, are included in training for delegates, HSRs and union members.
57. Congress calls for improvements to be made in the form of:
 - a) Comprehensive coverage of the work relationship, including on journeys to and from work, and during recess breaks;

- b) A return to a basis of 'no-fault' compensation for all workplace injury and diseases;
 - c) Abolition of the illegitimate use of 'whole of body assessments', which act to reduce compensation and limit access to statutory lump-sum payments and common law remedies via legislated minimum thresholds;
 - d) Introduction of genuine rehabilitation options, including full technical or tertiary retraining;
 - e) Removal of time limits and step downs on weekly payments that effectively shift the injured worker onto social security benefits;
 - f) Maximising the resources in a scheme by removing profit incentives to third parties, thus ensuring that benefits are distributed to workers; and
 - g) Fast and effective conciliation and arbitration of any workers' compensation matter in dispute by an independent tribunal.
58. Congress calls on the Federal Government to establish an inquiry as a matter of urgency to examine the extent of cost shifting by workers' compensation schemes onto injured workers and government services, including the public health system and social security.
59. Premiums must recover the costs of the system as well as encourage safe work practices.
60. All workers' compensation regulators must be properly resourced to carry out their functions properly, including through an increased emphasis on prevention and compliance.
61. The system of scheme agents and self-insurers should be abolished and all workers compensation functions should be internalised within the regulatory authority.
62. Trade unions must have the power to enforce non-compliance with workers compensation law together with rights of entry, inspection and other investigative powers.
63. The relevant tribunals or commissions should provide a quick, easy, effective and legally binding mechanism to resolve disputes about all aspects of the workers compensation system.
64. Return to work should be elevated as a central tenet of workers compensation by:
- a) placing an absolute obligation on employers to provide suitable duties;
 - b) preventing termination of employment unless the injury management plan states that the return to work goal is a different job and a different employer; and
 - c) providing incentives for the employment of injured workers.
65. Weekly payments should be set at a level equivalent to an injured worker's pre-injury average weekly earnings irrespective of their fitness for work and should not be subject to any caps or step-downs.
66. Costs associated with medical and all related treatment should be covered for workers compensation purposes with no arbitrary caps or limits.

67. Work capacity reviews and decisions should be removed from the workers compensation legislation. Consideration of a worker's functionality should be properly addressed as part of their rehabilitation plan.

Comcare

68. Congress opposes any attempts to expand access to self-insurance under the Comcare scheme. Australian unions will campaign against any proposals which will undermine the financial viability of State and territory workers compensation schemes and expand the number of workers covered by the current Comcare scheme, which is an under-resourced and ineffective health and regulator.
69. Australian unions will campaign to remove legislative and operational restrictions preventing proactive WHS representatives and WHS Regulators from acting in workplaces where multiple jurisdictions operate.
70. Australian unions will campaign for material improvements to the current Comcare scheme. Of particular concern is the lack of a timely and fair dispute resolution process and the lack of a well-resourced and proactive health and safety regulator.
71. Australian unions will campaign to return self-insurers who entered the Comcare jurisdiction post-2006 to their relevant state or territory jurisdictions. In the longer term, if Comcare meets union principles of workers compensation, Australian unions may support a mechanism for private companies to become premium payers in the Comcare system

Self-Insurance

72. Congress opposes self-insurance for employers as it creates a conflict between profit generation and administration of workers compensation claims and generally limits access to benefits, compromises privacy, undermines the premium pool and discourages workers from exercising their rights. However, Congress recognises that self-insurance currently exists in all jurisdictions. Therefore, Congress believes that self-insurance should only be available to employers who have an exemplary record in health and safety and a demonstrated commitment to workers' rights. Further, self-insurance licenses must be automatically revoked in cases where there is a workplace death or serious injury and/or repeated non-compliance.
73. Congress believes that the administration of workers' compensation by self-insurers must be conducted by arrangements that separate the insurer from the employer, in the same manner as the relationship between a private insurer and the employer as a client, to fully protect workers' privacy.
74. Congress calls for workers to have access to an independent body which can review an employer's self-insurance status. Further, employers seeking to become, or to remain, self-insurers must be able to demonstrate that the majority of their workers genuinely favour this option.

Seacare

75. Congress supports the retention of the SeaCare scheme of workers' compensation and occupational health and safety for Australian seafarers as an independent Statutory Authority operating under Commonwealth legislation. Congress opposes the absorption of

the SeaCare Authority into the governance arrangements of the Safety Rehabilitation and Compensation Commission (Comcare) nor into a Department of State.

76. Congress notes that, for workers at sea who have been injured and are returning to work, it is often appropriate and desirable to place that worker with another employer to undertake rehabilitation. Australian unions support the development of group training approaches to ensure workers can be placed in meaningful jobs while rehabilitating.
77. Congress urges the Commonwealth Government to allocate Budget funding to the Australian Maritime Safety Authority (AMSA) to enable it to properly perform its OHS Inspectorate functions under the Occupational Health and Safety (Maritime Industry) Act 1993 (OHS (MI) Act).
78. Congress calls on the Federal Government to harmonise the OHS (MI) Act and Regulations made under that Act with the model WHS Act 2011 and WHS Regulations as appropriate.

OFFSHORE SAFETY AND NOPSEMA

79. Congress supports the retention of NOPSEMA as the appropriate national regulator of safety for Australia's offshore oil and gas industry, but expresses its reservations, about NOPSEMA's hands-off approach to its regulatory functions, which Congress believes is impacting on safety performance in the offshore oil and gas industry.
80. Until such time as NOPSEMA becomes a more effective, full service regulator, Congress opposes any attempts to introduce legislative change enabling the states to confer their oil and gas safety powers in state waters to NOPSEMA
81. Congress calls on the Government and NOPSEMA to ensure that the workforce and trade unions representing the workforce are actively involved in genuine consultation on OHS in the industry, aimed at improving safety performance. In particular, Congress calls on:
 - a) NOPSEMA to establish a regular schedule of consultation with the ACTU and unions representing the offshore workforce;
 - b) The Government to amend Schedule 3 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 to provide for the appointment of at least one workforce representative to the NOPSEMA Advisory Board;
 - c) The Government to align the OPGGS Act with the model WHS Act and the Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009 with the model Work Health and Safety Regulations 2011, unless there is a good reason not to do so;
 - d) NOPSEMA to provide a range of support to HSRs including:
 - i) Funding of dedicated HSR Support Officers;
 - ii) Better training for HSRs based on HSR courses accredited by NOPSEMA after a tripartite panel of key stakeholders including unions, has assessed the merits of proposed training programs and providers consistent with the current approach to approving training under Seacare and Comcare;

- iii) Maintaining a publically available up to date register of all HSRs and the training they have received; and
- iv) Mandating the ability for HSRs to gain remote electronic access to the safety case for a facility.

REHABILITATION

- 82. With extremely high levels of work-related injury, disease and death a shameful reality in Australia, Congress reaffirms its position that the rights of injured workers are of fundamental significance.
- 83. Congress notes extensive research, which documents that workers in insecure employment are less likely to know their compensation rights, less likely to exercise them and more likely to face negative consequences if they do.
- 84. Congress recognises that effective rehabilitation and return to work programs, as well as the provision of economic security through workers' compensation arrangements, are critically important to injured workers, their families and the wider community.
- 85. Accordingly, Congress reaffirms its position that after sustaining a physical or psychological work-related injury, all workers are entitled to comprehensive and quality rehabilitation services and to return to suitable and meaningful employment. Further, injured workers are entitled to compensation that restores them to the position they enjoyed prior to their injury.
- 86. Congress calls upon employers and governments to work with unions to provide rehabilitation services that achieve maximum recovery and prepare injured workers, wherever possible, to return to their previous position. In cases where this is not possible, then workers must be redeployed to the most suitable position in respect of their aptitude and capacity.
- 87. Congress calls upon governments to work cooperatively to ensure that existing rehabilitation services are properly accredited, coordinated and expanded so that they are accessible to all injured workers.
- 88. Congress recognises that in many cases the current rehabilitation practices applied to injured workers does not always facilitate their return to suitable and meaningful employment. As such, effective rehabilitation services and programs must also deliver genuine opportunities to meet this objective.
- 89. Congress believes that for rehabilitation services to be effective they must:
 - a) Be implemented properly and without regard to the insurers' cost assessments;
 - b) Ensure that employers health and safety management systems enable the immediate reporting of injuries;
 - c) Return workers to their full capacity in their workplace, community, family and life;
 - d) Return workers to safe, meaningful and durable employment as early as possible;
 - e) Actively involve unions and their members in consultation and decision making;

- f) Have the commitment of the employer to the above aims; and
 - g) Be independent of the employer or insurance company.
90. Congress supports the development by unions and employers of rehabilitation policies and programs that are based on the following principles:
- a) Voluntary participation by the injured worker;
 - b) Respect for the worker's privacy;
 - c) No loss of income while participating in the program, including the accrual of leave and employer superannuation contributions;
 - d) Eliminating or controlling the hazard that caused the injury;
 - e) Consistency with the medical advice of the worker's own doctor;
 - f) Employer cooperation in the provision of suitable duties, modified work environment and retraining of redeployment opportunities;
 - g) Access to the advice and assistance of multi-disciplinary professional teams;
 - h) The injured worker's right to choose their rehabilitation provider;
 - i) That rehabilitation be provided to the injured worker at the closest possible location to their home or workplace;
 - j) The development of appropriate and effective individual return to work plans;
 - k) An individual assessment of the injured worker and their workplace;
 - l) The adaptation of the workplace to suit the injured worker's capacity;
 - m) The development of an appropriate timetable for returning the injured worker to their previous position, or the most suitable alternative, that is consistent with the level of their capacity;
 - n) The involvement of union representatives and injured workers in decisions concerning alternative duties, rehabilitation programs and retraining; and
 - o) The commitment by all parties to provide an environment in the workplace that is supportive of the injured worker with adequate training of workers, supervisors and management in the rehabilitation policies and procedures adopted.
91. The employer must ensure that participation in a rehabilitation program or the rehabilitation program itself will not prejudice an injured person. Furthermore, an injured worker must not be dismissed or have their employment damaged because of a work-related injury or any resulting temporary impairment.
92. In the event of dismissal of the injured worker or damage to their employment, the applicable tribunal will be empowered to review and remedy the situation.

93. Regulatory authorities must enforce workers' rights to rehabilitation and to return to work.
94. All workers must be provided with a comprehensive statement detailing their entitlements regarding rehabilitation and return to work.

ASBESTOS

95. Asbestos-containing materials are still abundant and are present in many residential and commercial dwellings throughout Australia. Congress confirms its position that asbestos is a known hazard and that to prevent further exposures and hence asbestos related diseases, asbestos must be eliminated from the built environment.
96. Congress supports the ongoing role of the independent Asbestos Safety Eradication Agency and the Asbestos Safety and Eradication Council, and the adoption and implementation of:
 - a) A national strategic plan for the elimination of all asbestos-containing material (ACM) from the built environment by 2030;
 - b) Carrying out a national audit of asbestos containing materials (with government buildings and dump sites a priority);
 - c) The development and adoption of a prioritised removal program, starting with government –owned buildings;
 - d) Ensuring asbestos containing materials are only removed by licensed removalists;
 - e) The adoption of an 'Asbestos Content Certificate', identifying the location and condition of asbestos containing materials, obtainable by the owner of a private domestic residence at the point of lease, sale or renovation;
 - f) Coordinating education and awareness activities; and
 - g) Coordinating the removal of asbestos containing materials from the built environment.
97. Congress calls on all levels of government to work with the union movement and a broad spectrum of asbestos organisations in the establishment and ongoing work of the Council so that we can extend and implement successful and safe asbestos awareness, control and eradication programs across the nation.
98. Congress also welcomes regulations requiring licencing of asbestos removalists and asbestos removalists' supervisors; regulations on demolition and the requirement for removalists to participate in nationally approved training.
99. The ACTU, TLCs, and affiliates will continue to lobby governments for the removal of ACMs from the built environment by 2030 and to raise awareness of the hazards of asbestos amongst members and the broader community, including documented, time-limited remediation/replacement plans.
100. Congress proposes the establishment of an asbestos eradication fund that is levied on all construction materials so that these functions of asbestos removal can be adequately resourced.

101. Congress proposes that all asbestos eradication be given full tax deductibility status to encourage asbestos removal from residential properties as is already available through current general tax deductibility mechanisms for commercial and investment premises.
102. The WHS Regulations should be amended to prohibit asbestos removal except by a licensed asbestos removalist.
103. Australian unions propose that a mandatory training package is developed and maintained for an asbestos awareness course with registration, regulation and oversight of those training organisations that can deliver the course. Asbestos awareness training should also be a mandatory component in all tertiary and other vocational training courses relating to the building and construction industry and allied industries with modifications made to enable identification and safe work methods for each occupation.
104. Following the development of the Asbestos Identification Training Course, it should be made compulsory through amendment to the Work Health and Safety Regulation 2011, for all workers who stand a likelihood of being exposed to asbestos due to the nature of their work, to complete this training prior to engaging in such work. The regulator should be empowered to regulate who can provide the course.
105. Congress recommends that each jurisdictional government establish a standing committee, made up of representatives of the community, workers and government of all levels for the purpose of driving the management (including identification, warnings, removal, demolition, remediation, dumping) of asbestos from the built environment. This may be similar in nature to the ACT Asbestos Response Taskforce Community and Expert Reference Group.
106. The committee should implement the above functions of the ASEA and coordinate the removal of asbestos from the built environment, to implement and make funding arrangements for asbestos removal activities (including Asbestos Content Certificates) and asbestos waste management.
107. The standing committee should be chaired by a person with accountabilities to the appropriate Minister and/or Premier/Chief Minister. This may entail the establishment of a position such as Asbestos Commissioner with the statutory authority to second and advocate for appropriate resources from the public sector.

Asbestos Removal Funding

108. Asbestos Management has been typically managed by reacting from one crisis to another. Asbestos is not being systematically removed from our environment except when an exposure occurs or public attention is drawn to the presence. A number of government reports have recommended significant action and funding yet no government is prioritising the removal of asbestos from the built environment due to funding shortfalls.
109. Congress proposes that jurisdiction asbestos waste levies be removed to minimise incentives for dumping.
110. Congress supports local governments and waste management organisations to build the infrastructure and personnel to safely receive small amounts of contained asbestos locally to avoid dumping.

Asbestos in Our Region

111. Due to the prevalence of asbestos in Asia, Australian workers are now frequently seeing asbestos-containing manufactured materials and plant components imported into Australia workplaces, reducing the effectiveness of the Australian asbestos ban. Congress calls on Australian Customs and WHS Regulators to work together to increase their efforts to stop the importation of asbestos products using greater inspection and compliance mechanisms than currently undertaken.
112. Congress notes that the use of asbestos has escalated rapidly in the Asia-Pacific region. India, Indonesia, Thailand, Vietnam are some of the major consumers of asbestos, as asbestos industries in Russia and China seek new markets, following bans in Australia and Europe.
113. Congress commends the work of Australian unions and Union Aid Abroad-APHEDA to support workers, unions and communities in Asia to ban asbestos and programs to educate and protect workers and families from exposure. Congress supports efforts by Union Aid Abroad-APHEDA to develop a regional asbestos prevention program, building on the important progress it has achieved in Vietnam and Laos.
114. Australian unions will oppose the international asbestos industry's efforts to block the listing of chrysotile asbestos as a substance on the Prior Informed Consent list of the Rotterdam Convention. Australian unions commit to increasing the capacity of and support our international partners, unions and civil society groups such as asbestos support groups, in their campaigns to ban the use of asbestos in their countries. Australian unions call on the Australian government to use all the mechanisms available to see a global ban on chrysotile asbestos.

CHEMICALS AND CANCER

115. Australia's regulatory approach to chemicals is uncoordinated and differs across government and sectors of the workforce. The current regulatory system lags behind many international developments and reform is consistently stymied by vested industry interests.
116. In order to protect workers from the harmful effects of chemicals, Australian unions will campaign and lobby for the reduction in the use of toxic substances at work and associated risks by:
 - a) Advocating that all chemicals, both those currently in use and 'new' chemicals introduced into Australia, undergo rigorous assessments;
 - b) Advocating that the relevant chemical regulators (in particular the National Industrial Chemicals Notification and Assessment Scheme [NICNAS] and the Australian Pesticides and Veterinary Medicine Authority [APVMA]) are adequately resourced, remain independent, and have genuine consultative structures which guarantee union participation and involvement;
 - c) Advocating for the adoption of a Toxic Use Reduction approach;
 - d) Progressive phase out of International Agency for Research on Cancer (IARC) Group 1, followed by Group 2A carcinogens linked to occupational cancer;
 - e) Modification of the European European Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) to Australian conditions; and

- f) Promoting communication in the supply chain about the safe use of chemicals through Safety Data Sheets (SDS) provision and chemical safety alerts.
117. Australian unions will lobby and campaign for the establishment of a single regulatory chemicals body to develop and implement a cohesive policy on the assessment, registration and management of chemicals
118. Australian unions will also campaign for the development of an effective recognition of occupational cancer by workers compensation systems and the adoption of ILO Convention 121.

NANO-MATERIALS

119. Nanomaterials can be hazardous because of their small size, large surface area and altered toxicity. Substances that are non-hazardous in larger form can pose new risks in nano-form. There is also evidence that some forms of carbon nanotubes that have a similar shape to asbestos fibres can cause the onset of mesothelioma, which has resulted in these being classified as 'hazardous'. Concerns regarding the health risks of nanomaterials are greatest for workers, who are more likely to be exposed more routinely, and at higher doses than the general public.
120. Congress affirms it is the right of every worker to know what hazards may be present in the work environment and that this right includes the potential hazards of nanomaterials. Congress calls for products containing manufactured nanomaterials to be clearly identified in both Safety Data Sheets (SDS) and labels, to ensure implementation of effective identification and control measures. Consistent with this, where products are produced in nano form, SDS must relate to that nano form - rather than to its bulk counterpart.
121. The National Industrial Chemicals Notification and Assessment Scheme (NICNAS) introduced new guidelines for the nano-specific regulation of the health and environmental effects of nano-forms of new industrial chemicals, commencing 1 January 2011. While a welcome development, these new measures apply to a small fraction of the manufactured nanomaterials in commercial use. Therefore Congress calls for the introduction of nano-specific regulation of nano-forms of existing substances by NICNAS and other regulators.
122. Congress calls on government to develop effective legislation incorporating the precautionary principle for nanomaterials. Specifically, Congress calls for:
- a) The classification of nanoscale chemicals as new chemicals under NICNAS and other regulators;
 - b) The development of new standards for the handling of nanotechnology;
 - c) Mandating the labelling of all commercial products containing nanomaterials;
 - d) Establishment of a federal registry of all entities manufacturing, importing and supplying products containing nanomaterials;
 - e) The establishment of a tripartite body to oversee implementation of this regulatory framework;

- f) Development and improvement of hazard identification, assessment and control mechanisms for nanomaterials;
- g) Enforcement of new exposure standards, including via a well-resourced inspectorate; and
- h) Monitoring of the health impacts on Australian workers involved in nanotechnology and investment in related medical research.

123. The ACTU, TLCs and unions will lobby governments for effective protections for people exposed to nanomaterials.

NOISE AND HEARING LOSS

124. Occupational noise-induced hearing loss (ONIHL) is a significant health and safety and economic problem in Australia. The economic burden of ONIHL loss is mainly borne by workers and their families and the wider community with workers' compensation being fairly limited with a high threshold for eligibility.

125. Exposure to occupational noise is associated with many adverse effects besides loss of hearing. It has also been linked to fatigue, stress and hypertension. Proper workplace and equipment design and adequate management practices can control occupational noise levels and workers' exposure, thereby reducing the risk of hearing loss and other adverse effects yet appears that the employers' usual preferred method of control is personal hearing protection which should be the last resort.

126. Excessive noise should always be reduced at source where practical. 'Buy Quiet' policies should be introduced in all noisy workplaces.

127. Australian unions will campaign to have a first action level for noise to be at an LAeq of 80dB(A) at which detailed assessment must take place as well as the provision of information, training and health monitoring to workers.

128. The whole person binaural impairment compensation threshold for hearing loss should be set at 1% in all jurisdictions in accordance with best practice research and guidelines.

BIOLOGICAL HAZARDS

129. Congress recognises that there are a growing number of workers who come into contact with animal and human vector biological hazards. Congress calls on all governments to amend the harmonised WHS laws to include a chapter on risk management of biological hazards.

PSYCHOSOCIAL HAZARDS

130. The union movement recognises the damaging effect that psychosocial hazards and both primary and secondary psychological injuries (for example, workplace stress, fatigue, violence, and bullying) pose to the mental and physical wellbeing of workers.

131. Congress acknowledges that modern working arrangements create a heightened exposure to psychosocial hazards. Outsourcing, privatisation, corporatisation and competitive tendering of previously stable full time jobs has led to a large increase in the number of

workers in insecure employment arrangements. Workers lacking secure employment face significant difficulties in raising health and safety complaints due to the nature of their employment arrangements and conditions.

132. Congress recognises the significant impact of secondary psychological injuries that occur as a result of deficient responses to a primary injury, including the management of rehabilitation and return to work plans. Unions support the review of rehabilitation and return to work processes in order to minimize the risk of secondary psychological injuries.
133. Congress recognises that workers who develop injuries, or illness, as a result of exposure to workplace psychosocial hazards, are likely to suffer stigmatisation and discrimination. As a consequence, disclosure and discussion of these injuries/illnesses may prove difficult for workers, and Health and Safety Representatives.
134. The continued failure of employers and regulatory agencies to control exposure to psychosocial risks continues to have flow-on effects to workers' families and the general community. This contributes to disparities in health, and over time, to social inequality.
135. To redress this imbalance, Congress recognises that Model Work Health and Safety laws present an opportunity to address the hitherto piecemeal approach by employers and regulatory agencies to prevent workers' exposure to psychosocial risks. In this regard, Congress calls for:
 - a) Legislation that provides for the control of risks arising from psychosocial hazards, including a regulation and supporting codes of practice to address psychosocial hazards, which must include an obligation on employers to assess and control psychosocial hazards;
 - b) An adequately resourced and qualified inspectorate capable of taking action to ensure that employers control psychosocial risks; and
 - c) Decent and ongoing workers' compensation entitlements for injured workers and their families.
136. Workers must be treated with respect and dignity. Australian unions will continue to oppose any program that seeks to shift responsibility onto workers.
137. Congress recognises that in order to improve the psychosocial work environment for workers, a genuine tripartite approach is needed from all governments, (including OHS and workers' compensation bodies) industry and unions. Congress will advocate for:
 - a) This will include specifically that the harmonised WHS laws be amended to include a chapter on psychological risk management including the risks of violence, bullying, work overload, work design, and other occupational stressors, including shift work;
 - b) Genuine consultation and engagement of workers and their representatives in the identification, assessment and control of psychosocial hazards;
 - c) Training of HSRs, workers and supervisors;
 - d) Workplace policies and procedures that ensure confidentiality in dealing with individual issues;

- e) Research through Safe Work Australia into the influence of systems of work on psychosocial risks and mental health issues associated with workers compensation processes;
- f) Training to ensure that health and safety inspectorates can address psychosocial hazards; and
- g) The removal of 'reasonable management action', and like provisions, from all jurisdictions' workers' compensation provisions.

Workplace Violence

- 138. Violence in the workplace is a WHS risk management issue as well as potentially a conventional criminal activity. Congress calls on amendments to appropriate legislation to include a WHS psychological risk management chapter that includes provisions to assess and control violence.
- 139. A specialist inspectorate should be established and tasked with reducing violence through higher order controls such as Crime Prevention Through Environmental Design (CPTED) research.
- 140. Congress opposes the increasing acceptance by employers of violence in the workplace, particularly where workers work alone and/or where exposure to anti-social and violent behaviour was once the responsibility of police or trained security.
- 141. Australian unions support a Regulation and specific Codes of Practice to cover workers in the public service, local government, law enforcement, security, banking, health, welfare, education, transport, retail, finance, human services and customer service-related sectors which are vulnerable to random and regular attacks at work.

Workplace Bullying

- 142. Congress acknowledges that workplace bullying is a work health and safety issue which must be identified, assessed and controlled in the same way as other hazards. In addition to strategies which deal with complaints of workplace bullying, employers must be made accountable to work health and safety regulators for adopting strategies which ensure consultation with workers to identify, assess and control the risks associated with bullying.
- 143. Congress supports the anti-bullying laws in the Fair Work Act to stop bullying as early as possible and supplement other OHS/Workplace Bullying codes and regulation.
- 144. Congress acknowledges the Fair Work Commission's initiatives to maintain and resource this separate and discrete function of the tribunal.
- 145. Congress advocates that all workers, not just those employed by constitutional corporations, should have access to the jurisdiction, and that once a complaint has been made, it should continue to be heard under the FWC jurisdiction even if the worker's employment is terminated.
- 146. In addition, Congress supports varying the legislation to ensure applicants include unions seeking to stop systemic bullying rather than the current focus on individual complainants having to make public applications for anti-bullying orders. This would allow unions to make complaints on behalf of their members who have been bullied at work but are too afraid to speak up.

147. Congress also supports legislative amendments to empower the industrial tribunal to award a more comprehensive suite of remedies than presently available. This includes a regime of pecuniary penalties and compensation or damages orders.
148. Congress rejects the use of the “reasonable management action taken in a reasonable manner” defence as a means for employers to cover workplace bullying.

WORK HEALTH RIGHTS

149. Congress opposes the misuse of ‘duty of care’ by employers as a discriminatory mechanism against workers. Congress opposes the use of medical examination and ‘fitness for work’ testing or examination - either as a punitive measure or as a means of limiting access to employment.
150. Congress expresses its grave concern for the widespread and systemic incidence of ill and injured workers being subjected to a range of coercive, intrusive, inappropriate and discriminatory practices by employers, such as:
- a) Employers, insurers and employer representatives attending medical consultations/ appointments with ill and injured workers;
 - b) Employers forcing ill and injured workers to attend company doctors rather than providing workers with the choice of their own doctor;
 - c) Injured workers being subjected to constant medical assessments and functional capacity assessments even though their treating doctor has cleared them to return to work;
 - d) Medical information being used by third parties and without the consent of workers;
 - e) The growth and use of Doctor Networks (such as InjuryNet); paid for by the employer and providing a substandard level of care;
 - f) Failure by employers to properly implement and comply with workers’ return to work plans;
 - g) The use of the ‘lawful and reasonable’ direction to force workers to reveal medical information and attend unnecessary ‘independent’ medical assessments;
 - h) Medical certificates and suitable duties/ return to work plans not being adhered to and workers are being forced to return to work prematurely;
 - i) Injured workers being informed by their employer that as a result of a past or present injury, they pose a ‘risk ‘ to the business or organisation and consequently face the termination of their employment;
 - j) Employers’ inappropriate use of the “inherent requirements of the job” exemption to justify terminating workers’ employment;
 - k) Employers and third parties are engaging in private discussions with workers’ treating doctors without the worker’s knowledge or consent;

- l) Employers and third parties are requesting workers' full medical history which goes well beyond the information needed to effectively deal with a workplace injury or disability;
 - m) Workers being required to attend 6 monthly medical assessments with company doctors when they are not ill or injured;
 - n) Reasonable accommodations and adjustments are not being made to allow injured workers to return to work; and
 - o) Employers are insisting on 'fit for work' or 'full clearance certificates from workers after a period of personal leave or annual leave.
151. Australian unions will continue to pursue legislative protections which ensure there are decent, fair and appropriate work health rights for all workers.
152. Australian unions will seek to have research commissioned which explores the nature, scope and scale of Work Health Rights issues occurring in Australian workplaces and identifies the gaps in the current legal framework.
153. Congress supports the development of a union campaign in relation to Work Health Rights.

ALCOHOL AND OTHER DRUGS

154. Congress note the harmful effects that alcohol and other drugs (AOD) can cause workers, their families, and fellow workers. Congress notes that there is no place for drugs of abuse or alcohol-related impairment in the workplace. Congress calls on employers and governments to work together using a preventative harm minimisation approach which focuses on the rehabilitation of those with substance abuse and provides education and assistance to those whose substance use can lead to impairment at work.
155. Congress notes there is little evidence of the link between AOD usage and workplaces accidents to justify the growth in testing regimes across Australian industries, and calls on governments and industry to consider the broader health, work and social context of AOD usage in preference to focussing on punitive action against individual workers, as a deterrent, which may compound the damage.
156. Congress notes the increased reliance of business on the testing of workers for the presence of drugs and alcohol under the guise of improving health and safety outcomes. Congress reaffirms its strong opposition to the use of testing for alcohol and other drugs (AOD) outside the purpose of the impairment-based approach.
157. Congress notes the unreliability of testing mechanisms, including oral, urine and breath testing. Where alcohol and other drugs testing is conducted, it should only be considered as a last resort. Impairment due to AOD can be effectively managed through direct observation and supervision.

MATERNAL HEALTH AND SAFETY

158. Congress acknowledges there are specific health and safety issues relating to reproductive health, pregnancy, breastfeeding and return to work after childbirth.

159. Congress supports the inclusion of a specific reference to reproductive health, pregnancy, breastfeeding mothers and mothers returning to the workplace after giving birth in the Model Work Health and Safety Regulations. It is the responsibility of the employer to undertake risk assessments and to control any risks that may arise in the course of employment as a result of a pregnancy. All such risk assessments must be done in consultation with the affected worker.
160. Congress supports the development of a Code of Practice which details the specific workplace health and safety hazards and risks which can arise in relation to reproductive health, pregnancy, breastfeeding mothers and mothers returning to the workplace after giving birth. The Code of Practice should provide information on the reproductive hazards associated with manual tasks, night work, biological agents, and the provision of appropriate facilities and equipment.
161. Congress supports the development of educational material and a union campaign in relation to the specific workplace health and safety hazards and risks which may arise in relation to reproductive health, pregnancy, breastfeeding mothers and mothers returning to the workplace after giving birth.

MINE SAFETY

162. Congress supports the retention and strengthening of separate, industry specific risk-based WHS legislation for mining.
163. Congress supports the “check inspector system” of worker participation at both workplace and industry level in the black coal mining industry.
164. Congress supports the establishment and maintenance of independent, properly resourced, stand-alone mines inspectorates in the mining states and territories of Australia.
165. Congress calls on the Australian Government to take immediate steps to ratify the International Labour Organisation (ILO) Safety and Health in Mines Convention, 1995 (ILO C 176).

REMOTE WORKPLACES AND OFFSHORE SAFETY

166. Congress supports the harmonisation of occupational health and safety laws in sector specific schemes covering seafarers and offshore oil and gas industry workers. Congress acknowledges current jurisdictional overlap and some regulatory gaps in these sectors, and in stevedoring, and is committed to work with industry and Government for the elimination of regulatory uncertainty and dual jurisdictional involvement in these sectors. In particular, Congress is committed to ensuring that International Maritime Organisation (IMO) Conventions and International Labour Organisation (ILO) Conventions to which Australia is a signatory are restored in the offshore oil and gas sector. Congress is committed to improving safety in the national stevedoring industry, and in particular supports the implementation of improved regulation of stevedoring safety and a national stevedoring safety code of practice.
167. Australian unions will pursue improvements to the current legislation to ensure that union officials have right of entry and access to remote workplaces, with employers required to facilitate transport to and from the worksite for the purpose of meeting with members to discuss health and safety matters.



POLICY

WORKERS' RIGHTS

7. ORGANISING WOMEN IN UNIONS

ADVANCING THE REPRESENTATION AND PARTICIPATION OF WOMEN IN UNIONS

1. Congress is committed to ensuring that women have strong and effective union representation in their workplace.
2. Congress notes that women now make up almost half of the paid workforce and half of total union membership. The capacity of the union movement to represent and organise women depends on the movement's ability to reflect views and address issues that are particularly relevant to women. In order to achieve this, women members must be able to fully participate in all levels of union decision making processes and structures. Congress commits to the affirmative action objective of at least 50-50 representation of women in all elected positions at the ACTU and unions; acknowledging the need to better reflect the representation of women employees in the industry and the female membership of the union.
3. Congress notes the 2015 Women in Unions Report Recommendations that unions can assist women to continue to grow within the union movement by ensuring their industrial needs are adequately represented in the union's bargaining priorities and by removing the barriers women face in accessing senior and elected roles within their union.
4. Removing these barriers will improve the union's ability to attract the best possible leadership talent and tap into the growth potential of organising women workers.
5. Congress encourages all unions to use the Report's recommendations as a basis to review their activities in regard to women, including how they attract, retain and develop women members, delegates, employees, elected officials and leaders.
6. Congress affirms its resolution to:
 - a) Commit to funding and participating in the survey process which is to be conducted every three years;
 - b) Provide for regular reporting of survey results as part of the formal ACTU Congress agenda; and
 - c) Acknowledge that the accuracy of the survey results depends on full participation by all unions, and strongly encouraging all unions to continue to complete the survey.

7. Congress commits all unions, TLCs and the ACTU to implement the Report's Recommendations where appropriate.
8. The ACTU will assist, support and advise unions regarding implementation of the Recommendations where appropriate.

WOMEN IN UNIONS REPORT 2015

9. ACTU Congress adopts the following recommendations from the Report.

Women's Participation in Union Structures

10. Encourage women delegates and employees to participate in union structures by:
 - a) Setting appropriate goals, actions, resources and timeframes to increase women's active participation in the union;
 - b) Ensuring women members are consulted and their issues addressed, when developing union industrial priorities and growth campaigns;
 - c) Removing barriers which discourage the participation of women in union activities by taking into consideration the availability of employees and delegates with family responsibilities;
 - d) Identifying and sponsoring women delegates to move into roles including elected positions;
 - e) Encouraging and supporting women employees to take on more senior roles within the union;
 - f) Ensuring women employees are afforded equal opportunities to access career development such as acting in higher duties and board positions;
 - g) Developing policies for union employees including the right to part time work following parental leave, flexible work arrangements, and protection against sexual harassment, bullying and discrimination. Provide mandatory training for all officials and union employees regarding these union policies;
 - h) Consider establishing dedicated positions for women on union Committees of Management, Executive, Council, Congress, and other high level union committees;
 - i) Ensuring there is a union official(s) who has responsibility in the union for women's issues and reports at each union executive;
 - j) Establishing a women's committee and regular women's conference; and
 - k) Monitoring and reporting to the union executive annually on the representation of women at all levels within the union.

Peak Council Leadership and Representation of Women

11. Ensure peak council leadership and representation of women by:
 - a) Ensuring women member's issues are included in industrial, growth and campaign priorities, actions and resources set at Union, TLC, ACTU Executive and Congress level;
 - b) Ensuring all unions have a representative on the ACTU Women's Committee and integrating the work of the Committee into other recognised priorities of the ACTU, including in education, industrial and campaigns;
 - c) Funding and participating in the ACTU Women in Unions survey which is to be conducted 12 months before each ACTU Congress with the findings to be reported as part of the formal Congress Agenda;
 - d) Ensuring that women remain proportionately represented at ACTU Congress and include consideration of women's issues in each item at Congress;
 - e) Continuing to promote and support the Women in Male Dominated Occupations and Industries (WIMDOI) network by encouraging members to attend and actively participate in the biennial conferences; and
 - f) Establishing an ACTU mentoring program to support women in the union movement to reach their potential and ensure the movement continues to grow and evolve.

Bargaining and Industrial Agenda

12. Ensure women members' issues are included in the bargaining and industrial agenda by:
 - a) Developing bargaining claims in consultation with women members, including consideration of the suggested provisions contained in the ACTU Work and Family Bargaining Guide;
 - b) Bargaining for appropriate facilities and conditions for women workers in male dominated workplaces, and removing barriers which unfairly discourage women's participation;
 - c) Ensuring women representatives are on all bargaining committees; and
 - d) Implementing a bargaining checklist to ensure that women's claims do not "drop off" and review achievement of women member's bargaining priorities.

Programs and Resources

- e) Continuing improving and extending the Anna Stewart Memorial Project by developing a comprehensive, structured curriculum and mentoring program for women union activists.
- f) Develop materials and resources, publicising union actions supporting women providing role models of active women in the union.
- g) Ensure union and ACTU training of delegates includes gender equality issues and union policies.



POLICY

WORKERS' RIGHTS

8. ORGANISING YOUNG WORKERS

INTRODUCTION

1. Australian trade unions face particular challenges in engaging, protecting and empowering young workers.
2. Young workers are more likely to be engaged in low skill, low paid employment, with little or no power to bargain directly with their employer over wages and conditions. This makes young workers particularly vulnerable to exploitation and ill treatment.
3. With the increasing casualization of the workforce and the concurrent rise in youth unemployment, it is harder than ever for young people to be engaged in decent, permanent, paid work. This means it is more important than ever that young people have trade unions representing their interests.
4. Young people are key to the future of the union movement and their participation in union activities should be nurtured and encouraged.

ACTU YOUTH COMMITTEE

5. Australian unions will engage with young workers across the movement through the facilitation and resourcing of an ACTU Youth Committee, with a commitment from affiliates to participate and engage in the work of the Committee.
6. The Youth Committee will focus on nationally co-ordinated action in a number of priority areas:
 - a) Organising and communication methods tailored to young workers;
 - b) Education of young workers;
 - c) Campaigns with a focus on the pay and conditions of young workers;
 - d) Leadership and mentoring of young unionists.
7. The Youth Committee will focus on highlighting issues affecting young workers and ensuring that the movement responds appropriately. The Youth Committee will ensure that young people are a focus of union campaigning efforts.

8. The Youth Committee will ensure that best practice organising and engagement strategies are shared throughout the movement through mechanisms such as:
 - a) Young Worker Conferences & Forums, including specific Apprentice Conferences;
 - b) Union internships;
 - c) Mentoring programmes.
9. In order to ensure that young people feature prominently in ACTU and union planning, and to gain a better understanding of the experiences unions and young people have with each other, Australian unions will conduct a Young People in Unions survey. The results will be presented at Congress 2018 and will be critical in guiding the ACTU and unions' responses to the critical need of organising young workers. It is intended that this survey be reproduced every three years so that the union movement can track its progress.

THE CHANGING NATURE OF WORK

10. Young people are often employed in insecure and precarious work and are particularly affected by the growth of the cash economy, where they are often paid cash-in-hand and miss out on important safety net entitlements such as personal/carers leave.
11. Australian unions will continue to campaign for more secure employment. Casual employment is most common among young workers and many young people are finding themselves in casual jobs for many years and are struggling to transition from full-time study to secure full-time employment. Unions will continue to advocate for training pathways and casual conversion clauses to enable young people to transition from insecure work into permanent employment.
12. Congress supports the introduction of measures in awards and EBAs to protect young workers from insecure work. This includes casual conversion clauses with an 'opt-out' rather than 'opt-in' approach, and the introduction of portable leave entitlements.
13. Congress calls upon the government to fund incentives for young apprentices and trainees, for example, through tools allowances and sign-on bonuses for apprentices to meet cost of living pressures.
14. Congress encourages all affiliates to:
 - a) Focus on recruiting young people in precarious work and working with them to achieve job security if they so wish;
 - b) Bargain for casual conversion clauses in all EBAs; and
 - c) Investigate and pursue instances where young workers are being paid cash in hand and are not receiving their entitlements.

PAY AND CONDITIONS

15. Australian unions will continue to advocate for improvements in pay and working conditions for young workers and to develop opportunities for young people to build capacity to campaign around these issues.

16. Unions will continue to campaign for the removal of youth wages, particularly for those aged 18 and over. Where awards and agreements continue to contain youth wages, steps should be taken to remove them on the grounds that they are discriminatory and fail to take into account young workers' actual skills, experience, and length of service.
17. Congress resolves to campaign to expand the superannuation guarantee to workers under the age of 18, and remove the discriminatory requirement that workers under 18 must work at least 30 hours per week to receive employer superannuation contributions. Superannuation is a form of deferred wages, and therefore by not receiving their superannuation entitlement, young workers are effectively having their pay cut by 9.25%. With the compounding effect of superannuation, even a small amount earned at a young age will significantly boost retirement earnings.
18. Australian unions will continue to advocate for an increase in the minimum wage for young people on apprentice and trainee wages, noting that the current wages still remain too low to provide a decent standard of living.

REPRESENTING YOUNG WORKERS

19. Young people are more likely to change employment frequently and as a result it can be more difficult for unions to engage with and represent their interests. Unions should therefore develop specific strategies to organise young workers, including by engaging young people through the school system before they enter employment.
20. Congress resolves to explore and support new organising strategies, particularly those that integrate technology with campaigning. We note that young people are more likely to engage through social media than more traditional forms of media, and therefore unions should ensure they are fully equipped to run online campaigns and to seek to engage young workers and potential members through social media.
21. Australian unions will investigate easier joining methods, such as online application forms, and simplified fee structures for young people, which may include free or reduced membership fees.
22. Congress recommends that all affiliates appoint a Youth Contact Officer in each state branch and to publicise the contact details of the Officer so that they may be contacted with queries about joining or getting involved. Unions should have an easy point of call to personalise the membership joining process.
23. Affiliates will investigate whether it is feasible for them to backdate membership to young workers with an issue who wish to join the union in order to have their issue resolved, particularly if the worker is in a non-unionised workplace.
24. Affiliates resolve to work cooperatively to ensure that young workers who change careers or industries remain union members.

ENGAGEMENT AND CONSULTATION

25. Young workers themselves are in the best position to voice their own issues and concerns, and therefore affiliates should actively attempt to engage young union members in decision making around youth-oriented campaigns and organising efforts.

26. The achievements of young people should be regularly showcased in union communications, publications and online content.
27. Unions should develop specific materials on workplace rights that are targeted towards young people, and should seek active input from young people in developing these materials.
28. Young people should be engaged with the union's decision making bodies, through a youth advisory committee or similar structure, with reporting directly to the union's committee of management.
29. Affiliates should consider whether to entrench these structures into the rules of their organisations, including through the possibility of mandating youth representative positions on committee structures.

EDUCATION AND TRAINING

30. Unions have a fundamental role in the education of young people. This duty applies equally to both young union members and non-members.
31. Congress notes the good work that has been undertaken by various affiliates and Trades and Labour Councils to develop educational material on workplace rights, and resolves to continue to support efforts to train and educate young people, particularly during the Year 10 Work Experience requirement. Unions should establish an active presence in schools and conduct outreach activities with other formal education settings.
32. Australian unions will consider developing and undertaking specific training and educational events for young delegates, activists and members, including through the provision of an annual Young Workers Conference.
33. Australian unions will develop materials targeted towards young people to educate them on their workplace rights and safety matters, and to promote the work of unions. These materials will be made available to all affiliates.
34. Recognising that young people are particularly vulnerable to workplace injuries and incidents, young people should be educated on health and safety issues and should be encouraged to be involved as Health and Safety Representatives or through their workplace health and safety committee.

LEADERSHIP DEVELOPMENT

35. Young people have the capacity, skills and vision to act as leaders in their workplaces and communities. Young people should be given appropriate support and encouragement to take on further leadership roles within their workplace, noting that many young people who are exposed to the union movement go on to have rewarding careers as union officials.
36. Affiliates resolve to resource and promote Union Summer, Organising Works and similar programs, and to pay all young workers a fair wage for their efforts.
37. Congress also resolves to establish a training and leadership development program for young delegates, similar to the Anna Stewart Memorial Project.

38. Australian unions will provide opportunities for young workers to develop their skills and networks through formal mentoring programs.
39. Trades and Labour Councils will be encouraged to establish youth committees or networks to run social events and to provide a volunteer base for campaigning activities.

UNPAID WORK

40. Unpaid internships are becoming commonplace for young workers seeking to gain the experience required to obtain an entry level job. Unpaid internships are affecting an increasingly large number of industries, from media and the creative arts to law and not-for-profits.
41. Unpaid internships are problematic because they are increasingly viewed as a necessary qualification for young people to get their foot in the door of their chosen career. The work and efforts of all young people should be recognised, valued, and remunerated at a fair level.
42. Congress opposes unpaid internships that are not part of an accredited course at an educational institution, and we note that such arrangements would be in breach of the Fair Work Act.
43. Australian unions will work with, and provide support to, organisations running campaigns that raise the awareness of unpaid internships in Australia, including youth-driven groups such as Interns Australia.
44. Australian unions commit to ensuring that they do not engage unpaid interns in their own organisations, except as part of an accredited course.

YOUTH UNEMPLOYMENT

45. Young people are disproportionately impacted by unemployment, and are more likely to be underemployed.
46. Congress supports a strong welfare system that treats the unemployed with dignity and respect, and provides young people with the assistance they need to find work and/or training.
47. Congress recognises the need for equal access to education and vocational training opportunities that provide young people with the skills and experience needed to enter the workforce.
48. Congress opposes policies which penalise, demoralise or humiliate the unemployed, creating unnecessary bureaucratic hurdles to welfare access. In particular we reject the Government's current proposal to extend the waiting period for jobseekers under the age of 30 to access Newstart Allowance. It is unfair and discriminatory to impose additional job search requirements or waiting periods on jobseekers who are under the age of 30.
49. Congress also notes that unpaid work placements, including Work For the Dole and the National Work Experience Programme, has been proven to be an ineffective way to get jobseekers into meaningful employment. Such programs undercut the labour market by

forcing young people to undertake work for free instead of receiving a fair wage for it. In addition, such programs may be in breach of the Fair Work Act.

50. Australian unions will continue to campaign for the rights of young jobseekers, and will campaign against all of the Government's unfair changes to welfare payments for young people.



A FAIR GO FOR ALL



POLICY

A FAIR GO FOR ALL

9. A FAIR SHARE: TAX AND REVENUE

PRINCIPLES

1. Congress affirms that tax policy in Australia should be developed in accordance with the following Principles:
 - (a) Policy settings must secure sufficient revenues to enable all levels of government to fund the type of society that Australians want, need and deserve, including universal access to public goods such as health, education and welfare, and a decent social wage;
 - (b) Policy must act to fairly distribute public resources and provide a decent social support safety net to achieve equal opportunity and alleviate poverty and disadvantage;
 - (c) Policy should promote levels of investment, savings and consumption across the economy that will support employment, job security, wage growth, environmental sustainability and Australia's social goals;
 - (d) Policy may need to compensate for instances of market failure including, where necessary, the use of an appropriate mix of tax and price signals to properly cost negative externalities particularly those affecting the environment and public health;
 - (e) Individuals and companies must make a fair and progressive contribution to our tax base based on their different levels of income, regardless of the source of that income;
 - (f) The efficient and equitable collection of public revenues requires a system of public tax administration with sufficient resources, capacity and skills; and
 - (g) Tax rates are one, among many factors, that determine levels of investment and growth. Reduction of the overall tax base will not secure the prosperity, jobs and fairness our community needs.
2. Congress agrees these Principles should guide all tax and revenue policies and agrees that unions will campaign for reform to tax policies in line with these Principles.

EFFECTIVE TAX ADMINISTRATION

3. Congress agrees that unions will campaign to halt and reverse cuts to the Australian Tax Office (ATO) staffing and resources. A fair and effective system of taxation requires an ATO with the skills and capacity to keep pace with tax avoidance strategies and to ensure compliance.

PERSONAL INCOME TAX

4. Congress notes that the foundation of Australia's tax system is personal income tax. It is the single largest source of Government revenue. Income is the best measure of the capacity of a taxpayer to pay a tax and this principle of progressivity has long underpinned our tax system.
5. An equitable and fair tax system expects those who have more to pay more. People on lower incomes should pay less in absolute and relative terms.
6. Congress notes that Australia's personal income tax system has become less progressive in recent decades in a number of ways, including:
 - a) Significant reductions in the top marginal rate of tax from 65 cents in the dollar to 45 cents;
 - b) Increases in the bottom tax rate from 15 to 19 per cent;
 - c) A reduction in the number of tax brackets from 7 to 4;
 - d) A gradual reduction in real terms of the bottom tax threshold; and
 - e) The introduction of the Medicare Levy (introduced as a flat tax).
7. Congress agrees to campaign to enhance the progressivity of personal income taxation. This will help to generate the public revenues we need, help low-paid workers to take home more, and reduce barriers to workforce participation that can result from the interaction of the tax and social security systems. The union movement will pursue appropriate indexation of tax thresholds for low and middle income earners.

CORPORATE TAX

8. Congress agrees that companies should pay their fair share toward helping to fund the services, infrastructures and legal privileges they benefit from. In addition, company taxes act as an important backstop to personal taxation, providing a disincentive for individuals to re-classify their earnings as corporate income.
9. Congress further agrees that the determinants of investment and growth are complex and turn on a range of factors such as consumer demand, the legal and regulatory environment, and the availability of skilled labour. Congress therefore rejects the notion that simply lowering the tax paid by companies, without commensurate stimulus policies, will generate investment, jobs and living standards we need.
10. Australia's reliance on corporate tax as a revenue source makes it vital that Australian companies and international corporations trading in Australia pay a fair share of tax.

11. While Australia's corporate tax rate is 30 per cent, the effective tax rate paid by ASX 200 companies over the last decade has been 23 per cent, and nearly one third of ASX 200 companies have an average effective tax rate of 10 per cent or less.
12. Given the need for more, not less revenue, and the principle of not reducing the proportion of tax revenue that is paid by business, Congress resolves to oppose cuts to the corporate tax rate unless a reduction in the headline rate is accompanied by closing loopholes – whereby the net effect would be increased revenue from corporations.
13. Congress supports further tax reform to assist growth and innovation among small and medium-sized businesses. However, any such reforms must be designed to be revenue-neutral in terms of the overall contribution that business makes to government.

TAX AVOIDANCE

14. Congress notes that tax avoidance by corporations and others via activities, such as profit-shifting, costs the Australian community billions in lost revenues every year. Some of the largest and most profitable companies in the world benefit from being able to sell to Australian consumers, and from the public institutions and infrastructures that our government provides, and yet do not pay their fair share in tax. Congress recommends ASX corporate governance principles be amended to require all listed companies to disclose tax paid by parent companies, subsidiaries and all offshore entities.
15. Congress agrees that effective government action to counter tax evasion is long overdue. The union movement will campaign for government to adopt measures that will ensure corporations and others play their part in helping to fund a better and fairer Australia. These measures should include the following:
 - a) Halt and reverse cuts to ATO staffing and resources. A fair and effective system of taxation requires an ATO with the skills and capacity to keep pace with tax avoidance strategies and to ensure compliance;
 - b) Initiate an inquiry into the practicality and revenue-raising potential of a 'diverted profits tax' (or 'Google Tax') in an Australian context;
 - c) Support coordinated international action to tax transnational corporations on a unitary basis rather than as a series of separate legal entities;
 - d) Amend the thin capitalisation rules so that the deductions transnational corporations can claim for debt in Australia are assessed according to the average debt-to-equity ratio across all the corporation's constituent operations;
 - e) Remove opportunities for tax avoidance by wealthy individuals by reforming the tax treatment of vehicles such as Self-Managed Superannuation Funds (SMSFs) and discretionary trusts;
 - f) Tighter targeting of tax breaks for companies, to ensure they support genuine research and development, and to help keep jobs in Australia; and
 - g) Ensure that sham contractors are not able to obtain a tax advantage over other employees by improving the tax law test for distinguishing between genuine and sham contractors.

THE BUFFET RULE

16. Congress agrees that government must be ready to tackle the many different forms of tax avoidance that enable companies and individuals to reduce the tax they pay. Avoidance of personal income tax also reduces government revenue by billions of dollars each year.
17. Congress notes reports from the ATO of taxpayers with incomes of over \$1 million, who pay no income tax at all. In 2011-12, there were 75 such people and in 2012-13 there were 55. Congress notes that the greatest value in tax deductions from personal income tax are claimed by the highest income earners, with the top one per cent of income earners, people earning about \$300,000 per year, claiming over \$2 billion worth of tax deductions – the same amount as the bottom 16 per cent.
18. Congress agrees that Australia should introduce a rule (also known as ‘The Buffet Rule’) which imposes a minimum average rate of tax on very high income earners based on their total income. Estimates by The Australia Institute and the National Centre for Social and Economic Modelling suggest an additional \$2.5 billion per annum could be raised from a minimum average tax rate of 35 percent.

TAX CONCESSIONS AND EXPENDITURE

19. Congress notes there are a wide range of tax concessions and expenditures in the existing Australian tax system. Some of these work to strengthen the principles outlined above, while others clearly work against them.

TAXATION OF SUPERANNUATION

20. Congress supports the concessional taxation of superannuation as an important means of incentivising saving and maximising retirement incomes. However, the present tax treatment of contributions and earnings is deeply inequitable and fiscally unsustainable. In relation to superannuation contributions, high-income earners receive a 31.5 per cent concession while those on low incomes receive no concessions at all.
21. The richest ten per cent of Australian households derive over \$12 billion in tax benefit from the current superannuation concession arrangements, more than the bottom 80 per cent combined. There is clearly urgent need to reform these concessions.
22. The concessional taxation of super cost government \$32 billion last year. Estimates by The Australia Institute and NATSEM suggest an additional \$9.6 billion per annum could be raised from progressive reforms to the current system, with almost all of this being raised from the highest income households.
23. Congress condemns the government’s planned abolition of the Low Income Superannuation Contribution (LISC) which helped to alleviate the most unjust aspects of how contributions are taxed, while refusing to take action to require that higher earners pay more. Congress calls for the LISC to be retained until a progressive system of contributions taxation has been implemented.
24. Congress agrees to campaign for the progressive taxation of contributions and earnings on the basis of the individual’s marginal rate, minus a rebate.

AFFORDABLE HOUSING

25. Congress notes the growing crisis of affordable decent housing across Australia. In the decade to 2012, average house prices increased by 92 per cent. Those for flats rose by 40 per cent. Home ownership rates are falling among younger workers and families. There is a national shortage of over 500,000 affordable properties for low income renters.
26. Congress agrees that while the causes of the present housing crisis are many, 'negative gearing', the concessional taxation of capital gains and how land is presently taxed all contribute to the crisis and render effective solutions more difficult to achieve.
27. Congress notes that the benefits of negative gearing and the capital gains tax discount overwhelmingly flow to Australia's highest income earners. The richest ten per cent of households gain 34 per cent of the benefits of negative gearing arrangements and 73 per cent of the benefits of the capital gains tax discount.
28. Federal Treasury estimates that the capital gains tax discount will reduce tax revenue by \$5.8 billion in 2014-15. Negative gearing arrangements result in a further reduction of \$3.7 billion per year. These are serious reductions in revenue that also undermine the progressive tax system.
29. Congress therefore agrees to campaign for government to adopt the following measures:
 - a) Reform negative gearing. Tax deductions associated with an investment property should only be deductible from income received from that property. This new rule should be applied to new investments from a specified future date and to existing investments when they are sold after that date;
 - b) Increase taxation of capital gains to generate additional revenues for government while reducing incentives for speculative investment in residential property; and
 - c) Replace stamp duties with a broad-based annual land tax that will dampen house price inflation, stimulate more building of housing for rental purposes and incentivise the development of idle land.

INDIRECT TAXATION

Goods and Services Tax (GST)

30. Congress notes that indirect taxes such as the GST are regressive, as high income earners spend proportionately less of their income on goods and services which attract them, while lower income families tend to spend proportionately much more.
31. Congress therefore opposes any extension of GST coverage or any increase to its rate.

Resource and Rent Taxation

32. Congress supports special company tax arrangements which apply in the case where a company is earning super profits because of the superior quality of the resources over which it has control.
33. Congress notes that Australia has successfully operated a resource rent tax on petroleum for some years now with the Petroleum Resource Rent Tax (PRRT) expected to collect \$1.9 billion in 2014-15.

34. Congress advocates for the taxation of resources not to be confined to mineral resources, noting there are similar sources of scarce resources such as radio frequencies and water that are periodically auctioned by government. In these cases there is the very important issue of who owns the scarce resource and so who should earn the scarcity rents.
35. These issues are also relevant to the cases of companies that make super profits through their domination of telecommunications, the payments system in the case of banks, electricity networks and so on. In these cases the imposition of monopoly taxation is a potential alternative to using regulatory mechanisms to counter monopoly power.

Further Policy Reform

36. Congress affirms that the ACTU and affiliated unions will continue to engage with the Federal Government on taxation reform, including responding to the 2015 White Paper on the Reform of Australia's Tax System.
37. Congress recognises the need to consider tax policy areas in detail, including, in addition to those addressed in this Policy, wealth and inheritance tax, the taxation treatment of dividend imputation and franking credits, and measures to fund public infrastructures.
38. Congress recognises the complex interactions between taxation and government transfer payments. Any tax reform must protect lower paid workers and welfare recipients from overall disadvantage.
39. Congress recognises the need to consider the Robin Hood Tax, a specific Financial Transactions Tax/Tobin Tax, that ensures that the revenue raised is used for public services.
40. Congress agrees to establish an ACTU tax working group to facilitate further discussion and make recommendations to the ACTU Executive on detailed tax and revenue policy proposals in line with the principles outlined in the Congress 2015 Taxation and Revenue Policy.



POLICY

A FAIR GO FOR ALL

10. A SECURE RETIREMENT: INCOME, SUPERANNUATION & WORKERS' CAPITAL

INTRODUCTION

1. Congress applauds the outstanding role played by Australian unions over four decades in helping to build our current retirement income system. In the 1970s and 1980s the struggles and campaigning of unions resulted in many workers securing the right to workplace superannuation for the first time. Campaigning by unions for universal super led to the introduction of the Superannuation Guarantee in 1992. Today, because of the commitment of unions to improving the quality of life of all Australian workers after they retire, millions of workers will accumulate superannuation savings that will help them to lead a better and more dignified life when they stop working.
2. Congress further applauds the pioneering role played by unions in establishing many of the best governed and best performing superannuation funds in Australia. In contrast to banks and other financial corporations who sell super products for profit, unions believe super must put the interests of fund members first. Members of not-for-profit funds will retire with a greater amount in their accumulated savings than members of retail funds – this is because unions have established an all profits to members system, whilst at the same time, retail funds syphon commissions from their members' accounts to pay dividends to their funds' owners and excessive salaries to bank executives. Unions built not-for-profit funds because they embody our values. We govern them to ensure they continue to do so.
3. Congress recognises the enormous potential the Australian superannuation system has to generate the investments we need to build a more prosperous economy and a fairer society. The more we save the more we can invest. The more we responsibly invest the more jobs, incomes and public revenues we can generate. We can then increase public spending in support of those who need it most. Congress agrees that super is not just about retirement. It has huge potential to enable us to build more of the infrastructures, industries and public services that we need now and in the future.
4. Congress affirms that super is core union business. Unions will campaign to ensure that our values and our priorities shape the future of the funds we help to govern. We will continue to bargain to ensure the interests of our members are protected. We will continue to fight for government policies that will improve the quality of life for all retired workers.

UNION PRINCIPLES

5. Congress affirms that the future of our retirement income system requires policies grounded in the following principles:
- a) The primary focus of the Australian retirement income system must be to support workers when they stop working. It must not be a vehicle for those on high incomes to game their tax affairs to further enhance their wealth at the expense of public revenues.
 - b) Unions support the establishment of a national objective for the Australian retirement income and superannuation system. Unions assert that the foundation principle for this objective should be that a worker's standard of living be able to be maintained when he or she leaves the paid workforce. This principle is achieved through a worker having an adequate retirement income stream to meet a level of expenditure consistent with average community standards which is financed through or by a combination of superannuation savings, private savings and the Age Pension.
 - c) A principal factor in the delivery of this level of adequacy is an appropriately funded superannuation saving system. Unions recognise the current level of mandated contribution is inadequate to achieve this goal and the immaturity of the system means many workers will continue to retire in the medium-term with less than adequate accumulated savings. Unions will continue their call for a review of the level of mandated contributions and the timing of their introduction.
 - d) Unions assert that in the period until a fully mature and appropriately funded superannuation system exists, the Australian Government needs to continue to provide an Age Pension which supplements superannuation savings. At some stage in the future average superannuation savings will reach a level at which such reliance on the Age Pension may be able to be relieved for some; an outworking of this is that this allows for public finances to support a level of Age Pension for those who will still need such a level of support.
 - e) The value of the Age Pension must be supported by linking it consistently to earnings so it can act as a proper safety net in order that a decent pension is always available to those who still need such a level of support.
 - f) Retirement income policy settings relating to the preservation age and the availability of the Age Pension must allow workers to choose when they believe they can and should retire. They must also recognise that the capacity of workers to remain in employment can vary across industries and occupations.
 - g) Superannuation contributions and earnings should be taxed at concessional rates up to a level which provide for adequate retirement income. Progressive rates of taxation should apply to encourage saving and to ensure fairness and equality of access to concessions across all levels of income.
 - h) Superannuation contributions are deferred wages. Superannuation is therefore an industrial issue in the context of which unions have a vital role to play in workplaces and in the governance of super funds to make sure the interests of workers are represented and defended.
 - i) In our compulsory system, in the context of persistently low levels of engagement with super, it is vital that workers and their unions continue to be able to decide collectively which funds are best for their workplaces and industries. This helps to

reduce the risk that individuals are exploited by funds owned by for-profit corporations.

- j) Workers have interests in addition to the quantum of their eventual retirement incomes. They are therefore entitled to expect that the investments their contributions make possible are used to support nation building infrastructure, environmental sustainability, minimum labour standards and the highest standards of corporate governance.

- 6. Congress notes that this policy builds upon and updates 2012 Congress policy. Many of the measures supported by that policy remain relevant. Congress agrees that over the next three years unions will prioritise campaigning on the following issues:

The Industrial Status of Super

- a) Unions will vigorously resist any attempt by government to abolish or dilute the right of Australian workers to negotiate in relation to the quantum of superannuation contributions they receive or the selection of funds these contributions are paid to;
- b) Unions will advocate for a practical industry-based system for selecting default funds to appear in modern awards. The system should combine input from experts with the views of employer and employee representatives, under the jurisdiction of the Fair Work Commission. This is the best means to ensure the default funds which are selected best represent the interests of working Australians; and
- c) Defend the right of workers and their unions to collectively determine which funds are most appropriate to their workplace and industry. This is consistent with promoting workplace collectivism, encourages engagement with super, and helps to protect against the risk of poorly informed choices by disengaged individuals and employers.

Governance

- d) Unions will strongly oppose any attempt by government to dictate that not-for-profit funds should have a minimum or majority number of independent directors or an independent board chair. There is no evidence that equal representation governance is failing members or that mandating independent directors will improve outcomes. Congress notes that funds governed on an equal representation basis regularly outperform many of those governed by other means. Congress further notes that current regulation and some Trust Deeds already allow funds to appoint independent directors and chairs if they believe it is in the best interests of fund members to do so;
- e) Unions will fight to continuously improve the quality of fund governance by:
 - i) Requiring all directors complete a minimum and ongoing program of induction and professional development;
 - ii) Ensuring nominating organisations take into account the skills and experience sought by boards and the need to promote all diversities including gender. Such organisations should also provide the time and support necessary for nominees to effectively discharge their duties as directors; and
 - iii) Supporting potential nominees to gain the skills to become trustees.

- f) Congress notes the significant example in recent years of improper behaviour by banks and their financial advisors in relation to financial planning, including the banking industry's continued push back on Labor's FOFA changes and the basic requirement for the industry to act in the best interest of the person who is receiving the advice. In light of deep and ongoing public concern, Congress calls for a Royal Commission of Inquiry into the governance, management and sales practices of the banking and insurance industry in Australia.

Retirement Income Adequacy

- g) Unions will bargain for early or immediate implementation of the 12 per cent SG rate. Unions will campaign for the delay in the legislated increase to 12 per cent to 2025 to be scrapped;
- h) The level of the SG and the value of the Age Pension will be the primary determinants of living standards for most workers when they retire. The ACTU will commission work to quantify what rate of SG and what value of pension (as a percentage of Full Time Adult Male Weekly Ordinary Time Earnings (AMWOTE)) are likely to be needed to provide an adequate income stream to maintain the average worker's standard of living in retirement. Congress further reiterates its commitment for a pension of 35% of AMWOTE;
- i) Superannuation tax concessions were designed to encourage and reward those who saved for their retirement. However, increasingly they are used by high income earners to minimise tax and are heavily skewed to the benefit of the wealthiest in the community. Of the \$30 billion per year foregone by the government in superannuation tax concession, 40 per cent go to the wealthiest 10 per cent. Congress advocates that the taxation of super must be progressive, based on marginal rates minus a rebate. Unions will pursue the Low Income Superannuation Contribution being maintained until a progressive system has been implemented;
- j) Unions will further campaign for:
 - i) The extension of the SG entitlement to all employees regardless of age and minimum earnings;
 - ii) Ensuring contractors, self-employed, casuals and other non-secure workers receive SG contributions;
 - iii) Full superannuation contributions being paid during all periods of paid and unpaid parental and maternity leave, and whilst on Workers Compensation;
 - iv) In recognition of the fact that average super balances for women are lower than those for men, developing policy proposal to increase the superannuation savings of women. These will include endorsement of the payment of an extra 2% superannuation for woman workers and other initiatives to redress the fact women do not receive equal pay, are more likely to have career breaks, work part-time hours and, on average live longer than men.
 - v) Paying of superannuation contributions by government on behalf of long term transfer payment recipients including carers in receipt of Carer Payments or Allowances.

Retirement Income Streams

- k) Unions believe retirement income stream policy settings should facilitate options such as enabling retirees to use their lump sum to purchase a life-time increase to the Age Pension from government or converting an accumulated balance into a regular AWOTE indexed income stream unless some or all of the balance is used to complete mortgage repayments.
 - l) Unions will investigate Collective Defined Contribution (CDC) funds, similar to those in parts of Europe and North America, which may enable higher and more stable targeted retirement incomes. Unions and not-for-profit funds should explore the practicality and potential benefits of establishing CDC funds in an Australian context.
7. Congress urges affiliates to campaign against any further attempts to increase the preservation age or the age at which the Age Pension becomes available and will campaign to restore age 65 for accessing the pension. While some workers may wish to work for more years than was typical in the past, policy must recognise that the capacity of workers to do so varies across industries and occupations. Congress agrees that policy must facilitate a reasonable degree of choice and flexibility that allows workers, and particularly those who are employed in dangerous or physically-demanding occupations, to retire when they believe they can and should.
8. Congress notes that the Australian superannuation system is subject to continuous policy review and change, and this is undermining public confidence in the system. Congress agrees this is driven in large part by sharply conflicting views of what our super system should be about, generating the highest possible incomes for retirees or generating profits for banks. Congress supports the establishment of a Council of Superannuation Custodians whose role would be to assess, endorse or reject future reform proposals to the extent they are consistent with enhancing the adequacy, sustainability and fairness of the superannuation system. Such a Council should be independent of government, and be comprised of eminent Australians committed to progressive social policy and should include union representation.
9. Congress notes that Australian superannuation system assumes all individuals have similar language, literacy and numeracy skills, and similar levels of life expectancy. These assumptions act to exclude and disadvantage many Aboriginal and Torres Strait Islanders (ATSI). Congress agrees ATSI people should have early access to retirement, the Age Pension and preserved superannuation accounts. Furthermore, Congress urges the superannuation industry to provide increased training and education to directors and fund staff about the particular needs of ATSI people and the difficulties they often encounter when attempting to engage with a system that has been designed for others.

WORKERS' CAPITAL: GROWTH, SUSTAINABILITY & SOCIAL JUSTICE

10. To promote the greater use of workers' capital to generate the sustainable growth and the progressive society unions want to see, Congress agrees that unions will prioritise the following work:
- a) The ACTU, in consultation with affiliates and other relevant organisations, will develop principles and guidelines to encourage superannuation funds to invest in ways that promote the adoption of higher labour standards within Australia and abroad. All workers have the right to work in safety, to be paid a living wage, and to be represented by trade unions. The investment of workers' savings should promote these and other minimum standards in the workplace;

- b) The development of additional training and support for trustee directors that highlights the scope for more action by funds to: invest collectively in our economic and social infrastructures; demand better governance, investment and employment practices by the companies we invest in; screen out or divest from those companies who persist in engaging in unsustainable, high-risk or unethical behaviour;
 - c) Alternative models of investment that meet our social and union objectives and where such models do not undermine public service employment and public service provision;
 - f) Establishment by Government of a collective investment vehicle (as a Government Owned Corporation (GOC)) to attract capital raisings from the NFP industry superannuation funds to invest in specific purpose functions in:
 - i) the productive sector of the economy, such as venture capital for innovation and commercialisation; and
 - ii) education and training;
 - g) Establishment by Government of an Infrastructure Debt Agency (IDA) as a GOC to attract capital from NFP industry superannuation funds for provision of long-term debt for the development of Australian infrastructure; and
 - h) A remodelling of Infrastructure Australia (IA) as Australia's global clearing house for attracting international pension fund investment in Australian economic and social infrastructure to complement the G20 Global Infrastructure Hub.
11. Congress welcomes the work undertaken by affiliates in relation to the Global Corporate Tax Initiative in which the ultimate aim is to ensure multinational companies pay a fair and appropriate level of tax for their earnings in the country in which those earnings are made. Congress also notes this is a significant corporate governance issue and calls on union directors of superannuation funds to exercise their rights as part owners of these companies to ensure such companies adopt ethical and moral practices as well as legal ones in the payment of their tax. Congress calls for legislative improvements in the transparency and disclosure of the operation of multinational companies' tax arrangements.
12. Congress recognises that to attract support these initiatives will need to be founded on sound risk mitigation approaches encompassing:
- a) A strong commitment on the part of the fund that is proposing to invest pension fund capital to engagement with the representatives of organised labour in the early stages of a market offer process aimed at providing the opportunity for the expectations of both the fund manager as bidder or potential bidder and of organised labour, to be considered, on such issues as employment, safety, labour relations, technological change and other determinants of productivity performance that are material considerations in assessing risk, and hence yield; and
 - b) The opportunity for labour force participation in the governance of the entity in which a pension fund or fund manager takes a significant, majority or controlling stake as a result of an investment.
13. Congress acknowledges the important work that the International Trade Union Confederation (ITUC) and its Committee of Workers Capital (CWC) along with the Council of Global Unions (CGU) representing the Global Union Federations (GUFs) plays in coordination of the global workers capital agenda, and in particular the strategic, policy

and networking leaderships that these organisations play. Congress agrees that the ACTU continue to support these organisations and, in particular, provide material support to the CWC, and actively participate in its global networking, trustee education, campaigning and information exchange initiatives.



POLICY

WORKERS' RIGHTS

11. UNIVERSAL HEALTHCARE FOR ALL AUSTRALIANS

PREAMBLE

1. Access to high quality healthcare is an important aspect of the social compact between governments, the community and workers, and everyone, regardless of income or geography, should have timely access to quality affordable health care at all stages of their lives.
2. Australia's universal healthcare system is one of the great and lasting legacies of the union movement, which was instrumental in brokering the introduction of Medicare through the Prices and Incomes Accord of 1983.
3. Congress supports:
 - a) Universal health care, including dental care;
 - b) Public health care, including Medicare;
 - c) Universal access to bulk billing for GP services, with no GP co-payment;
 - d) A supplementary private health care sector provided it is not at the cost of the public health system;
 - e) Provision of adequate funding and support for people affected by mental illness;
 - f) A full range of age-appropriate health services for older people and youth;
 - g) Accessible and equitable health services for communities with particular needs, including remote and regional Australia, Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds, and people within the LGBTIQ community; and
 - h) Fair wages and proper workforce planning for all workers in the health, aged care and disability sectors, including measures to redress widespread staff shortages and to plan for the future.

UNIVERSAL HEALTH COVERAGE

4. Congress is committed to the concept of health as a public good, with shared benefits and shared responsibilities. We believe that access to adequate healthcare is a fundamental human right of every Australian and a crucial element of the Australian social compact. We are committed to publicly funded universal health insurance as the most efficient and effective mechanism to distribute health resources in a manner that ensures timely and equitable access to quality, affordable healthcare. Access to healthcare should always be on the basis of clinical need rather than capacity to pay.
5. Congress reaffirms our commitment to the preservation of the principles on which Medicare was founded: equity, efficiency, simplicity and universality.
6. Congress opposes the freeze on indexation of Medicare payments because these costs are passed on to patients, ultimately leading to higher out-of-pocket costs for individuals.
7. Congress explicitly rejects the imposition of increased co-payments for access to general practice and diagnostics because this undermines the goal of universalism. The evidence is clear that such co-payments do not discriminate between serious and non-serious occasions of service; they are not efficient because they hinder prevention and early intervention; and they increase inequity because they deter only already marginalised sections of the community from accessing care.
8. Congress supports the expansion of universal health coverage to dental care, noting that poor dental hygiene can lead to major health risks, including stroke. A very slight increase to the Medicare levy of only 0.75% would be sufficient to fund universal dental care, which could be spent on reducing public dental care waiting lists and providing Australians with universal access to preventative and restorative dental care.

PRIVATISATION

9. Congress rejects the claim that universal health coverage is unaffordable or unsustainable. The worldwide economic indicators show that that privatisation and cost-shifting to individuals puts inflationary pressure on overall costs, leading to rising social inequity.
10. While the private sector has a role as an alternative choice for the provision of health care, its expansion must not be at the expense of publicly provided services available to all. The provision of private health services should be complementary to a comprehensive public health system, and operate as an optional and unsubsidised adjunct to a well-resourced, universal public system.
11. In a mixed public/private system, a strong, publicly funded health system plays an important role in containing the overall rate of inflation of health costs. Serious commitments must be made to ensure that the rate of inflation of costs in health is manageable into the future. It is vital that the Australian Government maintains the lever of universal insurance to ensure downward pressure on costs is maintained. The shift towards greater emphasis on a 'user pays' model, greater privatisation and co-payments as a barrier to primary health care is profoundly inconsistent with the goals of efficacy and equity, and must be rejected.
12. If all Australians rely on the same health system, then all Australians have an interest in ensuring that system is properly funded and of high quality. We reject the argument that Medicare should be reduced to a safety net for the poor. This would inevitably lead to a two-tier system, with substandard services for the poor, escalating demand for private

care, increased costs, and the establishment of a permanent lobby group dedicated to stripping funding from Medicare.

PRIMARY HEALTH CARE

13. All health services should incorporate the principles and philosophy of primary health care, that is, social justice, equity and self-determination, delivered by the most appropriate health professional, and with a focus on prevention and early intervention to promote health and prevent illness.
14. Social determinants, such as poverty, geographical location and the environment, impact on the health of individual and communities. Investment to address these determinants must be built into Australia's planning for healthcare.
15. Health policies should:
 - a) increase emphasis on effective preventative efforts, early intervention and better integrated multi-disciplinary primary health care;
 - b) improve equitable access to health care, especially primary health care;
 - c) ensure stronger consumer, carer and community engagement in both care and planning; and
 - d) create a more rational split of responsibilities between governments.
16. Preventative health measures are important, not just because they lead to better health outcomes and reduce treatment costs. Prevention must be a national health priority because it promotes workforce participation, productivity and quality of life.
17. Australia is falling short of addressing modifiable risk factors such as physical inactivity, salt intake, harmful use of alcohol, obesity/diabetes and raised blood pressure. Prevention measures such as tobacco and alcohol taxes and plain packaging are effective strategies. Further action on improving product information, food labelling, decreasing salt content of processed food and protecting children from advertising that occurs around nutritionally poor foods, is urgently needed.
18. Congress also supports nurse-led clinics, supported by both community nurses and nurse practitioners, as an effective primary health measure. Not only are these nurses knowledgeable on primary health care and prevention measures, they are also well equipped to institute early detection of people who are at high risk of diseases, such as heart disease, stroke, kidney disease and diabetes.

AGED CARE

19. Congress supports a quality aged care system that is accessible and affordable for all Australians. An aged care system that is appropriate to peoples' needs, provides individuals with control over their care arrangements, and is provided by a qualified, well-reimbursed workforce.
20. Congress recognises that quality in the aged care system is currently being undermined by poor staff pay and conditions resulting in attraction and retention problems. Congress supports the vital work performed by all staff in the aged care system, including nursing, allied health professionals, personal care and support staff. Congress recognises quality

care can only be provided if the workforce has access to fair and competitive wages and decent working conditions. Congress supports the development of an aged care workforce development strategy addressing these issues as well as career pathways, improved training, improved management and supervision.

21. Congress supports transparency and accountability in funding aged care, ensuring that public funding is directed to quality care.
22. When older people require assistance from aged care services, they should expect and receive the same high standard of health care provided to people of other age groups. Congress recognises that quality, safety and efficiency in the aged care sector is being undermined by poor staffing and skill mix, poor rates of pay and conditions.
23. While aged care occurs in a variety of settings, all aged care has a health care component and nursing care is integral to safe, high quality health care. The care team is comprised of registered nurses and enrolled nurses, care workers (however titled) and allied health professionals. In order to ensure safe care and safe practice, all persons performing direct care work must be appropriately qualified and assessed as competent to practise according to their role and must abide by the standards of care in their area of practice.
24. Congress supports the establishment of minimum clinical and care standards, including statutory rules around minimum staff/patient ratios, to ensure that quality care is delivered under fair working conditions.
25. Congress supports wage parity with the public sector for nurses, allied health workers and support workers in the aged care sector. Congress calls on government to commission an independent study into the true cost of providing aged care services, including competitive wages and conditions.

MENTAL HEALTH

26. Mental ill health is estimated to account for 13% of the total disease burden, yet the total spending on mental health equates to less than 6% of the health budget.
27. The recent report by the Mental Health Commission into the current state of mental health services in Australia shows the economic cost to Australia of mental ill health is high and rising; an estimated \$28.6 billion per annum with another \$12 billion in lost productivity and job turnover alone. 2,500 Australians lose their lives every year, with an average of seven suicides per day in 2015.
28. Congress calls for:
 - a) A substantial increase in funding for mental health services, focused particularly on delivering quality community and preventative services. This funding must not be based on any reduction in the funding of acute mental health services;
 - b) An emphasis on programs aimed at supporting and promoting good mental health and well-being and policies which encourage Australians to access mental health care early;
 - c) Measures to ensure that people experiencing mental illness can access more and better co-ordinated services, both clinical and non-clinical, and work towards improving the lives of those that are the most disadvantaged and socially excluded;

- d) A national workforce plan aimed at addressing the critical shortage of specialist mental health workers through training, recruitment and retention of a quality workforce;
- e) Programs aimed at keeping and returning workers with mental ill health to their preferred occupations in supportive working environments; and
- f) The reestablishment of the National Mental Health Commission as an independent organisation to ensure effective and independent monitoring, assessing and reporting on the efficiency of the mental health system.
- g) The Federal Government's ongoing commitment to, and extension of, primary care mental health programs provided by health workers, including nurses, through programs such as the Mental Health Nurse Incentive Program (MHNIP).

HEALTH WORKFORCE

- 29. Australia continues to suffer from a deficit in the numbers of available health workers in all but a very small number of disciplines. Even where excess exists they are primarily location-based excesses as opposed to numbers enabling the health, community, welfare, aged care and disability sectors to adequately and appropriately staff services.
- 30. Once implemented, the National Disability Insurance Scheme (NDIS) will transform the volume, nature and delivery of many services across the country. The required workforce for disability is set to double by 2018, and aged care has similar expansion forecasts.
- 31. The impacts of the expanding need for workers are felt across the entire sector, but planning, where undertaken, is largely being done in isolation. Health workforce planning should result in the development of professionals, from support workers to registered practitioners, who can provide quality services in a culturally sensitive manner to cater for the diversity that characterises modern Australia.
- 32. Congress calls on the Federal Government to urgently:
 - a) Convene a cross sectoral and representative working party, including at least unions, providers and government, to develop a sustainable plan for training, recruitment and retention of workers to meet the expanding workforce needs;
 - b) Ensure the matrix of issues – concerning workforce retention and distribution are considered and addressed. This includes wages, conditions, qualifications, ongoing professional development, adequate, safe and appropriate staffing levels, and adequate, basic resources; and
 - c) Ensure that funding allocated to the health and allied sectors provides for fair and decent wage rates and working conditions that exceed the statutory minimum entitlements.
- 33. Health care should be based on the best available evidence and delivered by the most appropriately skilled health professional.



POLICY

A FAIR GO FOR ALL

12. THE HIGHEST QUALITY EDUCATION FOR ALL AUSTRALIANS

EARLY CHILDHOOD CARE AND EDUCATION

Supporting Workforce Participation of Parents

1. Access to high quality, affordable Early Childhood Education and Care (ECEC) is central to enabling the workforce participation of parents whilst ensuring the best outcomes for children.
2. Congress notes that Australia's employment rate for mothers is the lowest of all countries in the OECD at 62%. Congress calls on the Government to set a target that is in line with the OECD average of 66%.

Giving Children the Best Start in Life

3. ECEC needs to meet both the needs of working parents and their children. Access to affordable and high quality maternal and child health and early childhood education is the starting point of equal opportunity for all Australians. The child should be at the centre of all policy initiatives.
4. Congress reiterates its support for universal access to high quality early childhood education and care. This includes campaign support for best practice and improvements to staff/child ratios.
5. Congress calls on Government to:
 - a) ensure ongoing provision of funding for every child in Australia to access at least 15 hours a week for 40 weeks per year, of high quality early childhood education taught by a university-trained teacher in the year before school; and
 - b) provide additional baseline funding to the sector to ensure families with children aged 0-3 also have access to 15 hours per week of high quality education and care.

Ensuring Quality Early Childhood Education and Care

6. Unions have a role in being vigilant about the promotion of quality standards and parental awareness of changes to the system, given access to quality care and education for children is critical to many workers' continued employment and the health and wellbeing of their families and community
7. Congress notes general support for the National Quality Framework (NQF), Quality Rating System and the Quality Improvement Plan, however we acknowledge that workload pressures exist and need to be monitored.

A Legacy of Under-Investment

8. Congress recognises that public investment still continues to fall short of levels needed to ensure affordable and high quality education and care for Australia's next generation.
9. Government policies must ensure that increases in childcare fees do not negatively impact on workforce participation, and that funding arrangements are appropriate for supporting affordable high quality childcare for all families, especially for those on lower incomes.
10. Further, government policies must insure that increased cost of early childhood education does not result in children not accessing ECEC.
11. Any policies that seek to reduce costs by compromising quality standards are unacceptable. Best practice quality education and care must be actively encouraged and rewarded, and Government should continue its commitment to improving quality standards in the sector not only through greater monitoring and assessment of services but also by ensuring that funding arrangements are appropriate to support these objectives.
12. The current funding arrangements are inefficient and are not adequately targeted at delivering resources to ECEC professionals or children in care. Government is currently paying a large share of childcare costs in subsidies to parents, however, the actual price of fees is determined by childcare providers. Congress continues to advocate for direct service based funding which is tied to appropriate wages for staff and support for training and development and quality outcomes for children and families.
13. Congress reasserts the need for government regulation requiring childcare providers to provide greater transparency of financial practices to ensure resources are used appropriately to benefit children, employees and parents. Ongoing financial regulations are required to monitor the status of operators, ensuring that sound accounting practices are in place, including transparency around internal allocation of resources, ownership of fixed assets and disclosure of private equity interests.
14. Congress urges Government to work to maintain a diversity of services available to parents, in particular the ongoing supply of ECEC delivered through Government agencies or the not-for profit sector. The continued shifting of Local Government provided ECEC into the private sector reduces the sector's diversity and capacity.
15. Congress notes that Australia has one of the lowest expenditures on early childhood education and care of all OECD countries spending 0.45% of GDP compared to the OECD average of 0.6%. Congress will campaign for an increase in public spending in line with international best practice of one per cent of GDP.

Workforce Crisis

16. Congress recognises the systemic undervaluation of skilled and valuable ECEC work. Congress recognises the role of the overlapping and interlocking markers of feminisation in the sector in forming barriers to genuine enterprise bargaining. This includes a mostly female workforce; a decentralised industry; a lack of targeted government funding or industry strategy; the vocational nature of the work of caring for and educating small children; high turnover and limited workforce attachment; and an historical lack of community understanding of the content and value of early childhood education work.
17. Low wages in the ECEC sector have contributed to a workforce crisis in the sector. Congress notes that over the past decade, staff turnover has been extremely high as passionate and dedicated early childhood education and care professionals have been forced to leave to look for better paid and properly recognised roles elsewhere.
18. In order to ensure early childhood education and care professionals are properly valued for the important work they do, and to ensure they are attracted to and stay in this essential education sector, wages in the sector need to be lifted to a professional rate.
19. Congress notes that affordable ECEC is a critical issue for many families and that it serves a vital function for ensuring equity and broader objectives, including increasing workforce participation. Congress notes that it is not possible for parents and providers to deliver funding to achieve appropriate wage rates without government funded support. Additionally, Congress notes that most ECEC providers already operate on tight budgets in a strict regulatory environment. Given that the majority of funding to the sector originates with the Federal Government, Congress believes that Government must acknowledge its responsibility for ensuring that the sector is funded adequately to allow early childhood education and care professionals to be paid wages commensurate with their skills and qualifications.
20. Congress calls on government to work together with unions and employers to ensure that appropriate professional wages are paid to early childhood education and care professionals. Congress calls on the Federal Government to commit to the provision of a funding stream for professional wages to meet the gap between the relevant awards for early childhood education and care professionals and agreed professional wage rates. This funding should be delivered directly to eligible employers, expressly for the purposes of achieving professional wages, and be enforceable through awards and/or enterprise agreements.

Implementing the National Quality Framework

21. The National Quality Framework (NQF) contains a number of specific requirements regarding the level of skills and qualifications of the ECEC workforce. Congress supports these requirements, as they reflect the professional standing and role of early childhood education and care professionals.
22. Congress believes it is the responsibility of governments to ensure there are sufficient funds and appropriate working conditions to facilitate the realistic implementation of the NQF, including:
 - a) access to genuinely fee-free courses;
 - b) recognised prior learning programs;
 - c) access to paid study leave;

- d) funding for centres to ensure they are able to meet minimum staff ratio requirements; and
 - e) ensuring workload issues and access to breaks are addressed through appropriate regulatory arrangements and/or industrial agreements negotiated with unions.
23. Congress urges the Government to ensure that, commensurate with the National Quality Framework, funding is allocated to ensure that classification structures, wages and conditions properly value these higher qualifications.
 24. The NQF does not contain minimum staffing requirements for pre-school education centres. Congress commits to work towards ensuring the national regulations include minimum staffing requirements.
 25. Congress advocates for skills and training policies explicitly directed towards enabling early childhood education and care professionals to develop a career across the range of employment opportunities.
 26. It is essential that any current or future 'fee-free' programs are genuinely free of fees. In low paid industries such as ECEC, hidden fees in the form of amenity or course fees can provide a major disincentive to further study. Congress calls on the Federal Government to monitor TAFE and other training organisations fee structures to ensure the provision of genuinely fee-free places.

Programs to Support Children with Additional Needs

27. Congress asserts that the lack of adequate funding, resources and supports for early childhood education and care for children with additional needs, such as geographic location, socio-economic circumstances, cultural diversity or disability, are a significant barrier to equity and access.
28. Congress urges government to provide an immediate and significant increase in funding to ensure children with additional needs are provided with equitable access to high quality, properly resourced early childhood education which meets the needs of every child.
29. Federal, State and Territory governments must work in partnership to ensure that programs, resources and funding address the needs of children with additional needs.

Programs to Support Aboriginal and Torres Strait Islander Children

30. Congress believes that early childhood education and care must recognise and affirm the cultural knowledge, language and values of young Aboriginal and Torres Strait Islander children and children from culturally diverse backgrounds.
31. Congress call on government to give priority to providing access for two years of high quality, culturally appropriate, free preschool education to all Aboriginal and Torres Strait Islander children.
32. Congress believes that all providers of early childhood education and care have an ongoing obligation to provide for the intellectual, cultural, social and emotional development of young Aboriginal and Torres Strait Islander children and must recognise that central to learning for Aboriginal and Torres Strait Islander children is a focus on identity and self-determination and belonging and that the delivery of care and education must be culturally inclusive of Aboriginal and Torres Strait Islander pedagogies.

33. Congress urges government to ensure that providers of early childhood education and care services to Aboriginal and Torres Strait Islander children:
- a) Provide professional development opportunities in Aboriginal and Torres Strait Islander cultural awareness and training to counter racism for all staff;
 - b) Adopt teaching practices which recognise, value and utilise the student's first languages and Aboriginal English/Kriol and Torres Strait Islander Kriol;
 - c) Provide environments in which Aboriginal and Torres Strait Islander parents feel welcome and encouraged to be involved in the education program; and
 - d) Adopt practices which maximise the co-ordination of early childhood education and care programs with health services and nutrition education programs.
34. Congress also urges government to ensure that appropriate and sensitive cultural orientation to work with Aboriginal and Torres Strait Islander children is a prerequisite for all workers in all children's services.

Access to ECEC

35. Congress advocates the following principles to ensure accessible and affordable care is provided to all families, including those who work non-standard hours:
- a) Access to ECEC has the best interests of the development of children and quality of learning and care as the primary objective;
 - b) Parents working non-standard hours and those in irregular employment have equal access to ECEC options which are in the best interest of their children;
 - c) Financial assistance is appropriately targeted to those parents who need it and supports parents to participate in the paid labour market;
 - d) Government funded assistance to parents who work non-standard hours or are in irregular employment should not be a substitute for access to quality ECEC for all children;
 - e) Congress recommends that ECEC services should be co-ordinated in a manner which improves access for parents who work non-standard hours or are in irregular employment; and
 - f) Congress calls on the government to pilot co-location of different ECEC services such as long day care and occasional care with maternal and child health services, preschools, playgroups and other related services in regional 'hubs' that enable families to utilise a range of ECEC services in a complementary manner.

Out of School Hours Care

36. Congress is aware that many parents do not have access to quality out of school hours care (OSHC). In particular, many OSHC programmes are not extended to young children attending secondary schools. Congress believes that as a minimum, all school children up until fourteen years of age should have access to quality, affordable and age appropriate OSCH programs.

Workplace Based Services and Support

37. Congress supports the provision of ECEC services by employers and encourages the government to develop financial incentives for employers to either provide work-based childcare or access to ECEC services for employees.
38. Congress further encourages unions and employers to work together to develop work-based programs such as school holiday programs and access to leave arrangements which assist parents to accommodate extensive school holiday breaks.

SCHOOLS EDUCATION

[REFER TO BETTER SCHOOLS EDUCATION FUNDING RESOLUTION] –
[\Final Resolutions\Better Schools Education Funding - Resolution.docx](#)

HIGHER EDUCATION

39. Congress affirms that Australia must maintain and continue to improve our high quality and equitable public university system, where opportunities to complete higher education qualifications are available throughout the country.
40. Congress affirms that access to higher education must be equitable and merit based for Australia to become a strong, smart economy of the future.
41. Congress recognises and affirms that publicly funded universities must act in the public interest and for the public good.
42. Congress recognises that universities not only contribute economically to Australia's prosperity, but are a core social and cultural institution in providing education and research. Along with the CSIRO, universities are the site of basic research which is depended upon for the breakthroughs and innovations that address the big issues of our times.
43. Congress affirms resolute opposition to the Federal Coalition Government's higher education agenda of fee deregulation, funding cuts and public subsidisation of private higher education providers.
44. Congress condemns the Federal Coalition Government for persisting with unprincipled, unfair and unsustainable policies that shift the cost burden for university education onto the shoulders of students and their families.
45. Congress notes that Australia's public investment in higher education is still well below that of other industrialised economies and Australian students currently pay amongst the highest fees in the world to attend public universities.
46. Congress notes that, although universities are public institutions and are highly regulated by government, public grants account for only 34 per cent of university income, with the remainder derived from international student fees (approximately 16 per cent of total income) and domestic student income (44 per cent).

47. Congress supports an immediate increase in higher education funding to cover the costs of educating students from diverse backgrounds and regions across Australia. The base funding of Australia's public universities should be increased by 10 per cent (as recommended by the 2007 Review of Higher Education) and a measured increase of public investment to the equivalent of 1 per cent of GDP, from the current 0.7 per cent. Such an increase will put Australia on an even footing with other industrialised economies and assist in generating a more secure and sustainable economic future.
48. Our public universities require a stable and sustainable funding model that gives both government and universities some certainty in planning, and that takes into account student, community, professional and industry demand and needs.
49. Congress notes that higher education is the most highly casualised industry after tourism and retail. While the full time equivalent proportion of casual employees is approximately 25 per cent, in real terms there are more than 160,000 casual and contract employees working in universities. More than half of all teaching is carried out by academics employed by the hour for a few hours a week over a teaching period. Casualisation of university teaching adversely impacts upon the students, academics and the quality of education.
50. Congress also notes that whilst universities are relied upon to undertake basic and applied research, the funding remains inadequate to cover the costs of research. Of the fifty percent increase in research-only staff over the past decade, eighty per cent are on fixed term contracts. Council recognises that this adversely impacts upon research careers and capacity.
51. Congress acknowledges that, as the third largest export industry in Australia, the tertiary education sector is integral to the economic wellbeing of the nation. Universities constitute the largest component of the sector generating nearly \$17 billion annually in export income.
52. Congress acknowledges that reliance by universities and others in the tertiary sector on export income exposes the sector to volatility in the market and fluctuations in currency rates. Any downturns in the market result in significant job losses, which, given the scope of the sector, can impact negatively on the Australian economy more broadly.
53. Congress recognises that expanding higher education opportunities across the population requires more than just enabling enrolment. To facilitate the successful completion of qualifications by students from lower socio-economic backgrounds, Congress supports:
 - a) The abolition of tuition fees;
 - b) An increase and expansion of student income support;
 - c) A requirement that all institutions in receipt of government subsidies for teaching and learning to develop programs aimed at improving the participation rates of students from disadvantaged backgrounds, including specifically targeting the increased participation of Aboriginal and Torres Strait Islanders; and
 - d) A requirement that institutions levying the Student Services Amenities Fee (SSAF) ensure independent and democratic student representation and provide adequate funding to support student support, welfare and advocacy services.
54. Congress affirms support for staff and student representation on university governance bodies noting the UNESCO 1977 Recommendation concerning the Status of Higher-Education Teaching Personnel.

55. Higher education teaching personnel should have the right and opportunity, without discrimination of any kind, according to their abilities, to take part in governing bodies and to criticise the functioning of higher education institutions, including their own, while respecting the right of other sections of the academic community to participate, and they should also have the right to elect the majority of representatives to academic bodies within the higher education institution.
56. Congress notes that intellectual freedom and institutional autonomy are intrinsic to quality university teaching and research and notes that these principles are enshrined in legislation. However, Congress notes that restrictions upon academic research into areas of concern either through a lack of funding, precarious employment or direction of management may be viewed as impediments to the exercising of intellectual freedom.

VOCATIONAL EDUCATION AND TRAINING

57. Congress reaffirms its support for the operation of a high quality, nationally consistent, equitable and affordable vocational education and training (VET) system which includes properly-funded TAFEs. The skills, national qualifications and further education that TAFEs and the VET system deliver are vital for workers, including many of our members, for the future skill needs of industry and the nation and for a fair society that provides opportunities to all.
58. The VET and TAFE system allows students and workers to get the critical skills they need to enter the workforce, move into higher-skilled, higher-paying jobs, return to the workforce, or transition to a new field of work.
59. At the same time as it provides a strong vocational focus on 'skills for jobs' and occupational outcomes, the VET and TAFE system must also retain a focus on providing 'second chance learning' and further education that allows people to participate fully in Australian society, particularly for vulnerable, marginalised and disadvantaged individuals and communities.
60. The VET and TAFE system should also offer the opportunity for students to articulate to the higher education sector, without losing its focus on the development of vocational skills and labour market outcomes.
61. The key, enduring characteristics and strengths of the VET and TAFE system that unions will continue to promote and defend include:
 - a) A dynamic and well-resourced TAFE system as the public provider of quality VET across the country, especially in regional areas;
 - b) A system focused on delivering quality training, which meets industry needs, rather than profits to private providers;
 - c) A national system based on nationally recognised, portable qualifications that give workers the transferable skills to work across an industry or occupation, rather than simply narrow enterprise-specific skill sets;
 - d) The industry leadership of the VET system by unions (including teacher unions) and employers, including through the network of Industry Skills Councils or equivalent structures that allow for genuine industry engagement and collaboration on skills matters;

- e) The primacy of national training packages developed and endorsed by industry as the vocational standards required for effective performance in the workplace;
- f) Training and skills development as an integral part of workplace bargaining, with qualifications linked to job roles and award classification structures; and
- g) An apprenticeship and traineeship system that combines work with training on and off-the job under nationally consistent Training Contract arrangements that support the rights of apprentices and trainees.

Trade Training and Apprenticeship

- 62. Congress reaffirms its support for Australia's apprenticeship system. Congress believes that more needs to be done to strengthen trade training and certification in order to restore the credibility of trade qualifications and the damage that artificially introduced competition has done to them.
- 63. Congress supports measures that will enhance the quality, and rebuild confidence in the trades including:
 - a) Conducting a tripartite review of the processes used for the declaration of trades with a view to restoring the practice of declaring trades in those jurisdictions that have discontinued the practice and strengthening the process in those jurisdictions that continue to declare trades;
 - b) Restoring the issuance of nationally consistent Trade Papers that certify that the holder "has completed the required qualification or formal equivalent and has had sufficient practical experience through an apprenticeship or other approved equivalent to enable them to be described as a competent tradesperson in the relevant trade; and
 - c) Prohibiting the training of a person in a qualification aligned to a declared Trade unless that person is engaged in an apprenticeship.

Investment

- 64. Congress believes investment in training and skills development is critical to improving Australia's productivity performance, meeting the skill needs of Australian businesses, and providing Australians with access to higher-paid, higher-skilled jobs and expanded future career opportunities, as well as more fulfilling work. This investment is a shared responsibility.
- 65. The importance of VET to individuals, employers, communities and the wider economy should be matched by a level of public investment that reflects the true cost of delivering quality training and support services to students, including support for disadvantaged learners and training delivery in rural and remote areas.
- 66. Congress calls for public funding support for VET to be focused on full, nationally recognised qualifications, aligned to realistic job prospects that give workers the best opportunity to use and transfer their skills across an industry or occupation.
- 67. Congress affirms that employers must also assume responsibility, including financial responsibility, for developing the skills that their business then benefits from. Co-contribution mechanisms and industry training levies are among the options that should be utilised, as well as measures to improve business capability in identifying their skill needs.

68. Congress calls for a national inquiry into funding for the VET sector to establish an adequate funding rate to ensure quality delivery. Public funding for VET should be commensurate with funding directed to other sectors of education, and be informed by rigorous analysis and forecasting of current and future skill needs and priorities endorsed by industry.
69. Government policies to increase public funding for private providers of VET have diverted scarce public funds and resources from the sector into the pockets of individuals, and reduced quality of education and trust in the VET system. In response, Congress demands that governments guarantee funding and resources to TAFE Institutes, improve regulation of private providers, and cap the amount of public funding allocated contestably. Our position is that public funding should not be available to for-profit training providers at all - as is the case with respect to school funding - but as a starting point, Congress calls for a 30% cap on the amount of funding allocated contestably.
70. In the context of the rapid expansion of VET FEE HELP (from \$25m in 2008 to \$1.6b in 2014), and huge increases in student fees and charges, Congress opposes measures to further shift the cost burden of training onto individuals, through increased fees, income-contingent loans, or other such measures. The cost of training and skills development to individuals, many of whom come from lower socio-economic backgrounds, must be affordable, and equity of access a primary consideration. Greater regulation of what private providers can charge through VET FEE-HELP is required to ensure course costs are in line with the cost of providing them.
71. The interests of students and workers who undertake training are paramount. It is students and workers who have too often been penalised by the operation of a competitive training market and instances of poor quality training that do little or nothing to help them in the job market, as well as other questionable, often fraudulent, recruitment practices used in the promotion and marketing of VET courses by for-profit providers and third party brokers.
72. Congress will continue to lobby for strong regulatory and compliance measures to ensure that students receive the training they sign up to, that the training being offered matches the student's interests, skills and aptitude, and aligns with identified job opportunities, and that on completion, students can in fact do what the qualification says they can do. These regulatory and compliance measures should mandate a minimum duration of learning, consistent with requirements in the AQF to ensure that RTOs deliver the amount of training they have been paid for, either through government subsidy, or directly by students, and prohibit providers from sub-contracting training delivery to unregistered providers.
73. Registered Training Organisations must have, as a condition of their regulation, the provision of high quality vocational education as their primary purpose, and the best interests of students as their key focus, not profit.
74. Congress is firmly of the view that a market-driven approach to the delivery of VET has had adverse effect on individuals, communities and industry sectors and must be subject to a fundamental rethink and overhaul. There is no evidence it is working in the interests of students, employers or the wider economy.
75. Unions must continue to be heard on all decisions that affect the training and skills development options available to their members and workers generally, whether at a national level, industry level or in the workplace. These are matters that affect the cost, accessibility and quality of training and ultimately impact on workers' livelihoods, quality of work and quality of life.

76. The VET and TAFE system needs to work closely with industry and government around workforce development strategies across a broad range of industry areas. This would re-establish its role as an innovative and forward looking sector which can work in partnership with employers and unions to develop and support the existing workforce and the workforce of the future.
77. Congress calls on Governments to resource the VET and TAFE sector to establish a workforce development plan for itself, which includes examining the skills and expertise of the teaching and administrative workforce, and supporting the development of industry and pedagogical qualifications to ensure that the workforce has the skills and expertise to support the broader workforce. This strategy must be underpinned with decent employment practices and standards, including a commitment to secure and dignified work for all those who work in the VET sector across both public and private providers.



POLICY

A FAIR GO FOR ALL

13. PUBLIC SERVICES OWNED BY EVERYONE FOR THE BENEFIT OF EVERYONE

1. Congress agrees that accessible, accountable and adequately funded public services are essential to securing a fairer and more prosperous Australia. They play a vital role in supporting families, communities, workers and businesses across our country. Attempts to portray public services as a drain on our economy are inaccurate and divisive. Public services are crucial to the development of a modern, productive and inclusive society.
2. Congress notes the important contribution made by public sector workers in commonwealth, state, territory and local government to the delivery of vital public services. Whether it is the provision of income support, pensions or family assistance payments; protection of our borders; education, health, emergency and police services; preserving and promoting our cultural heritage; running courts; providing public transport and utilities, scientific research or developing solutions to the highly complex policy challenges our nation faces.
3. In particular, Congress acknowledges the hard work and dedication of public servants during times of natural disaster and the role they play in the provision of essential services in the aftermath of floods, cyclones and bush fires.
4. Government economic and legislative intervention is essential to provide opportunities for all Australians, improve equity through redistribution, provide public safety and security and protect the community through the regulation necessary in a market economy.
5. Congress notes that the level of GDP spending on government in Australia is among the lowest of OECD countries. Congress agrees that government is not the provider of last resort; there are many services and functions that must remain public to ensure they are for the benefit of everyone and not for the profit of a few. Congress resolves to campaign for commonwealth, state, territory and local government services that are funded and organised on the following principles:
 - a) Consistent funding: A short-term and narrow preoccupation with budget surpluses, driven largely by party political positioning, is inconsistent with building and maintaining high-quality and accessible public services, and community and public assets. In tough economic times workers, families and businesses rely even more on being able to access the support that only government can fund and provide. Cutting budgets, jobs and offices, and a lack of capital investment, in such a context undermines service quality and undermines the long term capacity of government at all levels to deal with the complex challenges our society faces. Arbitrary cost-cutting measures such as so-called “efficiency dividends” undermine public services and

should not be used. Congress further notes that government investment in services, assets and infrastructure are effective in building economic growth.

- b) Consistent support for science and innovation: The future prosperity of the Australian economy depends on our capacity to develop the skills and technologies of the future. Strong and consistent public support for science and research, via publically funded research institutions such as CSIRO, is essential. Public support makes possible secure, long-term research employment and the kind of high-risk and long-term research into new technologies that most private firms will not undertake by themselves. Cuts to public funding in an attempt to secure short-term budget surpluses are counter-productive, deeply damaging to our capacity to innovate, and demonstrate a profound misunderstanding of the importance of consistent and long-term support to cultivating the conditions necessary for successful research and development.
- c) Properly funded tax administration: Raising the revenues we need to fund the services we all depend on requires a system of public tax administration at commonwealth, state and territory levels that has sufficient staff and resources to ensure everyone pays the tax they owe in full and on time. As corporations continue to develop new and more complex ways to avoid paying the tax they should, it is more essential than ever that the Australian Tax Office has appropriate and stable levels of funding to make sure they comply. Cuts to staffing and resources weaken our ability to collect the public revenues we need, they deplete the skills and experience the ATO needs, and they help to cultivate a climate of non-compliance in which more individuals and businesses are encouraged to avoid paying tax.
- d) No privatisation: Congress notes that private companies become involved in public services, assets and infrastructure for one reason only: to make a profit. This leads to cutting costs and cutting corners – with the result that service quality often deteriorates and, where charging service users is involved, prices increase. Profit is put before the interests of citizens and employees. Privatisation, contestability and outsourcing are regularly found to cost taxpayers more than the public services, assets and infrastructure replaced. Public services, assets and infrastructure should be funded and delivered on the basis, not of profitability, but of need, quality and democratic accountability.
- e) Model employment: Public services employ nearly 2 million workers across urban and regional Australia. Government is not only a major employer, it is a public institution that should embody the values of fairness and equality that we want to see practiced across our society. All levels of government should therefore seek to operate as model employers. This should involve ensuring :
 - i) Fair and equal pay, regardless of department, agency or location;
 - ii) Giving staff the time, training and resources to do the best possible job;
 - iii) Collective good faith bargaining rights and union representation for public sector workers;
 - iv) A commitment to secure, full-time and on-going employment, avoiding precarious employment arrangements, and;
 - v) Fair conditions, entitlements and health and safety at work.

- f) Increased and improved social infrastructure: Congress acknowledges there is an urgent need to increase investment in areas such as social and public housing, local health facilities, public transport, school buildings and child care facilities. This delivers social and economic value to our community. The financial costs of doing so will be compensated for, in whole or in part, by a reduction in the social costs generated by poor health, crime and limited access to services and good employment opportunities. Such investment should be focused on those low income and regional communities who have often suffered most from systematic underinvestment, deindustrialisation and the impact of slowing economic growth.
6. Congress supports all unions, communities and service-users fighting for properly resourced, high quality and publically provided services. In particular Congress agrees to campaign for the following:
- a) Progressive tax policies consistent with generating the public revenues needed to provide adequate and consistent funding for public services provided by all levels of government. These policies are outlined in the Tax Policy before Congress 2015.
 - b) Halt and reverse all cuts to the staffing and funding of public services, and the move from direct to outsourced and indirect employment. Any further changes to how services are resourced must be subject to consultation with unions and service-users, and be consistent with providing the quantity and quality of services that our community needs.
 - c) Oppose privatisation, contestability and outsourcing of public assets and services in whole or in part. Unions will campaign for public provision that is adequately resourced, accountable, responsive to social need, and which will mean public money is used to deliver high quality services rather than to subsidise private profit.
 - d) Government to resume the provision of public services, and the ownership of assets and infrastructure, on the basis of our social and economic interest.



POLICY

A FAIR GO FOR ALL

14. JOBS, INDUSTRY AND INNOVATION

1. Congress affirms support for all unions campaigning to defend and improve jobs, pay and skills across all sectors of our economy: manufacturing, services, transport, the public sector and resources. This policy complements the detailed strategies of individual unions by identifying the main campaign priorities for the ACTU over the next three years. It also builds on the content of our 2012 Congress policy.
2. Congress affirms that the future of our economy requires policies rooted in the following principles:
 - a) Government has a legitimate and vital role to play in ensuring we generate the jobs, skills and innovation we need to build a better and fairer Australia;
 - b) All sectors of our economy (public and private, manufacturing, services, transport and extraction) require effective policy support and intervention from government;
 - c) In the absence of appropriate planning, regulation, tax incentives and research support, corporations will tend to under-invest in high-risk innovation, deplete our skills-base by offshoring work, and prioritise suppliers from overseas in place of local firms;
 - d) Workers and their unions have an essential role to play in helping to build fair and better workplaces. They must be consulted and involved to help ensure our workplaces are sustainable and invest for the long-term in the skills we need for the future;
 - e) Privatisation and outsourcing of public assets and services is a bad deal for workers, service-users and taxpayers. Public provision means assets and services remain accountable to our community, they are more likely to be supplied on the basis of need, and public funds are not wasted in order to fund private profit-margins; and
 - f) High quality and accessible public services require adequate and stable levels of funding, rooted in a clear commitment by government to raise the revenues necessary to provide the support workers, retirees, communities and businesses need.
3. Congress condemns the reckless and short-sighted cuts to public support for science and innovation being pursued by the present Coalition government. The loss of hundreds of jobs and millions in funding from bodies such as CSIRO will significantly reduce our

capacity to innovate, make it more difficult to recruit and retain the best scientists and researchers, and generate the impression to international investors that Australia is not serious about building an economy rooted in the next generation of skills and technologies.

4. Congress further condemns the decision by the present Coalition government to stand-by while the major automotive manufacturers end their manufacturing operations in Australia. No car manufacturing company in the world operates without some degree and form of public support. This is because other governments understand that the costs of subsidy are outweighed by tax receipts, the multiplier impact on local economies, and spill-over effects in terms of technology and skills transfer. The loss of our car manufacturing is a major setback for our capacity to innovate. It demands more action from government to support our industrial base – not less.
5. Congress notes that the government's National Industry Investment and Competitiveness Agenda, which provides a maximum of \$3.5 million per year to each of five industry 'growth centres' for up to four years, does not constitute effective support for industrial innovation. The level of funding is insufficient to compensate for deep cuts elsewhere; the Agenda excludes most of manufacturing and services; and the time-limited nature of the support means business will be reluctant to commit to long-term projects.
6. Congress recognises that each union will pursue their own detailed policies in the context of campaigning for the jobs, skills and innovation Australia needs now and in the future. Congress agrees that over the next three years the ACTU should prioritise campaigning for the following measures:
 - a) The formulation of industry-level plans by government, employers and unions to identify weaknesses in investment and skill formation that threaten the sustainability of each industry, and which undermine their capacity to generate jobs in Australia that are safe, rewarded fairly and consistent with effective action on climate change;
 - b) Halt and reverse cuts to public support for science and innovation. Science and innovation must be provided with an adequate and stable funding framework consistent with conducting long-term research and development for a mix of academic and commercial purposes;
 - c) Oppose the privatisation and outsourcing of public assets and services. Make the case for public provision that is accountable, responsive to social need, and which focuses public money on delivering high quality services rather than subsidising private profit;
 - d) Tax settings and transparency requirements that will help to counter the increasing offshoring of service work by incentivising companies to keep jobs in Australia;
 - e) In recognition of the vital role that infrastructure plays in facilitating growth, urgent action is needed to close our massive national infrastructure deficit. This requires higher, sustained and co-ordinated investment in our roads, railways, ports, airports and public transport systems. This should be funded by investment from our superannuation funds, direct taxation and government borrowing;
 - f) Support for unions involved in campaigning and bargaining to reduce the incidence of casual and contract labour. Access to permanent work, with parity of pay and conditions, is an essential foundation for fairer, higher skilled and more productive workplaces;

- g) Retention of a national shipping industry, and in particular domestic maritime cabotage, as a critical service industry to support Australia's seaborne freight task, nationally and internationally, and to underpin the nation's manufacturing supply chains, fuel and energy security, border security and national defence;
- h) The establishment of a Manufacturing Finance Corporation resourced to undertake targeted investment in new production technologies with significant potential to transfer across Australia's manufacturing base;
- i) Restore Australian Industry Participation Plans to help ensure Australian firms are not excluded from major resource and government infrastructure projects;
- j) The elimination of sham contracting across all industries and workplaces where it is used to deny workers their proper wages and entitlements; and
- k) The adoption of targets and strategies by industry to increase the participation and training of workers from under-represented groups such as women, Aboriginal and Torres Strait Islander peoples, older workers and the unemployed.



POLICY

A FAIR GO FOR ALL

15. SKILLED MIGRATION

1. Congress reaffirms the support of Australian unions for a strong, diverse, and non-discriminatory skilled migration program. We pay tribute to the invaluable contribution that migrants have made and continue to make to Australia's social, cultural and economic life.
2. Unions recognise that skilled migration will continue to be a part of the response to our future national skill needs. Our clear preference is that this occurs primarily through permanent migration where workers enter Australia independently. This means workers come to Australia with a greater stake in Australia's long-term future and without the 'bonded labour' type problems of exploitation that can emerge with temporary and/or employer-sponsored migration.
3. We recognise that there may be a role for some level of employer-sponsored and temporary migration to meet critical short-term skill needs. However, there needs to be a proper, rigorous process for managing this and ensuring there are genuine skill shortages and Australian workers and young people are not missing out on jobs and training opportunities. Current unemployment and youth unemployment figures do not justify the widespread use of temporary overseas workers. Workers on temporary visas now make up 10 per cent of the Australian labour force and these workers must be treated with dignity and respect.
4. The fundamental principle underpinning the skilled migration program must be that Australians - that is citizens and permanent residents of Australia, regardless of their background and country of origin - have the primary right to Australian jobs.
5. The skilled migration program should not be a substitute for properly investing in and training the Australian workforce. Instead, it should be supplementary to national skills policy and the supply of skilled workers delivered through domestic education and training and by increasing the labour force participation of those who continue to be under-represented in the workforce.
6. In cases where there are genuine shortages of skilled workers that cannot be filled by the Australian workforce, temporary skilled overseas workers may provide a short-term response while skill replacement programs are put in place to address the skills needs of the local workforce on an on-going basis.
7. To this end, training obligations that underpin the temporary visa program should be strengthened to include specific, quantifiable commitments and financial contributions to the training of Australians in the occupations where sponsoring employers claim that skill shortages exist.

8. Congress rejects the use of temporary overseas labour by employers in industries where Australian workers cannot be attracted due to poor wages and conditions.
9. Congress supports rigorous labour market testing requirements to ensure that overseas workers are not engaged where suitably qualified Australian workers are available or where employers could adequately train Australian workers to perform the job.
10. Evidence that a genuine and rigorous system of labour market testing is in place is fundamental to ensure ongoing community support and acceptance for continuing migration levels.
11. Annual caps or quotas on the temporary work visa program, or components of it, should also be used where labour market conditions require it, in the same way that the permanent migration program is regulated.
12. Unions are deeply concerned at the growing number of free trade agreements that exclude the operation of labour market testing and Congress calls for governments to not enter into any free trade agreements that trade away the right of the Australian Government and Australian community to require that labour market testing occur.
13. Before engaging workers from overseas, employers should actively seek participation in the workforce from groups currently disengaged from the labour market, including Aboriginal and Torres Strait Islander peoples, older workers, workers with disabilities, unemployed job-seekers, and women returning to the workforce.
14. As the name suggests, the skilled migration program should be targeted at skilled occupations. Unions oppose ongoing efforts by employers and governments to extend the program further into lower-skilled occupations where the potential for exploitation of vulnerable workers is even greater and where Australian workers are generally able to develop the necessary skills within a shorter period of time.
15. Recognition and protection of the rights and dignity of overseas workers and their families must be central to Australia's skilled migration program.
16. All overseas workers in Australia have the right to decent work, whether they be on temporary or permanent residency visas.
17. Congress recognises that temporary overseas workers are particularly vulnerable to exploitation. Safeguards and strategies must be in place to ensure the rights of these workers are protected. This includes affording trade unions broader access to conduct workplace visits and access to time and wages records and relevant visa documentation.
18. This must be backed by sufficient government resources for rigorous compliance and enforcement activity that imposes effective and well-publicised sanctions on those who breach the law and exploit vulnerable workers, including both employers and other agents.
19. A zero tolerance approach must be taken with consideration of criminal liability associated with illegal and immoral practices of employers and associated migration and recruitment agents (whether registered or unregistered), including cases of debt bondage, unlawful salary deductions, and exorbitant interest rate payments in return for visa outcomes.
20. Temporary overseas workers have the right to be paid at the market rate, represented by collective bargaining agreements covering the occupation, applicable to Australian citizens and permanent residents undertaking the same or similar work in their geographic region.

21. Temporary overseas workers have the right to the same benefits, allowances, superannuation, loadings, leave and other entitlements as permanent residents doing the same or similar work.
22. Given the vulnerability of labour hire workers, Congress believes labour hire companies should not be allowed to employ temporary overseas workers.
23. Congress believes that in order to ensure temporary visa workers are assured their rightful entitlements, employers should not be able to engage them as independent contractors.
24. Temporary overseas workers have the right to join, and be represented by, a trade union. Whistle-blower protections should be in place for workers who speak out to expose rorting and exploitation.
25. Temporary overseas workers and their families must have access to settlement support and access to other social services, including health and education, in line with those available to citizens and permanent residents.
26. Congress recognises that many temporary overseas workers have a legitimate and understandable desire to settle in Australia, and a transition to permanent residency status helps move the individual overseas worker onto a more secure footing. To reduce the potential for exploitation under temporary work visas, unions support pathways to permanent residency that are less dependent on a single sponsoring employer.
27. Congress reaffirms the importance of ensuring all Australian jobs and industries are properly regulated under migration law, including off-shore operations.
28. Congress will support unions covering workers in the offshore oil and gas industry in their campaign to have all employment on the landward side of the outer limits of the territorial sea of Australia, in the Exclusive Economic Zone, or in the waters above the Continental Shelf, brought within, or be deemed to be in, the Migration Zone and that appropriate work visas with no lesser protections than those under a 457 visa apply to such workers in those areas. Congress is committed to ensuring that all Australian laws, including labour and workplace relations law, safety law, workers' compensation law, taxation law and maritime law applies to operators, employers and the workforce engaged in offshore oil and gas operations.
29. Congress rejects reliance on employer self-documentation as a condition for the maintenance or renewal of visas for employees employed on the basis of these documents.
30. Congress calls upon the federal government to institute publicly accountable and independent information collection and verification processes as a basis for visa renewal and maintenance.
31. Congress rejects an approach to skills shortages which to date has seen a rise in the exploitation of workers working in accordance with current visa arrangements, and an absolute rise in the proportion of the Australian workforce without recourse to social, political or economic rights.
32. Congress believes such an approach undermines democratic norms for workers who are permanent residents or citizens, as well as further abusing the rights of those who are brought here to work, but who are forced to leave their civil, political and social rights at the border.

33. Unions must continue to be heard on all skilled migration matters that affect their members and workers generally. Unions support ongoing tripartite oversight of the skilled migration scheme informed by rigorous analysis and forecasting of current and future skill needs.



POLICY

A FAIR GO FOR ALL

16. SOCIAL WAGE AND SOCIAL INCLUSION

INTRODUCTION

1. The gap between rich and poor in Australia is widening, and Australia must face up to the challenge of rising inequality. With unemployment at high levels and working people struggling to maintain adequate living standards, it is more important than ever for the Government to step in and provide a strong social safety net.
2. Public goods and services, such as universal healthcare, superannuation and public education, all form part of the social wage – that is, they are paid for by workers through income taxation and redistribution. Therefore workers, as a group, have a right to decide how their wages should best be distributed in order to redress rising inequality and provide an adequate safety net for all members of society.
3. The Australian union movement was instrumental in introducing key social reforms, such as Medicare and compulsory superannuation, which was paid for through the deferral of wage increases as part of a social compact to protect and provide for our most vulnerable members of society. Australian unions will continue to be an important voice in discussions around how our collective revenue should be spent so as to improve social conditions for all.
4. Congress recognises that all Australians must have access to a decent welfare safety net, affordable services, and equal opportunity to be included in society and to participate in the labour market through access to decent work.

WORKFORCE PARTICIPATION

5. All Australians have a right to participate in meaningful and decent employment. Paid employment in a fair and safe workplace can improve self-esteem, physical and mental health. A fair and equitable minimum wage allows workers to become financially independent, meet cost of living pressures, and be an active participant in society and community events. An active labour market also benefits the national economy.
6. To ensure that workers are able to participate fully in the labour market, they need access to flexible working arrangements and protection from discrimination.

7. Australians who are actively seeking employment should be supported in their efforts through the provision of affordable, quality community services and a decent social security safety net.

UNEMPLOYMENT AND WORKING AGE PAYMENTS

8. At a time of high unemployment, more Australians are relying on the meagre provisions of the Newstart Allowance than ever before. Despite this, social security payments have not increased in real terms in nearly two decades.
9. Congress affirms that Newstart is too low to live on and would place a worker and their family in poverty. We call upon the Government to increase the Allowance by an additional \$50.
10. In the meantime, the indexation rates for all social security payments should be aligned so that the widening gap between pensions and allowances may be closed.
11. Moreover, the system for claiming benefits is overly complex, with taper rates that do not provide adequate or sufficient incentive to find and keep work.
12. Incentives should be geared towards placing jobseekers into long term, meaningful employment rather than churning them through multiple casual engagements.

WORK FOR THE DOLE

13. Congress condemns the current Government's reintroduction of a Work For the Dole (WFD) scheme, which now requires all jobseekers who have been unemployed for at least six months (under 30 years of age) or 12 months (if over 30 years) must do 15 or 25 hours of Work For The Dole activity on a compulsory and ongoing basis.
14. WFD distorts the labour market by displacing actual paid jobs, and there is no evidence that it leads to ongoing employment. Moreover, it restricts jobseekers from attending other job search activities such as interviews or training.
15. Where jobseekers are performing productive work for an enterprise, Congress affirms that the worker must be paid at least the minimum wage for their work. Congress particularly condemns the practice of jobseekers undertaking unpaid work placements in for-profit businesses.
16. Australian unions will continue to campaign against Work For The Dole and any other unpaid work arrangements that the Government attempts to introduce.

COMMUNITY SERVICES

17. If Australians are to have access to high quality community services, aged care, early childhood education and care (ECEC), and health services in their local community, the workforce providing these services must be properly valued and remunerated.
18. Congress congratulates union members in the social and community services sector who fought for and won an historic equal pay case – increasing award minimum wages for thousands of workers in Australia. However, we note that there are a number of workers in

professions, such as nursing, ECEC, and aged care, who remain low paid. Australian unions remain committed to advocating for equal pay for those workers.

19. Australia is faced with a critical shortage of workers in health care and other caring professions. Congress resolves to campaign on the effects that low wages and poor conditions have on our social services. Congress calls on the Government to develop a national workforce promotion and retention strategy, and to provide more incentives for students to follow career paths in these professions.
20. Congress acknowledges that job security and quality service provision go hand in hand in the funding of community services. Congress therefore advocates for government funding of the community services sector that provides stability of funding, fosters collaboration rather than competition between providers and ensures a fair playing field between smaller local and specialist providers and larger generalist providers.

YOUNG WORKERS

21. Congress recognises the unique circumstances of many young workers, who are often engaged in formal education and training alongside their employment.
22. To ensure an appropriate balance, Congress advocates for the inclusion of study leave and flexible work arrangements that would make it easier for young workers to work and study at the same time.
23. Congress notes that young workers face particular discrimination which affects their pay and conditions, including shorter minimum engagement periods in some awards; lower pay rates than adults performing the same work; and, for all workers doing less than 30 hours of paid employment per week, no employer contributions to superannuation. These legislative clauses and practices are unfair and discriminatory, and Australian unions resolve to redress this through our campaigning and industrial work.

OLDER WORKERS

24. As the Australian population ages, it is expected that Australians will live longer and retire later. In this context, paid employment can be an important source of social inclusion for older workers.
25. At the same time, older Australians must be given a genuine choice of when and whether to retire, and they should be given the option to retire in dignity, or be given access to flexible working arrangements if they are no longer capable of working in a full-time capacity.

LGBTIQ WORKERS

26. Congress notes that LGBTIQ workers face particular challenges in the labour market and during employment. In particular, LGBTIQ workers are at greater risk of bullying, discrimination and harassment at work, and these particular issues should be addressed through both legislative and cultural change.
27. Congress affirms that LGBTIQ workers should have access to the same rights and protections as all other workers, and that sexual orientation is rightly classed as a General

Protection, meaning that employers are in breach of the Fair Work Act if they discriminate against workers on the basis of sexual orientation.

ABORIGINAL AND TORRES STRAIT ISLANDER WORKERS

28. Congress notes its disappointment in the Government for cutting a number of vital community, health, legal and housing organisations that targeted Aboriginal and Torres Strait Islander people. Without these services, it is more difficult for Aboriginal and Torres Strait Islanders to participate meaningfully in the workforce.
29. We are particularly disappointed to note that the Remote Communities Jobs Program (RCJP) places more onerous restrictions on Aboriginal communities to attend Work For the Dole activities than those applying to the general population. This is unfair and discriminatory.



POLICY

A FAIR GO FOR ALL

17. WORKERS WITH DISABILITY

PREAMBLE

1. Congress believes that people with disability have the same rights as all Australians. It is fundamental to our view of an equitable society that we work to remove barriers that prevent people with disability from exercising those rights and participating fully in society.
2. The Australian union movement has been a longstanding advocate of disability reform, since the adoption of the Disabled Workers Charter at the ACTU Congress in 1981. All workers, including those with a disability, should be able to benefit socially and economically from meaningful and secure employment.
3. Australia has one of the lowest workforce participation rates within the OECD for people with disability. People with disability face particular challenges in gaining access to meaningful paid employment. Where possible, people with disability should be encouraged and enabled to seek jobs in open employment so that they can share in the benefits of decent work and the Australian workforce reflects the diversity of Australian communities.
4. Congress remains committed to the National Disability Insurance Scheme, which provides compensation and financial support to people with disabilities to access adequate care and equipment. However, we note with disappointment that the current Government appears to have turned its back on its commitment to the NDIS, and the scheme is being rolled out too slowly.

ORGANISING WORKERS WITH DISABILITY

5. Congress is committed to ensuring that people with disability have strong and effective union representation in their workplace.
6. Australian unions will engage with workers with disability and peak bodies representing people with disability through the facilitation and resourcing of an ACTU Workers with Disability Committee, with a commitment from all affiliates to participate and engage in the work of the committee.

7. The Workers with Disability Committee will focus on:
 - a) identifying barriers to workers with disability obtaining secure and meaningful paid employment;
 - b) campaigning around wage justice issues, particularly for workers in supported employment;
 - c) identifying barriers to workers with a disability that prevent them from building a secure retirement income;
 - d) developing communication and organising strategies tailored to workers with disability;
 - e) improving the awareness of workers with disability of their rights in the workplace;
 - f) identifying strategies to improve union representation of workers with disability; and
 - g) creating opportunities for employment of people with disability in Australian unions.

DISABILITY SUPPORT PENSION

8. Congress notes the recent recommendations in the 2015 McClure Report, which would transfer the majority of individuals currently in receipt of the Disability Support Pension onto the Newstart Allowance. This would apply to any individual with disability who is found to have 'some' current or future capacity to work, regardless of their limitations. This change is unfair and punitive, requiring jobseekers with disability to meet the same job search and active participation requirements as those without.
9. Australian unions will fight against any proposed changes to the Disability Support Pension that would result in jobseekers with disability being disadvantaged and moved into the open labour market without additional support.

DISABILITY REPORTING

10. There is a real lack of knowledge around the workforce composition of people with disabilities, beyond the general statistics collected by the ABS. However, international benchmarking suggests that workforce participation rates for people with disability remain low in Australia when compared to other OECD countries.
11. To improve our understanding of workforce participation rates, Congress supports the introduction of employment reporting mechanisms, similar to the gender reporting requirements administered by the Workplace Gender Equality Agency (WGEA), which would require large businesses to collect and report on the number of self-reported employees with disability in a given workplace.
12. Disability reporting would allow businesses to measure their own progress against the rest of their industry, and would assist in the Government's future workforce planning. The information arising out of a reporting mechanism could then be used in government decision-making over resource allocation for particular programmes.
13. A disability reporting mechanism, in conjunction with changes to workplace processes, strategies and targets, would ensure that workers with disability aren't denied employment

opportunities because of their disability, and would assist in correcting the conditions of disadvantage that unfairly block them from further opportunities for advancement.

14. Congress calls for the establishment of a Workforce Disability Equity Agency which would oversee business reporting measures and would advise on appropriate workplace modifications, recruitment, retention and promotion strategies.

SUPPORTED EMPLOYMENT

15. Congress affirms its position that all workers with disability, including those in both open and supported employment, should have their wages assessed based on their productivity, rather than on arbitrary 'competency' standards that don't apply to workers without disability.
16. We note that the Business Services Wage Assessment (BSWAT) tool has been found to be discriminatory by the Federal Court, on the basis that it relies on unfair competency standards instead of productivity measures. Australian unions remain opposed to the current government's attempts to offer workers compensation amounting to only half of what they are owed, and call on the government to make full reparations to all those workers who were underpaid using the BSWAT tool.
17. Australian unions will continue to campaign to remove discriminatory wage assessment tools from the Supported Employment Services Award and to ensure that workers in supported employment are paid a fair wage.

THE NATIONAL DISABILITY INSURANCE SCHEME

18. The National Disability Insurance Scheme (NDIS) is intended to facilitate increased participation by people with disability in all facets of society and life, including the workforce, and to significantly improve their access to support and care. It is estimated that the support workforce will need to at least double in size by 2018, to coincide with the full implementation of the NDIS.
19. Congress supports the relevant unions working together to consider the development and implementation of a disability sector workforce and sector engagement strategy that improves sector capacity and ensures quality standards are maintained and enhanced, including:
 - a) enhancement of skill levels and continuing professional development of the workforce by ensuring access to quality and relevant training;
 - b) maximising representation of people with lived experience of disability in the delivery and implementation of the NDIS, by creating opportunities for more workers with disability to be employed in the support workforce through access to quality and relevant training;
 - c) ensuring that NDIS funding reflects and protects the wages and condition of workers in the sector, including the provision of future wage increases from the equal pay case and workforce bargaining outcomes;
 - d) development of disability sector planning and support aimed at enhanced job security, increased part-time and full-time models of employment, and ensuring the minimisation of casualised and insecure work; and

- e) development of an agreed regulatory framework for minimum standards for workers and providers to ensure quality, sustainable outcomes for people with disabilities.
20. The improvements that will be delivered by the NDIS should not be used as a means by state governments to privatise by stealth and abrogate their duty of care to persons with disabilities. By state governments retaining a role in the direct delivery of disability services, people with disabilities will have more choice of providers to meet their needs. Jobs must be safeguarded, and rates of pay, conditions, entitlements and guarantee transfer payments for staff who move to a non-government provider must be guaranteed.

ATTENDANT AND PERSONAL CARE

21. Congress recognises that there are many individuals who are unable to undertake the full range of everyday tasks that people normally do for themselves and require assistance and support with personal care.
22. The provision of personal care to individuals in institutional or residential settings should also facilitate residents' privacy, autonomy, independence, and dignity, and where possible promote care in a homelike environment.
23. The provision of personal care necessarily involves the performance of intimate activities and therefore requires respect for individuals' dignity, independence and choice.
24. Congress recognises that where a person with a disability has complex health needs, they should have the option of assessing their own health needs with the assistance of a registered nurse or other relevant health care professional.

CARERS

25. Individuals who provide care and support to dependents with disability find it more difficult to participate in the workforce, and rely more heavily on the social safety net and welfare to make ends meet.
26. Congress supports the provision of financial assistance to all carers to assist them with the costs of equipment, care and support.
27. Congress also welcome recent changes to the Fair Work Act which provides a right to request flexible work arrangements for caring arrangements, though these arrangements should be further strengthened by including an obligation by employer's to reasonably accommodate a right of appeal for employees when an employer unreasonably refuses their request.
28. Australian unions will lobby for improved measures to assist carers who have been excluded from paid work to re-enter the workforce, through the provision of training to enable them to rebuild their career.



POLICY

A FAIR GO FOR ALL

18. ABORIGINAL AND TORRES STRAIT ISLANDER - REALISING RIGHTS: CHANGING THE FRAME

1. For 100's of years, since the colonisation of Australia, Aboriginal and Torres Strait Islander peoples have had their lives controlled by failed government policy.
2. This series of failed policies have left many Aboriginal and Torres Strait Islander peoples in conditions of despair and entrenched poverty that is unforgivable in a first world country.
3. Aboriginal and Torres Strait Islander people feel abandoned by their governments as decisions are made which prioritise the interests of big business and the paternalistic ideas of a few over the interests of their families and communities.
4. Congress rejects the neoliberal agenda which seeks to punish the vulnerable; paternalistically control and assimilate Aboriginal and Torres Strait Islander peoples; and facilitate the wishes of big business over self-determination.
5. Congress rejects the neoliberal model of capitalism which is attacking land rights, driving increased levels of inequality, creating an underclass of workers and undermining the basis of democracy and the idea of a fair and equal society.

INEQUALITY & POWER

6. For Aboriginal and Torres Strait Islander people inequality is about lack of power. Inequality is at work when Aboriginal and Torres Strait Islander people are denied:
 - a) The right to be the architects of government policy that affects them;
 - b) The right to decent living standards and a social safety net;
 - c) The right to universal health and education;
 - d) The right to standard employment conditions and wages; and
 - e) Standard industrial and occupational health and safety protections.

AN ALTERNATIVE VISION

7. A decent living standard, just wages, social protections, the social safety net and self-determined, fulfilling employment is at the heart of the Australian Union Movement.
8. We will not sit idly by and watch while human rights and workers' rights are undermined.
9. The Australian union movement will work to identify, increase and empower its Aboriginal and Torres Strait Islander membership for a strong representative voice to ensure these rights.
10. Our alternative vision is one where:
 - a) Aboriginal and Torres Strait Islander people & communities are the architects of their place in Australia and are equal partners with government in the development and implementation of policies that effect their way of life and livelihoods;
 - b) Aboriginal and Torres Strait Islander workers are engaged in fulfilling employment with the standard conditions and wages afforded to other Australian workers;
 - c) Aboriginal and Torres Strait Islander people are respected; the diversity of cultures, lands and traditions are respected and seen as an integral part of the Australian identity; and
 - d) Aboriginal and Torres Strait Islander peoples have economic security, a decent social safety net and access to universal social services (health, education, essential services) which provide the foundation for a decent and fulfilling life with equality of opportunity.



POLICY

A FAIR GO FOR ALL

19. INTERNATIONAL

1. Congress re-affirms the union movement's enduring commitment to promote the rights of workers in all countries.
2. Congress asserts the need for strong, independent, representative and democratic unions in all nations. We salute the courage of workers facing conflict, struggles for liberation and democracy, the fight against starvation, discrimination and exploitation in every quarter of the globe.
3. Rapidly growing inequality in the global economy pushes millions of wage workers into precarious work, or through privatisation, casualisation and outsourcing, millions are relegated to becoming the hard-working poor. The situation of the migrant, informal and rural sector workers is bleak, though they make up an increasing percentage of the global workforce. The climate crisis is exacerbating inequalities, eroding food and energy security, constraining access to water, triggering civil and military conflicts, shifting disease burdens, amplifying catastrophic weather impacts, and immiserating millions.
4. In this context, unions, workers organisations and social justice movements are essential to protect the rights of all of the world's working people. We stand in solidarity with the global labour movement for decent work, against exploitation and precarious work. Forced and slave labour in global supply chains are a scourge to be eliminated everywhere.

PRIORITIES FOR ACTION

5. Congress affirms the long-standing priorities for action for Australian unions through the ACTU are:
 - a) to uphold the rights of workers everywhere and, in particular, in our immediate neighbourhood in the Asia-Pacific region;
 - b) to work to eliminate discrimination, xenophobia and racism;
 - c) to secure a more effective aid program with higher levels of development assistance for the people of developing countries;
 - d) to promote democratic reform and the peaceful resolution of conflict;
 - e) to pursue reform of international institutions, including strong global regulation and governance that puts people first;
 - f) to support an independent Australian foreign policy; and

- g) to secure urgent action to achieve a comprehensive global agreement on climate change, including measures and financing for a Just Transition for workers in all nations with special focus on ameliorating the impact on women and people living in poverty.
6. Responding to the threats of climate change and the economic crises that are endemic under capitalism, the shape of a fair and sustainable globalisation will be influenced by our values, our activism and our unity through international unionism.
 7. The International Trade Union Confederation (ITUC) and the Global Unions Council bring together national councils and confederations with the Global Union Federations (GUFs) to tackle in unity agreed priorities for the global union movement. Congress is committed to regional and global organising, and will work with affiliates and their GUFs to co-ordinate action plans in strategic industries, along global manufacturing and transport/logistics supply chains and in regions.
 8. Unity is essential in order to:
 - a) support rights at work and secure fair labour laws in other countries;
 - b) organise workers in global corporations and their supply chains through international collective bargaining and the use of our leverage with Australian companies;
 - c) organise in economic processing zones (EPZs);
 - d) get access to and organise in closed off manufacturing or energy sites where workers are also housed (e.g. LNG site in Papua New Guinea);
 - e) hold governments to account for the lack of achievement of the Millennium Development Goals (MDGs) by 2015 and to achieve agreement about the post-2015 development agenda including finalising, through the United Nations, a comprehensive suite of effective Sustainable Development Goals (SDGs), incorporating commitments to a decent life and decent work in a healthy environment, while securing needs and ensuring opportunity for future generations;
 - f) establish just globalisation based on full employment and decent work;
 - g) achieve reform of financial regulation and the international financial institutions (IFIs);
 - h) drive support for nuclear disarmament and non-proliferation; and
 - i) hold governments accountable for a sustainable planet.

GLOBAL ECONOMIC CONTEXT AND POLICY

9. Congress notes that social, economic and political instability plagues all quarters of the globe. Decisive action to address climate change is yet to be achieved. Inequity and exploitation have grown. The promotion of workers' rights must be central to all union priorities and guaranteed in global governance and public policy.
10. The enduring global financial crisis that broke in the US private sector in 2008 rapidly became an economic crisis with ballooning unemployment in many countries, a sovereign debt crisis for nation states within the European Union, and a threat to democracy with

concerted attacks on the fundamental rights of workers across many countries at the insistence of global financial institutions.

11. The victims of this crisis are working people, in developed and developing countries, who have lost their jobs, their livelihoods, their houses, their social security, and public services. Young people, women and older workers are especially affected by the crisis.
12. The ITUC and Global Unions' have consistently called on G20 leaders to initiate a major recovery plan that invests in infrastructure and 'green jobs' and protects low incomes; to reregulate financial markets; and attack the explosion in inequality in income distribution that generated the US debt bubble and contributed to the global financial meltdown. Yet governments that bailed out major financial institutions have left unchecked the power relationships and corporate cultures that gave rise to the risky and irresponsible behaviour by financial institutions that lie at the root of the crisis.
13. G20 leaders' summits initially expressed support for coordinated economic stimulus measures that put jobs at the heart of the recovery, but this support has weakened substantially over subsequent years. No longer focused on finding remedies for acute crisis, they have become routine showpieces for managing chronic global economic malaise. As most recently reflected in the Brisbane Communique issued under the Australian Presidency of the G20 in 2014, no longer is their concern to pursue job-centred growth initiatives, to implement strong regulatory reforms targeted at preventing practices which led to the crisis, or to adopt new revenue raising measures such as a Financial Transactions Tax (FTT). G20 Communiqués now embrace fiscal consolidation with public expenditure cuts and austerity measures in the hope of appeasing financial markets.
14. Since early 2010, G20 government policymaking has been driven by global financial markets rather than the other way round. On the back of unprecedented guarantees of their liabilities provided by governments, the banks have returned to profits, paying massive bonuses to executives, lobbying against financial reform, and failing to resume lending to small and medium-sized businesses.
15. The failure of austerity policies to generate sustainable growth is patently clear, as is their cruel impact on the lives and living standards of working people and their families. We salute the courage of the Greek people in rejecting the devastating austerity measures imposed on them and electing a government that speaks truth to power and puts jobs at the heart of macroeconomic policy. We call on the European Commission, the International Monetary Fund and the European Central Bank to respect the democratic process and negotiate all outstanding matters in good faith with the Greek Government.
16. Congress supports the alternative policy package developed and consistently advocated by Global Unions - ITUC, GUFs and the Trade Union Advisory Committee to the OECD (TUAC), which puts jobs first and makes withdrawal of economic stimulus contingent on growth returning to above-trend rates. To shape a post-crisis world that is economically, socially and environmentally just and sustainable, this plan calls for G20 governments to:
 - a) Put quality jobs at the heart of recovery by establishing differentiated but coordinated jobs targets for the G20 countries, including immediate measures for job-intensive infrastructure programs, green jobs investment and labour market programs to raise skills;
 - b) Strengthen labour market institutions, social partnerships, collective bargaining, negotiated and legislated minimum wages, and income support for low-income groups to reduce income inequality; and commit to a jobs pact for youth;

- c) Establish a sound and secure social protection floor that is supported by adequate funding according to national levels of development;
- d) Implement rapidly the reforms to the financial sector that were agreed at the London G20 summit in 2008 but never effectively enacted, to check the insidious power relationships and toxic corporate cultures that were the genesis of the risky and irresponsible conduct of financial institutions and the root cause of the financial crisis via effective regulation; ensure financial groups that are 'too big to fail' are effectively restructured; and establish a financial transactions tax.

INTERNATIONAL FINANCIAL INSTITUTIONS

17. Congress calls on all international financial and development institutions including the IMF and World Bank, to honour and respect the 2008 ILO Social Justice Declaration for a Fair Globalisation, which provides the framework for implementation of decent work built on core labour standards, social protection and safety. Congress calls on the World Bank to adopt effective social and environmental safeguards that require all World Bank projects to comply with all ILO core labour standards, including freedom of association and right to collective bargaining, irrespective of their status in national law, to fully cover government workers, to cover contract and sub-contract workers directly and in the supply chain, and to cover workers in the informal sector

TRADE AGREEMENTS AND REGIONAL ENGAGEMENT

18. Congress re-affirms support for fair trade which puts workers' rights, labour standards and equity at the core of trade rules and provides policy space for nations to develop sustainable industries and retain and develop regulation to protect health, environment and other policies in the public interest. Congress calls on the Australian Government to support the inclusion of enforceable labour rights and enforceable environmental standards in all bilateral and regional trade agreements negotiated, and to oppose Investor-State Dispute Settlement (ISDS) provisions which favour the interests of multinational corporations. Congress also opposes stronger monopoly patent rights in medicines, which would delay availability of cheaper generic medicines, and opposes extension of monopoly rights for copyright holders at the expense of consumers. Australian trade unions will work with trade union centres in trading partners to gain support for strong labour rights protections in trade agreements from their respective governments, notably the Trans-Pacific Partnership Agreement (TPP), the Pacific Agreement on Closer Economic Relations (PACER Plus) negotiations, and the Trade in Services Agreement (TISA).
19. TPP and PACER Plus are proposed to be large regional agreements covering trade, services and investment across numerous nation states, with TPP being negotiated between Australia, the US, Japan and 9 other Pacific Rim countries and PACER Plus covering 14 Pacific Island countries plus Australia and New Zealand. TPP would be the largest regional trade deal in history, covering 792 million people and 40 per cent of global trade; leaks from TPP negotiations have revealed that some countries are trying to reject protections of workers' rights and that the TPP deal does not cover ILO Core Labour Standards. Both proposed agreements carry profound implications for the economies and societies concerned. Congress condemns the secrecy with which both TPP and PACER Plus continue to be negotiated, with the texts being withheld from public scrutiny until after Cabinet makes the decision to sign them, after which they cannot be changed. Where consultations occur, the format of consultations allows only minimal engagement by civil society, trade unions and communities. We call on the government to release the text of all trade agreements for public and parliamentary debate before they are signed or withdraw from negotiations.

20. TPP would be the largest trade deal in the history, covering 792 million people and 40 per cent of global trade. If ISDS provisions are included in it, foreign corporations would get access to private tribunals outside the Australian legal system if they can allege that a change in domestic law, regulation or policy will “harm” their investment. These regulations can include laws to protect workers’ rights, public health, and the environment or consumer protection. According to leaked documents, the US is also pushing proposals on behalf of its major global pharmaceutical, media, and tobacco corporations which would increase the price of medicines, increase costs and restrictions on the Internet, and undermine laws on public health and environment (such as tobacco plain packaging regulations). We call on the government to reject all these proposals.
21. With respect to PACER Plus, Congress supports the concerns of Pacific Island unions and community organisations that a free trade agreement will not address the most pressing needs of vulnerable Pacific Island communities facing poverty and loss of land from rising seas due to climate change, and that priority in Australian policy should be given to these issues.
22. Congress asserts again that workers are not commodities and arrangements for temporary seasonal workers should not be part of PACER-Plus or other trade agreements. These arrangements should continue to be made through separate government to government migration agreements, with appropriate arrangements to protect the rights of temporary workers, and to ensure that these workers are employed on the same working conditions as their Australian and New Zealand counterparts.
23. Congress notes that Australia is jointly leading, with the United States and the European Union, negotiations on a services-only free trade agreement known as the Trade in Services Agreement (TISA). Involving 23 countries, this Agreement aims to liberalise the worldwide trade of services far beyond the trade liberalisation of the multilateral GATS or any of the proposed other regional or bilateral agreements. TISA is being negotiated outside of WTO processes and also involves a coalition of service industry organisations, predominantly but not exclusively US based. Congress notes that TISA may put public healthcare, broadcasting, water, transport, education and other services at risk. The proposed deal could make it impossible for future governments to restore public services to public control, even in cases where private service delivery has failed. It would also restrict a government’s ability to regulate key sectors including financial, energy, telecommunications and cross-border data flows.
24. Congress commits the ACTU to continue constructive engagement and debate on Australia in the Asian Century and notes that a feature of Australian workers’ income and job security rests on the quality and nature of the Australian economic, political and social relationship with Asia generally and with China, India and Japan in particular.
25. In that context Congress urges the Australian Government, through the web of bi-lateral and multi-lateral relationships and institutions that guide Australia’s engagement with Asia, to ensure that economic, trade and industry development frameworks that underpin those relationships support further diversification of Australian industry aimed at providing decent and secure employment into the future and support the growth of democratic institutions in those partner nations, including independent trade unions.
26. Congress urges the Australian Government to take more positive steps to ensure Australian industry and working people, both now and in the future, achieve better outcomes from Asia’s dependency on Australian contributions to energy, raw material and food security in Asia.

HUMAN RIGHTS AND INTERNATIONAL OBLIGATIONS

27. Congress acknowledges the United Nations' Business and Human Rights agenda and the ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy as well as the OECD's Guidelines for Multinational Enterprises, and strongly supports calls for corporate responsibility to respect human rights along the supply chains and for companies to be held accountable.
28. Congress acknowledges the work of the ITUC Committee for Workers' Capital and supports the use of capital strategies where workers' capital can be effective in providing practical interventions of international solidarity.
29. Congress calls on the Australian Government to promote multilateralism by supporting the United Nations and the ILO. Congress calls on the government to ratify the following priority Conventions:
 - a) UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 2003;
 - b) ILO Maternity Protection Convention, 2000 (No. 183) ;
 - c) ILO Convention on Indigenous and Tribal People, date, (C.169);
 - d) ILO Migration for Employment Convention (Revised), 1949 (No. 97);
 - e) ILO Migrant Workers (Supplementary Provisions) Convention, 195 (No. 143) ;
 - f) ILO Private Employment Agencies Convention, 1997 (No. 181);
 - g) ILO Labour Clauses (Public Contracts) Convention, 1949 (No. 94);
 - h) ILO Domestic Workers Convention, 2011 (No. 189);
 - i) ILO Home Work Convention, 1996 (No. 177);
 - j) ILO Safety and Health in Mines Convention, 1995 (No. 176);
 - k) IMO Convention on Safe and Environmentally Sound Recycling of Ships 2009
 - l) ILO Labour Relations (Public Service) Convention, 1978 (No. 151);
 - m) ILO Collective Bargaining Convention, 1981 (No. 154)
30. Congress further calls on the Australian Government to use Australian ratification of these Conventions to leverage their ratification more broadly in the Asia Pacific Region.
31. Furthermore, we call on the Australian Government to support the UN Secretary-General's proposal for a Convention to prohibit the development, testing, production, stockpiling, transfer and use of nuclear weapons and other weapons of mass destruction and provide for their elimination in a verifiable, irreversible, transparent and time-bound manner.
32. Congress opposes the current federal government's proposal to strip Australian citizens of their citizenship (including where that citizen has no other citizenship) without due process

and natural justice and potentially in breach of our obligations under International Law on the Reduction of Statelessness.

OVERSEAS AID

33. Congress condemns the Australian government's appalling budget cuts to overseas aid and calls on the government to reverse them and restore Australia's good standing in providing aid and assistance to countries in need. Australian aid should focus on addressing the widening inequalities within low and middle income countries and in benefiting poor people and poor countries rather than assisting Australian business abroad or linking aid with offshore processing. Congress urges the Australian Government to focus on the Decent Work agenda and on sustainable development in our region, working with other governments and social partners to effectively meet internationally agreed Sustainable Development Goals and realise peace and democracy in countries experiencing conflict.
34. Congress believes the Australian government should honour international commitments to raise international development expenditure to 0.7 per cent of GNI, with at least 10 per cent of the aid program delivered by non-profit Australian NGOs in partnership with local civil society organisations. Congress calls on the Australian government to adopt the policies of most other OECD donors in consciously earmarking ongoing funding for the development of the international trade union movement, as key contributor to social and economic development, and as leading component of democratic civil society. Congress further calls on the Australian government to hold an inquiry into the transparency, accountability, effectiveness, value for money and profit margins in the large commercial contracts in the aid program.
35. Congress commits the ACTU to press the Australian Government to substantially refocus aspects of its international development assistance programs so that:
 - a) Recipient nations commit to internationally accepted labour standards as part of acceptance of Australian aid;
 - b) Programs involving employment contain a component requiring independent trade union participation;
 - c) Public sector programs assist recipient nations develop regulatory structures capable of ensuring those nations have the capability to ratify and comply with core ILO and IMO Conventions; and
 - d) A component of aid program funding is set aside to ensure that in all significant infrastructure and resource development projects the local population is trained in skills to enable them to be employed in these projects, to ensure these jobs respect workers' rights as espoused by the ILO's Core Conventions, and to ensure that the government of that country receives a fair share of the wealth being generated from their resources to provide public goods.

FREE, DEMOCRATIC AND INDEPENDENT UNIONS

36. Working people continue to organise and create free, independent and democratic unions in countries where workers lack rights and face suppression for voicing their demands for fairness and justice at work. Congress applauds the efforts to create new democratic and independent unions and reform existing state-controlled unions in these countries. The ACTU and Australian unions have supported the development of free and independent unions in many parts of the world and will continue to assist to strengthen these efforts. Congress calls on the Australian government to support this work and integrate decent work and support for trade unions into the Australian aid program.

REGIONS IN CONFLICT

37. Through the International Committee the ACTU will continue to monitor and seek to influence democratic, peaceful outcomes to support workers and unions especially in countries and areas of the Asia-Pacific region including:
- a) Fiji, where the 2014 general election ended decades of overt military dictatorship. While the repression of unions and systematic violations of human and worker rights under the military regime's Decrees are yet to be resolved, the tripartite Memorandum of Understanding on Employment Relations, signed at the ILO Governing Body meeting in Geneva in February 2015, is a welcome step in the right direction. Congress reiterates its solidarity with the Fiji Trades Union Congress and encourages all moves towards ending division and building unity across the Fiji union movement;
 - b) Burma/Myanmar, where progress towards true democracy is slow and hesitant. Congress welcomes the return to Myanmar of CTUM General Secretary Maung Maung after years in exile, and applauds the work now underway by CTUM and the broad Burmese labour movement with the support of the ITUC and ILO in (re)building a free, democratic and representative trade union movement and urges all unions to work to end division and build unity as this is fundamental to ensuring that workers are influential in Burma's emerging economy and their voices are heard;
 - c) West Papua, where violations of human and trade union rights are endemic and reports of atrocities chillingly frequent. Congress supports the right of the West Papuan people to self-determination consistent with UN principles; recognises the Federal Republic of West Papua; and further supports the application by United Liberation Movement for West Papua for full membership of the Melanesian Spearhead Group;
 - d) Cambodia, where in 2014 five workers demonstrating in support of increased minimum wages were shot dead by police and dozens arrested, and the exercise of legitimate rights by free independent unions continues to be suppressed; and
 - e) Congress further affirms its support for independent, representative and democratic unions in other countries including Thailand, China, Brunei, Iran, Iraq, United Arab Emirates and Saudi Arabia.
38. The ACTU and the New Zealand Council of Trade Unions work jointly in coordinating and providing funding for the South Pacific and Oceania Council of Trade Unions (SPOCTU). Congress endorses and supports SPOCTU's efforts to organise young people and SPOCTU's work on minimum wages in Pacific Island countries. Similarly, Congress endorses and supports the continuing engagement with the Southern Initiative Group on Trade Union

Rights (SIGTUR) by ACTU and through affiliates in supporting the growth and development of grass-roots unionism in all countries of the wider Indian Ocean region. Congress endorses ITUC policy and practical initiatives in monitoring and influencing democratic, peaceful outcomes in the interests of workers and unions globally, including Africa, and the Americas. We salute the struggle for self-determination and independence in Western Sahara, the continuing struggle of unions for peaceful democratic change in Zimbabwe, and the struggle against violence, murder and intimidation of unionists in Colombia.

39. Congress recognises and applauds the leadership role played by the ITUC in supporting the struggles of all democratic unions throughout the Middle East and North Africa, and the recent establishment of the ITUC-Arab regional organisation. The impact of Israeli-Palestinian conflict on the rights of all workers in the region and their families – Palestinians, Israelis and other communities – is rightly the central focus of ITUC concern. Congress notes the role of workers in the inspiring political struggle in Egypt, North Africa and the Middle East, and affirms its solidarity with working people facing repression in countries including Bahrain, Saudi Arabia and the Gulf monarchies and caught in bitter conflicts in Iraq, Yemen, Libya, Syria, and Somalia. Congress notes with regret the reversal of democratic processes and workers' rights in the region, and extend solidarity with workers, and solidarity with working people caught in bitter conflicts in Iraq, Yemen, Libya, Syria and Somalia.
40. Democratic unions across the region have shown the vital role they can and must play in delivering the hope for open, transparent civil societies where the rights of all people are protected irrespective of their ethnicity, nationality, religion or gender, and we extend our solidarity to them. Congress stands in full solidarity with the ITUC in condemning terrorists and terrorism in all guises, noting that the leaders of unions have been targeted by various terrorist groups across North Africa and the Middle East. Congress deplores the related rise of right-wing extremism in Australia, where groups purportedly seeking to 'reclaim' our country hide behind the Southern Cross to vent their divisive racist and nationalistic views.

UNION AID ABROAD - APHEDA

41. Congress congratulates all the staff, volunteers, supporters and partners of Union Aid Abroad - APHEDA who have contributed to the substantial achievements of the organisation since its establishment in 1984. The ACTU and unions recommit to grow APHEDA as a central part of our union work. In particular, ACTU and unions will promote individual member contributions to assist the future work of APHEDA in supporting development and social justice internationally. Of particular note is APHEDA's work in raising and delivering emergency relief to countries of our region hit by natural disasters including most recently Cyclone Pam which devastated Vanuatu in 2015. Recently celebrating its 30th anniversary, Union Aid Abroad – APHEDA is uniquely the aid agency owned by and accountable to the union movement, focused not on charity but solidarity, social justice and the struggles of working people for dignity, equality, rights and prosperity.

GLOBAL UNION CAMPAIGNS

42. The ACTU supports the work of the ITUC and the GUFs in coordination of and campaigning for action on issues of critical importance to working people and their families worldwide. On climate change, promoting sectoral agreements, the promotion of decent jobs in the emerging clean energy sector, and measures to support jobs in emissions-intensive trade-exposed industries (EITEs), Congress supports the ITUC's call for a 'just transition' for all workers and for the funds to support development and adaptation in vulnerable countries. Congress applauds and endorses the ITUC's Qatar and UAE campaigns to rid the world of the scourge of forced labour which amounts to modern day slavery; the continuing battle in

the ILO against employer attempts to weaken and undermine the right to strike; the “Count Us In” campaign to organise more women in unions and bring more women into leadership positions in unions; and the “Get Organised” campaign to promote the organisation and recruitment of young workers in unions.



POLICY

A FAIR GO FOR ALL

20. ASYLUM SEEKERS AND REFUGEES – A RIGHTS BASED APPROACH

INTRODUCTION AND BACKGROUND

1. Australia's policies towards asylum seekers and refugees should, at all times, reflect respect and decency, consistent with Australia building a society that is a tolerant, compassionate and multicultural nation and in recognition of the role refugees and other migrants from all over the world have contributed to our country. Congress calls on Australian Parliamentarians to pursue a refugee policy that re-establishes Australia's reputation as a welcoming and humane society.
2. Congress recognises refugees and asylum seekers are among the world's most vulnerable people. As a signatory to the 1951 United Nations *Convention and Protocol Relating to the Status of Refugees*, Australia has an obligation to protect the human rights of all asylum seekers and refugees arriving in Australia, regardless of the manner in which they arrived and the country of origin. Under international human rights law, asylum seekers arriving by boat are not illegal and Australia is required to ensure that claims of people seeking protection are assessed in accordance with the United Nations (UN) Refugee Convention. Congress calls upon the Government to ensure that there is no discrimination in the processing of application for asylum based on the mode of arrival.
3. Congress recognises that seeking asylum is a fundamental human right. The current approach adopted by Australia focuses on deterrence and reflects a xenophobic fear of the outsider, based on judgement that we are entitled to our good fortune and have no obligations to share it with those less fortunate.
4. Congress reiterates that a refugee is someone who has fled their home country and is seeking protection. The process of assessing asylum claims in-country is standard practice. Australia has the capacity and international responsibility to take both refugees that arrive in Australia seeking asylum and those identified through the UN resettlement system. According to the UNHCR, Australia receives fewer applications than comparable industrialised countries. Among the industrialised countries, Australia ranks 19, i.e. 18 other industrialised countries have a higher share of asylum applications than Australia. ACTU Congress reaffirms that Australia should increase its intake of refugees to meet the levels received by other industrialised countries.
5. Congress calls on Australian Parliamentarians to take leadership and to reframe the national debate about refugees and asylum seekers, explaining that the majority of people who have entered Australia by boat seeking asylum have been found to need protection from persecution, and therefore the vulnerability of asylum seekers must be a primary consideration in any government response to people movement.

ONSHORE PROCESSING

6. ACTU Congress urges all political parties and Members of Parliament to adopt policies that fulfil Australia's commitment under the Refugee Convention to treat people humanely, process applications for asylum onshore, and promote the better treatment of asylum seekers and refugees in our region. The use of policies on asylum seekers to foster misunderstanding, social division and distrust is a disgrace and stains our national character.
7. Congress recognises that unions can also play a role in changing the national debate through countering misleading information spread about refugees. Unions are encouraged to have refugee speakers at meetings and conferences, to distribute information internally, to support and participate in organisations and campaigns which support refugees and their rights such as Unions for Refugees and the Welcome Refugee Movement.
8. Congress calls for an independent review into existing decision making procedures and processes under the Migration Act for asylum seekers who are assessed onshore. This review would be conducted with a view to ensuring that principles of procedural fairness, natural justice and genuine independence are upheld.
9. People found to be refugees must be offered permanent protection visas. Temporary Protection Visas condemn refugees to further fear and insecurity. They prevent travel, family reunion and secure work, thus preventing refugees from properly establishing new lives in Australia. Temporary Protection Visas must be abolished.

OFFSHORE PROCESSING AND RESETTLEMENT IN THIRD COUNTRIES

10. Congress calls for a decent, humane refugee policy, respect for the human rights of refugees and asylum seekers and an end to 'off-shore solutions' which breach Australia's international obligations under the UN Refugee Convention. The excision of Australian territory from the effect of the 1958 Migration Act has been used to administer two systems to assess asylum seekers' refugee status - one for those who arrive on-shore and another for those intercepted at sea or who arrive at excised places such as Christmas Island. The off-shore 'processing' system of asylum seekers in Nauru and Manus Island is discriminatory, and lacks transparency and independent oversight. Congress does not accept the removal of asylum seekers from Australian territory for assessment and eventual resettlement in a third country. Congress calls for the detention centres on Manus Island, Nauru, and any other offshore detention centres to be closed.
11. Congress rejects other policies of 'deterrence' implemented alongside off-shore detention, especially intercepting and turning back boats at sea, or transferring refugees to other vessels for immediate return to their countries of origin without a proper assessment of their claims for protection. Such policies needlessly put both asylum seekers and seafarers in danger. Provisions in the *Migration and Maritime Powers Legislation Amendment Act 2014* which facilitate boat turnbacks and give the Immigration Minister the power to secretly suspend the application of Australian Maritime Law and International Maritime Conventions to any vessel must be repealed.
12. Congress condemns the signing of a Memorandum of Understanding by the Australian Government with the Government of the Kingdom of Cambodia on 26 September 2014 that will allow the settling of persons who have been determined to be a "refugee" in the refugee status determination process in the Republic of Nauru. This Memorandum of Understanding has been widely criticised as Cambodia has a poor human rights record and contradictory policies vis à vis refugees and asylum seekers. Cambodia also has poor health services. Transparency International considers it one of the most corrupt countries

in the world. Furthermore Cambodia's own people struggle to survive in a challenged economy and political environment. Both the Australian and Cambodian governments said, when signing the Memorandum of Understanding, that they rely on the UNHCR to help implement the resettlement programme. However UNHCR announced that it will play no role in resettling refugees in Cambodia. UNHCR is concerned about countries shifting their refugee responsibility to developing countries. On this basis, Congress calls on Australian and International aid agencies to desist in assisting the re-settlement of asylum seekers in Cambodia.

DETENTION

13. Congress notes the 2015 "Review into recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru" ("The Review"; sometimes referred to as the "Moss report"). The Review was commissioned by the then Minister for Immigration and Border Protection. The Review uncovered serious allegations of sexual and other physical assaults on women and children, including two rapes, at the detention centre on Nauru. The Review also concludes that many detainees "are apprehensive about their personal safety and have concerns about the privacy at the Centre".
14. Congress notes the 2015 "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment", which was submitted to the Human Rights Council in Geneva by Juan E. Méndez. In the Report, "the Rapporteur concludes that the Government of Australia, by failing to amend the provisions of the two bills to comply with the State's obligations under international human rights law, particularly with regard to the rights of migrants, and asylum seekers, including children, has violated the rights of migrants and asylum seekers to be free from torture or cruel, inhuman or degrading treatment, as provided by articles 1, 3, and 16 of the CAT [Convention against Torture]."
15. Congress notes the Decision taken by the Australian High Court on 20 June 2014 that questioned the ability of the Minister to limit or cap the number of protection visas that can be granted. Both major political parties need to respect the full implications of the High Court ruling, including that neither indefinite detention nor sending asylum seekers to uncertainty in other countries is a just or credible response to the needs of people seeking asylum and protection in Australia.
16. Congress condemns the indefinite detention of asylum seekers and refugees, including children. Health, identity and security check processes can and should be undertaken without mandatory detention, as happens in most other recipient nations.
17. Congress notes the 2014 Australian Human Rights Commission report on "Forgotten Children: National Inquiry into Children in Immigration Detention 2014" (authored by the President of the Australian Human Rights Commission, Prof. Gillian Triggs). According to the report, "Australia holds 800 children in mandatory closed immigration detention for indefinite periods, with no pathway to protection or settlement." [...] "Over 167 babies have been born in detention between 2012 and 2014. Children detained indefinitely on Nauru are suffering from extreme levels of physical, emotional, psychological and developmental distress".
18. Congress calls on the Federal Government to comply with the Convention on the Rights of the Child, where the children of asylum seekers and unaccompanied minors are entitled to have their welfare and human rights protected. It is incumbent that the Government ensure that Australia complies with the 1989 UN *Convention on the Rights of the Child*. The welfare and rights of children of asylum seekers and unaccompanied minors are to be

protected. The right to an education must be upheld. Congress particularly condemns the placement of children and their families in detention centres.

19. Congress condemns the outsourcing of detention services. Between mid-2007 and mid-2014, the Australian government awarded over \$10 billion worth of contracts to private entities for the provision of services related to mandatory detention. The private provision of detention services has been a failed approach, with numerous investigations finding that, for example, the provision of mental health services is inadequate, and staff were improperly trained. The outsourcing of detention allows government to shift accountability and responsibility for conditions in detention. Congress calls on the federal government to stop the outsourcing of detention to private, for-profit companies.

WELFARE OF ASYLUM SEEKERS AND THE RIGHT TO WORK

20. We note the limited financial assistance provided to asylum seekers awaiting a decision on their refugee claim and call on adequate assistance to be provided.
21. Many asylum seekers do not have the right to work. This makes it difficult for families to cover basic costs, increasing the dependence of already vulnerable asylum seekers on support from resource-stretched non-profit organisations. Congress calls for the extension of the right to work to all asylum seekers to allow them to support their families and to have the protection of their work rights under Australian industrial laws. Asylum seekers entitled to welfare payments should receive the full Newstart allowance, subject to the same conditions as Australian citizens, in order to ensure that they are adequately supported to fully participate in society.
22. Congress notes that refugees in Australia often represent the most disadvantaged groups in their workplaces and the broader community. Congress encourages affiliates to resource organising and outreach programs for refugee communities in Australia.

FORCIBLE DEPORTATION

23. Congress opposes the forcible deportation of asylum seekers. In numerous past cases, such removal has resulted in imprisonment, torture, and in some cases, death. The ACTU joins with civil society organisations in expressing grave concern about the Memorandum of Understanding between the Australian and Afghan governments that allows involuntary removals to Afghanistan. The ACTU also condemns the close cooperation between the Australian and Sri Lankan government to stop Sri Lankans from leaving the country and prevent them from seeking asylum in other countries, despite credible allegations of human rights abuses in Sri Lanka.

SECURITY ASSESSMENTS

24. Congress notes that current procedures surrounding ASIO security assessments are not transparent and can lead to indefinite detention, despite individuals having been granted refugee status. ASIO assessments should be subject to independent external review. Asylum seekers that are denied asylum based on ASIO assessments should have the right to appeal.

INTERNATIONAL COOPERATION

25. Congress calls on the Australian Government to continue to work towards a regional solution to the plight of people seeking asylum. This includes improving access to protection in all countries in the region, improving living standards for asylum seekers and increasing the humanitarian intake of refugees.
26. Congress calls on the Australian Government to support the UN High Commissioner for Refugees (UNHCR) so that the UNHCR can register asylum seekers and carry out Refugees Status Determination (RSD) in Indonesia within an appropriate time. Australia must end its ban on accepting refugees (as determined by UNHCR) from Indonesia. Asylum seekers in Indonesia who are recognised as refugees and who wish to settle in Australia should be resettled here.
27. The global challenge of refugees fleeing persecution will continue until human rights, including the ILO's core labour standards, are recognised and enforced all over the world. Australia must become part of the solution and stop being part of the problem. Australian trade unions call for international action to achieve peace, democracy, sustainable development, freedom from repression and decent work for all to address the push factors which cause people to flee their home countries. The goal should be to minimise the need for people to flee their home country due to conflict.



POLICY

A FAIR GO FOR ALL

21. ENVIRONMENT AND CLIMATE CHANGE

INTRODUCTION

1. Congress recognises the importance of protecting Australia's unique environment and heritage. The union movement has played a vital role in protecting Australia's environment in the past and will continue to fight for the sustainability of our environment to protect our economy, societies and communities.
2. There are a range of threats to Australia's environment, including to our land water and air quality, and Congress notes that climate change is one of the most pressing environmental matters ever confronted by our community.
3. Climate change is a serious threat to humanity and there is an overwhelming scientific consensus that human economic activity is the main contributor to global warming.
4. The ACTU supports the scientific independence of Australian climate change researchers. The ACTU urges governments to heed the scientific knowledge and address the gap between current climate action and the science.
5. The ACTU accepts that the cost of not reducing emissions is far higher than that of taking action. Decisive action to reduce emissions, improve energy efficiency, expand renewable energy capacity, and rapidly develop low carbon technologies while creating jobs is essential for continuing sustained economic growth globally and in Australia.
6. The international community has committed to limiting the rise in temperatures to no more than 2°C above preindustrial levels by 2050. This will require a reduction in emissions of 80% from 1990 levels by 2050. This target will require significant reductions in global emissions, and eventually require a net reduction in emissions to zero or below.
7. Australia must lead by example on this global commitment by remaining actively engaged negotiations at the international level while also enacting strong and ambitious targets at a domestic level.
8. If we act now, Australia will be at the forefront of the new clean energy industry, which will provide us with significant economic and environmental advantages. If we fail to act, however, we risk being left behind.

JUST TRANSITION

9. The Just Transition concept refers to the importance of taking a measured approach to restructuring to a lower carbon economy, and in particular ensuring that there are decent and good quality jobs available to workers in the new economy. All too often we see workers bear the brunt of shifts in industry and the economy, with mass redundancies the unfortunate result. The Just Transition framework seeks to lessen the impact on workers by ensuring that governments put in place policies that invest in new green technologies and skills, which can be used both to clean up existing industries and to open up opportunities in new industries.
10. Congress supports the ITUC's call for a Just Transition that ensures:
 - a) equitable sharing of responsibilities and fair distribution of the costs: those who have contributed less to the problem should not bear the burden of the transition costs;
 - b) institutionalised formal consultations with relevant stakeholders including trade unions, employers and communities, at national, regional and sectoral levels;
 - c) the promotion of clean job opportunities and the greening of existing jobs and industries through public and private investment in low carbon development strategies and technologies in all nations and the appropriate educational qualifications that enhance workers' capacity;
 - d) formal education, training, retraining, and life-long learning for workers, their families, and their communities;
 - e) organised economic and employment diversification policies within sectors and communities at risk;
 - f) social protection measures (active labour market policies, access to health services, social insurances, among others); and
 - g) respect for and protection of human and labour rights.
11. Australian unions are committed to working with the social welfare sector and the renewable energy and energy efficiency industries to ensure energy affordability for low income and working people.
12. The Just Transition framework should be explicitly addressed in Australia's domestic policy measures and in any international agreements.

EMISSIONS REDUCTIONS

13. The ACTU calls for concerted national and international agreement and investment to avoid catastrophic climate change and to reduce emissions to levels recommended by the most recent scientific evidence.
14. Australia's current target is a 5% reduction below 2000 levels by 2020, with the option to raise this to 15% or 25% dependent on the actions of other emitters. These targets are fast becoming outdated and Australia now needs to set new interim targets for the decades between 2020 and 2050.
15. Australia should take advice from the relevant scientific authorities and expert bodies when setting its post-2020 target. The target Australia sets should be comparable to that

set by other developed nations and should be consistent with the goal of reducing Australia's emissions by 80% below preindustrial levels by 2050.

16. Congress calls on the Australian Government to constructively engage in the United Nations negotiations to reach a global agreement on targets. The Government must make its targets known as soon as possible to provide certainty to business and the broader community on the size and scope of our long term de-carbonisation challenge and to support international efforts at developing a global policy architecture adequate to the task of limiting climate change.

MEASURES TO REDUCE EMISSIONS

17. Congress notes with disappointment the current Government's decision to repeal the Clean Energy Future Package, which provided for a market-based carbon price and funding for industry investment. The repeal of this Package is a retrograde step that will make it far more difficult for us to reduce carbon emissions.
18. The Australian Government's preferred approach to reducing emissions, Direct Action, has been a comprehensive failure, and as a result Australia is highly unlikely to meet its 5% target by 2020. This will make it yet more difficult to set ambitious targets into the future. Australia has a responsibility to set an ambitious target, but there is no point in setting a target if the policy measures put in place make it impossible to meet that target, as is obviously the case with the current Direct Action Policy.
19. A broad based Emissions Trading Scheme (ETS), including transport and forestry and with a strong emissions reduction cap, is one of the essential tools to drive long-term structural changes in the Australian economy. A broad-based ETS that covers as much of the Australian economy as possible will ensure that the burden of emissions reductions is shared fairly among industry, workers, the government, and the broader community.
20. Congress supports the mandatory renewable energy target (MRET) of 20% by 2020 and calls for the necessary investment in renewable energy, energy efficiency and low carbon technologies, and therefore new industries and jobs. We note that the bipartisan target of 33,000 gigawatt hours is the mandatory minimum target for renewable energy, but it is in the best interests of industries to exceed this target where possible through additional investment beyond the legislated minimum.

FINANCING

21. The Green Climate Fund to support developing countries to effectively respond to climate change has been operating successfully since its establishment at Durban in 2010. In order to finance the fund, we call on world leaders to commit public financing and support for innovative sources of finance for a Just Transition that genuinely deals with issues for social justice for the world's poorest and most vulnerable nations. We welcome the news that Australia has now committed \$200 million to this fund, which is a welcome backflip after the Abbott Government originally refused to support it.
22. Investment in climate change solutions will involve massive sums and should be benchmarked against ethical investment principles such as those promoted by the United Nations. Superannuation funds should be encouraged to invest in these areas, particularly in those that promote Australian industry, infrastructure and jobs.

INTERNATIONAL COOPERATION

23. Congress supports the negotiation of global sectoral agreements covering the world's most emission-intensive industries so that inaction on emission reduction by one country does not assist in a trade advantage. With respect to forestry and agriculture, we call for an urgent process of measurement and the necessary resources to determine sectoral emissions and subsequent offsets for the sectors.

CLEAN ENERGY JOBS

24. Australian unions are committed to driving the shift to a low carbon economy by representing the interests of workers in carbon-intensive, trade-exposed industries, and supporting job growth and industry viability through private and public sector investment.
25. The private sector will need to change its practices and significantly invest in low carbon and clean energy technologies. However, we cannot rely solely on the private sector to invest at the necessary scale, in a sufficiently integrated fashion, or to ensure a Just Transition for workers. The government must outline its vision and set the direction through comprehensive industry policy that leads the way in investment of new technologies and industries.
26. Substantial public sector investment in freight and public transport infrastructure, building energy efficiency and the production of large-scale renewable energy is needed to shift to a low carbon economy.
27. The ACTU notes, however, that market measures alone are not sufficient to achieve the necessary environmental, social, and economic changes required. Consequently, in addition to an ETS, the Government must provide significant support for research and development, active industry policy and public investment, complemented by regulation where necessary. Such policy and investment should extend to the promotion of start-up ventures in sourcing clean energy, for example geothermal and tidal.

INDUSTRY PARTICIPATION

28. Congress calls on the Government to apply Australian Industry Participation (AIP) guidelines to projects funded by the Clean Energy Finance Corporation, and the Australian Renewable Energy Agency.
29. Congress calls on all governments to adopt procurement policies that promote local production of low carbon goods and services and impose competitive tendering which takes account of transport costs and energy inputs in imported products. Government must also accelerate investment in affected communities, including economic diversification plans.

SKILLS AND TRAINING

30. As Australia moves towards a clean energy future, this will require additional measures to assist the transition of people and skills between sectors and into emerging technology sectors, including through industry and workforce planning, development, skills and training. Care should be taken to minimise skills shortages that may emerge as a barrier to investment in new industries.
31. The ACTU will support training to make existing and new jobs environmentally sustainable.

32. While investment in the skills needed in a low carbon economy has begun, the Government must significantly increase up-skilling opportunities for existing workers and develop a comprehensive 'workforce development plan' for a low carbon economy.

WORKER ENGAGEMENT

33. It is vital that workers be engaged and empowered to make changes to energy and resource consumption patterns within their own workplaces.
34. The union movement is committed to empowering workers to participate in environmental campaigns and we are committed to representing workers' interest in our policy and advocacy efforts.
35. Workers have a right to participate in the decision-making related to environmental concerns in their workplace, and to be represented through their elected Health and Safety Representative.
36. Australian unions will lead by example by ensuring our own workplaces reduce their environmental footprint.



RESOLUTIONS

DAY ONE

TUESDAY, 26 MAY 2015

UNIONS FOR THE NEW ECONOMY

Congress notes the changing nature of our economy, civil society and democracy as a result of the radical advances in technology. The impact of digital disruptors and the revolution currently underway is changing the nature of work, human connection, interrelationships and communications. Zero hour contracts, virtual workplaces and online 'factory gates' or hiring halls along with a new proliferation of "Independent Contractors" born from the most recent Federal Budget present significant challenges to both traditional and existing Union strategies of organising, representation, and growth.

If our unions and our movement are going to be successful in building and securing real power for workers in the new economy we need to get ahead of the digital revolution upon us. We need to challenge our current practices be innovative, and creative in how we organise, represent, communicate with and mobilise our members and potential members for change in their workplaces, communities and our society.

Recent initiatives such as the forms of community unionism being trailed both here and in New Zealand along with the community action networks springing for recent our elections successes in Victoria and Queensland the Fight for 15 campaign in the US all warrant further consideration.

Building and shaping the union movement for the new political economy is our challenge and responsibility.

To meet this challenge, Congress will establish a working group of interested affiliates to explore, plan and work to implement a movement wide strategy to ensure our success. The work of this committee shall be focused on:

1. Identifying existing or emerging disruptors that present our movement with real threats and/or opportunities that must be addressed in order to ensure our success;
2. Identifying, developing and trialling potential models of union membership, democracy, organisation, communication and engagement strategies to secure our success in the digital world and the new economy; and
3. Identifying and developing strategically targeted campaigns for the growth and success of our movement in the digital world and working with relevant affiliates and the ACTU Executive on their implementation and measurement.

PAID DOMESTIC VIOLENCE LEAVE

Congress is aware that this year, on average, two women have died each week as a result of domestic violence in Australia.

Two thirds of the more than 400,000 Australians who experience domestic violence each year are workers.

The current efforts to identify protective, legal and social service reform needs to be complemented by support for women to stay in their jobs and maintain critical financial independence.

Financial independence means women can escape a violent and abusive relationship without sacrificing a decent standard of living, adequate care for their children and appropriate housing.

Paid domestic violence leave recognises that workers experiencing domestic violence often have exhausted their personal leave entitlements and can least afford to take unpaid leave at a time when financial security is critical.

Congress congratulates unions and employers who have negotiated workplace agreements that now provide more than 1.6 million employees access to paid domestic violence leave;

But there are too many employees who still don't have any support from their workplace.

Paid Domestic Violence Leave must be included in the minimum safety net of entitlements for all working Australians. Paid domestic violence leave will directly benefit millions of workers with up to 10 days paid domestic violence leave to attend court appearances, medical and legal appointments and make safety and re-location arrangements.

Congress further notes that domestic violence costs the Australian economy \$16.8 billion each year and has serious negative consequences on personal health and well-being, poverty and homelessness.

Congress believes safe and secure employment is a cost effective preventative measure which sends a strong message of cultural intolerance towards violence against women.

Congress:

1. Endorses the ACTU claim for paid domestic violence to be included in the award safety net of minimum conditions for all employees;
2. Calls on employers to accept their role in taking a stand against violence against women by withdrawing their objections to the ACTU claim for inclusion of paid domestic violence leave in the award safety net;
3. Commits to campaign for the inclusion of paid domestic violence leave in the National Employment Standards;
4. Calls on all political parties to support the inclusion of paid domestic violence leave as a minimum safety net entitlement; and
5. Calls on the Federal government to acknowledge the suite of measures required to reduce violence against women by providing adequate funding for domestic violence support services.

EMPLOYEES OF AUSTRALIAN DISABILITY ENTERPRISES

In 2012, the Courts ruled that employees with intellectual disabilities working in Australian Disability Enterprises (ADEs) had been illegally underpaid in breach of the Disability Discrimination Act. Some three years later, the workers are still being paid under the illegal BSWAT system. Some continue to be paid as little as 99 cents per hour. We call on the Abbott Government to urgently:

- Cease all attempts to avoid paying the workers the back pay they are owed in full and in particular stop trying to legislate to defeat the workers' rights;

- Resolve the current class action on behalf of 10,000 workers employed by ADEs by a settlement that compensates affected employees for their unlawful underpayment; and
- Ensure ADEs start paying legal wage rates to their workers.

MUCKATY TRADITIONAL OWNERS & RADIO WASTE MANAGEMENT FACILITIES

The ACTU Congress:

- Congratulates the Muckaty Traditional Owners and their supporters for sustained and successful efforts in defence of their community, culture and country.
- Notes and welcomes the decision of the federal government to not further pursue the contested site at Muckaty for a national radioactive waste management facility.
- Calls for full transparency, public input and best practice technical and consultative standards during the current revised site nomination and selection process, scheduled to conclude by mid-2016.
- Expresses concern at the Federal Government's continuing commitment to finding a single remote site for radioactive waste to be disposed (low level) and stored (intermediate level) to the evident exclusion of other waste management options.
- Reaffirms its support for a broad independent inquiry that examines all options for radioactive waste transport, storage and management.
- Commits to supporting both communities opposing the nomination of their lands or region for a dump site, and any workers who refuse to facilitate the construction and operation or transport and handling of radioactive waste materials destined for any contested facility or sites.

420 VISA SUBCLASS

That this meeting of the ACTU national congress commit our support to the MEAA's campaign to defend the existing 420 subclass entertainment visa system.

The current system has served the Australian entertainment and screen industry well for more than 25 year, incorporating appropriate:

- Labour-market testing mechanisms including union consultation;
- Requirements for the attraction of the foreign investment as a condition of entry;
- Guarantees of leading and support roles for local performers on tax-payer subsidised screen production; and
- Commitments for local technicians and crew to work at all levels of a feature film.

In an industry characterised by an oversupply of talented performers and crew, and high exposure to the fluctuations in global markets and the Australian dollar, we cannot afford to

further limit opportunities for local technicians and crew to work, grow their skill set, and participate in the telling of local stories.

We pledge our support to MEAA's campaign - #saveourstories – and commend the support of the Federal opposition and cross-bench Senators and MPs to date.

AUSTRALIAN COASTAL SHIPPING INDUSTRY

Australian unions, meeting at ACTU Congress 2015, reaffirm their strong support for a maintenance and growth of an Australian domestic shipping industry.

A productive and efficient Australian shipping industry is considered by Australian unions as an essential part of Australia's economic and transport infrastructure.

Australian shipping is a vital service industry that supports Australian manufacturing, the Australian offshore oil and gas industry, the agriculture and aquaculture industries. It services remote island communities and supports the marine and cruise aspects of the tourism sector. Australian shipping plays a key role in border protection and supports the Australian Defence effort.

Australian unions will strongly defend maritime cabotage, believing that reservation of a proportion of domestic cargo for Australian ships, supplemented by conditional access to residual and emergency cargoes by foreign ships is in Australia's national interest. Australian shipping is vital to maritime security and the national Defence effort. Domestic shipping is important for protection of the marine environment. Its safety record is exemplary relative to foreign shippings operating in Australian waters.

Australian unions condemn the short sighted policy of the Abbott Government to substantially deregulate Australian coastal shipping, and for the first time in over 100 years, abandon bi partisan policy support for maritime cabotage.

Australian unions serve notice on the Abbott government that we will strongly resist efforts, in conjunction with the maritime unions, to abandon Australian shipping and to undo Labor's 2012 shipping reform package.

Australian unions will not accept the use of foreign seafarer labour operating in the coastal shipping trades, a domestic industry, being employed under terms and conditions of the nation of supply of the foreign seafarer labour. This is considered by Australian unions as a complete undermining of the application of Australian labour, safety, tax, migration and other relevant domestic law. This is unacceptable in every other industry and it is unacceptable in domestic shipping. Australian unions agree that this amounts to WorkChoices on water as articulated by the Shadow Minister for Infrastructure and Transport. We will resist the Government's proposal to adopt this unnecessary pathway.

Australian unions are concerned that the Abbott Government policy to deregulate Australian shipping will have negative consequences for maritime jobs where some 2000 direct seafarer jobs and up to 10,000 related jobs will be under threat, for maritime skills which are dependent on Australian ships to deliver highly qualified seafarers, for fuel security which will be at risk if there are no Australian liquid cargo vessels, for national security and will pose a threat to the marine environment.

Australian unions call on the Abbott Government to abandon its provocative and disastrous policy approach. Australian unions do not believe the policy or political case has been made for this radical course of action to destroy the Australian shipping industry. We call on all parties to

oppose the Government's deregulation policy for Australian shipping, and to work with the stakeholders on policy and legislative refinements which builds on Labor's 2012 reforms, and delivers an efficient and productive Australian shipping industry based on fair competition and which creates investment in ships suitable to Australia's domestic seaborne transport requirements.

GOVERNANCE

That the 2015 ACTU Congress supports the ACTU Finance committee presenting a report to the first ACTU executive of 2016 with a series of best practice models for consideration and adoption by affiliates.

The 2015 ACTU Congress supports affiliates working with the ACTU Finance Committee to explore their approaches to governance and the positive aspects that could be adopted by other affiliates.

ACTU Finance committee will report to ACTU executive at every meeting on governance practices so as to ensure continuous quality improvement.

WHITE RIBBON

ACTU Congress, being fully aware of the level of violence against women in Australian society, at work and at home, has reached horrific proportions with more than one woman ever week being killed by a partner or former partner, and still significant numbers of women on the receiving end of violence by men. Much of this is never reported.

Congress recognises that working towards a society which has eliminated violence against women is as much a union business as wages, conditions and occupational health and safety.

Congress also recognises the union movement can have an enormous impact on eradicating violence in the workplace through ensuring appropriate clauses in enterprises bargaining agreements which allow for victims to take time off and access assistance. Many ACTU affiliated unions have taken a strong leading role in promoting violence-free environments in Australia including in the workplace. Many of these unions are male-dominated and have lead by example. The ACTU has established a White Ribbon Steering Committee made up of men to assist in developing appropriate policies and activities to work towards the object of eradicating violence against women.

Congress congratulates the steering committee on their work and calls on all affiliates to work with White Ribbon and other organisations to build awareness amongst all men and boys that raises society's expectations that violence is never acceptable, regardless of any circumstance.



RESOLUTIONS

DAY TWO

WEDNESDAY, 27 MAY 2015

SUPPORTING WOMEN IN UNIONS

Congress notes the findings of the Women in Unions 2014 Report and endorses the Recommendations.

In particular, Congress commits to:

1. The affirmative action objective of at least 50-50 representation of women for all elected positions at the ACTU, and affiliates, acknowledging the need to better reflect the representation of women employees in the industry and the proportion of female membership of the union
2. Supporting and participating in an ACTU mentoring program to support women in the union movement to reach their potential and ensure the movement continues to grow and evolve.

PAID PARENTAL LEAVE FOR ALL

Congress condemns the government's Mothers' Day announcement to cut Government funded paid parental leave for 46% of Australian women, mostly those on low to middle incomes.

This will rip \$11,500 out of the budgets of 80,000 households at a time when they most need financial support.

Congress notes that almost all experts back 26 weeks Paid Parental Leave as optimal for the health and well-being of mothers, babies and families and communities.

Cutting Paid Parental Leave entitlements will force some women to return to work earlier for financial reasons; or others, particularly those who can't access childcare, to withdraw from the workforce all together.

Adequate Paid Parental Leave is also critical to supporting increased participation of mothers in the workforce to boost the strength of our economy.

This was the position the Prime Minister took to voters and the G20; and is completely contrary to his new position to cut Government paid parental leave entitlements for working mothers to the minimum.

The government paid parental leave scheme was always intended to complement additional paid leave negotiated by employees and their unions.

Congress condemns the Abbott government Ministers who are now accusing working women who receive both workplace and government funded paid parental leave of fraud, claiming they are "rotting".

Congress notes the business community does not support the government cuts as it undermines the many employers who support women and parents in their organisation.

Congress also notes that more than 50 child health experts and women's groups have written to Mr Abbott, calling on him to back down on the planned cuts, and instead work towards the 26-week best practice standard recommended by the World Health Organisation and others.

The ACTU and unions joins with employers, community and women's groups to oppose the government's cuts to Paid Parental Leave.

Congress commits:

1. The ACTU and unions to work with employers and community groups to lobby MPs to oppose any reduction in employee's access to the government PPL scheme; and
2. To vigorously defend all employees' rights to access the government PPL scheme as well as any entitlements achieved in bargaining; including working with employers to ensure they are able to continue their commitment to supporting women and employees with caring responsibilities.

CAMPAIGN FUNDING

Working people are faced with a Federal Government that is intent on destroying the living standards generations of union members have built. Their attack has been wide ranging and left not one pillar of our living standards untouched.

At the same time the Government is using Commissions and Inquiries to lay the groundwork for their second term agenda which will focus on cutting the rights at work of Australian workers.

Employers are making clear and strong demands for cuts to penalty rates, the minimum wage, public holidays, unfair dismissal, the award system and collective bargaining. In addition, they are intent on making the day to day work of unions more difficult through over regulating workers and putting in place oppressive fines and penalties to curtail our advocacy for working people. We must face the challenge and see it off, just as previous generations have done.

In 2014 National leaders came together with the leaders of trades and labour councils. They worked together to develop a plan to confront our challenges. Since then the ACTU has been implementing this plan by aligning our internal resources, involving 53000 union members in building our agenda, discussing the campaign with leaders, TLCs and over 450 organisers, built an online campaigning unit, developed a data plan for the election and reached agreement with TLCs on the running of the on the ground campaign for the Federal election.

There is also unanimous agreement that we must build our campaigning capacity not just for elections and we will not dismantle our campaigning capacity after the Federal election. We have many other challenges.

We must grow our movement. This requires innovation as well as strong on the ground campaigning capacity. We need to invest in this innovation and bring to our growth activities some of our best campaigners to work with affiliates where and when they are needed to increase capacity.

We also aim to achieve key advancements for working people such as secure jobs and portable entitlements. We must campaign hard to win these advances. Our campaigning capacity needs to be co-ordinated and nationwide to be capable of delivering the powerful campaigns needed to make these advances.

Finally, our campaign capacity needs to be nimble and flexible with the ability to rapidly add capacity to campaigns across the country, so if a Government or employer decides to take us on, we are able to respond effectively and at short notice. Such a capacity is of benefit to all affiliates and puts our opponents on notice.

However, at its core our agenda is a positive one. It is to turn around the direction of our country so we can build a better future for the next generation. In order to achieve our goals and see off the immediate significant threats, we need to build and maintain a strong permanent campaigning capacity. We are determined to campaign for the type of country we want, regardless of the results of elections, and we are ready to take this step forward to give our movement this capacity.

Accordingly, the 2015 ACTU Congress endorses the Build a Better Future campaign and the 3 year ACTU Funding plan.

The Congress endorses the ACTU Secretary's plan as presented and requires that an amount equivalent to \$2 per member be set aside from the total affiliation fee and this separately accounted amount be used for the purposes of growth and campaign activities.

The Congress requires the ACTU Secretary to report on the expenditure of these funds to the ACTU Finance Committee, ACTU Growth and Campaign Committee and ACTU Executive at each of their scheduled meetings.

ACTU CONSTITUTION AND RULE CHANGES

1. That the rules shall be amended by altering schedule 1 as follows:
 - a) By deleting "January 2013" and inserting "January 2016";
 - b) By deleting "\$3.43" and inserting "\$5.70";
 - c) By deleting "\$3.77" and inserting "\$6.27";
 - d) By deleting "January 2014" and inserting "January 2017";
 - e) By deleting "\$3.57" and inserting "\$5.88";
 - f) By deleting "\$3.93" and inserting "\$6.47";
 - g) By deleting "January 2015" and inserting "January 2018";
 - h) By deleting "\$3.71" and inserting "\$6.05"; and
 - i) By deleting "\$4.08" and inserting "\$6.65".
2. That the rules be amended by deleting paragraph 15.4(i) and inserting a new paragraph 15.4(i) as follows:

"15.4(i) Subject to this rule 15.4, as soon as practicable after all Executive positions have been filled at an ordinary Congress, seven Vice-Presidents shall be elected by and from the Executive."
3. That the rules be amended by deleting paragraph 15.4(iv) and inserting a new paragraph 15.4(iv) as follows:

"15.4(iv) Any casual vacancy arising in any of the seven Vice President offices shall be filled in accordance with Casual Vacancy Rule 18.2."

ABBOTT GOVERNMENT ATTACKS ON COMMONWEALTH PUBLIC SERVICES AND PUBLIC SECTOR WORKERS

ACTU Congress declares its full support for Commonwealth public sector workers, under attack by the Abbott Government through jobs cuts, outsourcing and attacks on rights and real wages in bargaining.

ACTU Congress recognises the work of the Community and Public Sector Union and other Commonwealth public sector unions in defending workers against the Abbott Government's attacks.

Congress notes the vital role of public sector workers in supporting families, communities and businesses across our country through the delivery of programs and services we all rely on.

Congress condemns the Coalition's attacks on the Commonwealth public sector including:

- More than 17,000 jobs cut since the Federal Election;
- Budget funding cuts to the CSIRO, Tax Office and ABC;
- \$80b cuts to health and education; and
- A whole of Government program of outsourcing and privatisation, with proposals to outsource Medicare payments and other functions.

Congress further condemns Government for attacking the rights, conditions and real wages of 160,000 Commonwealth workers in bargaining, noting these workers are already under pressure from deep job cuts.

Congress notes that Government bargaining policy driven by Minister Eric Abetz, requires 116 Commonwealth agencies to put forward draconian offers including stripping existing rights out of enterprise agreements, cutting conditions, pay offers of 0-1.5% per annum and attacks on workers' right to be represented by a union.

Congress notes that 12 months after the expiry of 116 Commonwealth agreements, workers have overwhelmingly rejected the Government's harsh agenda, including 95% of staff in Minister Abetz's own Department, not a single agreement has been reached and Government faces the largest round of Commonwealth industrial action in 30 years.

Despite this, the Government remains intransigent, refusing to allow agencies to genuinely negotiate and with Minister Abetz refusing to meet the CPSU to discuss bargaining since January 2014, while making repeated public attacks on CPSU and the Government attacking public sector workers, such as in the paid parental leave debate.

Congress resolves to support these workers in their fight to protect their jobs, rights and living standards and the public services that our community relies on. ACTU supports the Safeguard campaign, and encourages affiliates to mobilise support through the union movement to protect these workers.



BETTER SCHOOLS EDUCATION FUNDING

Congress notes the historic Gonski Review of Schools Funding initiated by the Rudd and Gillard Labor Governments and the introduction of the Gonski model of school funding through the Australian Education Act and joint obligations on Federal, State and Territory governments.

Congress notes and endorses the findings of the Gonski Review which:

- Calls for an explicit resource standard for all students with loadings for the additional costs of meeting identified educational needs: socioeconomic background, disability, English language proficiency, the particular needs of Indigenous students, school size, and school location;
- Found that a significant increase in funding is required across all schooling sectors, with the largest part of this increase flowing to schools with the greatest concentrations of disadvantaged students; and
- Requires school funding to provide for transparency, accountability, certainty and adequacy.

Congress calls on all governments to commit to fully implement the six years of the Gonski school funding model to ensure all schools are operating at the Schooling Resource Standard (SRS) recognised as the minimum requirement to give every child regardless of background the greatest opportunity to achieve their full potential.

RESERVE OUR DOMESTIC GAS

Australia must adopt a regulatory approach that ensures Australia's domestic gas prices are not completely exposed to a distorted global market. This policy would aim to reserve up to 20% of Australia's gas for domestic use.

Australia can and should have a vibrant gas exporting industry, however it should not come at the expense of other economic sectors and the community at large.

The ACTU Congress notes that Australia's vast gas resources are the property of the Australian people and should be managed in their interests.

Furthermore ACTU Congress notes the disastrous consequences that skyrocketing gas prices from a failure to reserve gas will have on the manufacturing sector, employment and cost of living for ordinary Australian households. Every other country in the world manages to balance the interests of gas producers and the broader economy – The ACTU is of the view that Australia should too.

NATIONAL ICAC AND TRANSPARENCY IN CAMPAIGN DONATIONS

The NSW Independent Commission Against Corruption (ICAC) has exposed a Liberal Party culture of money laundering, ethical lapses and misuse of donations. Previous inquiries have also targeted NSW Labor MPs.

Corruption doesn't stop at State borders.

That is why we need a national ICAC with powers to examine Federal MPs, public servants and party officials.

And we need a new wave of donations reform – with maximum transparency, real-time disclosures and scrutiny of who donates and why.

Corporate donors should meet appropriate environmental, social, labour relations, human rights, transparency and ethical standards in their business dealings.

Congress calls for new AEC rules to require real-time online disclosure of donations over \$1,000; and standardisation of State and Territory donations laws, at the highest current standard.

FEDERAL FUNDING CUTS TO INDIGENOUS PROGRAMS AND THE FORCED CLOSURE OF WESTERN AUSTRALIAN ABORIGINAL COMMUNITIES

The Trade Union movement has a proud history of standing shoulder to shoulder with Aboriginal and Torres Strait Islander people and communities in the struggle for civil and industrial rights and we remain committed to the values of self-determination, equality and fairness for all Australians.

Australian Unions will defend the right of Aboriginal and Torres Strait Islander peoples to live on traditional lands and continue their cultural connection which is an invaluable part of Australia's identity as a nation.

ACTU Congress is appalled by Tony Abbott's insensitive and uneducated comments regarding Australia's inability to fund the "lifestyle" choices of Aboriginal peoples living on their remote homelands. Tony Abbott again demonstrates his disconnection from the Aboriginal communities that he portrays to represent as the self-appointed Prime Minister for Indigenous Affairs.

Furthermore ACTU Congress condemns the over half a billion dollars in cuts to Indigenous programs and services which will impact on the rights and the quality of life for Aboriginal and Torres Strait Islander peoples.

ACTU Congress calls on the Abbott Federal Government to restore all funding to Indigenous programs and services.

ACTU Congress endorses continuing support for Aboriginal and Torres Strait Islander communities and organisations being attacked by funding cuts from the Federal, State and Territory governments.

ACTU Congress endorses continued participation in the campaign to stop the forced closure of Aboriginal communities in Western Australia.

ACTU Congress endorses participation in community campaigns which defend against future attempts to close any Aboriginal and or Torres Strait Islanders communities in all States & Territories.

RACISM. IT STOPS WITH ME

Australian Unions condemn racism in all forms, be it individual, institutional or systemic.

The Challenging Racism project found that 20 per cent of Australians surveyed had experienced racial discrimination in the form of race hate talk, and one in twenty had been attacked because of their race.

So while cultural diversity is central to our national identity, the reality is that too many Australians experience racism, prejudice and discrimination on a regular basis.

ACTU Congress recognises that racism is still an issue for workers, their families and communities.

ACTU Congress and Australian Unions will stand against all forms of racism.

ACTU Congress endorses organisational and individual support for the Racism. It Stops with Me campaign.

ACTU Congress encourages all Australian Unions to publically support the campaign and work towards training staff, organisers, officials and delegates to become champions against racism.

CHEVRON

On every continent there are now workers, indigenous peoples, environmental groups and local communities standing up to Chevron, one of the world's largest oil companies. These campaigns are fighting for Chevron to operate as the good corporate citizen it purports to be through:

- Safer workplaces;
- Higher environmental standards;
- Fair pay and conditions for workers throughout its contracting chain;
- Respecting workers' right to join and be active in their union;
- Respect for First People's land rights;
- A negotiated fair social dividend for the communities they operate in; and
- The ability to raise concerns about how the company operates free of intimidation and harassment.

It is clear from the experience of union, community and environmental leaders that Chevron is not the good corporate citizen they spend millions of dollars to convince the Australian public and politicians they are.

From our own experience in Australia Chevron has attempted to de-unionise the Gorgon LNG project by:

- Using guest labour through its contractors particularly to bypass the use of an Australian workforce;
- Avoiding Australian standards in safety in maritime operations;
- Recruiting a non-union workforce to deliver dockworker operation from the island;
- Bypassing the use of available Australian crewed vessels and cabotage requirements; and
- Commencing legal proceedings including massive financial penalties against the MUA and its officers to avoid its responsibilities to employ national labour.

Despite this Chevron continues to blame Australian workers for their own mismanagement of the Gorgon project that has led to significant cost overruns and delays.

In response to Chevron's ongoing attacks on Australian workers and their unions Paddy Crumlin, National Secretary of the Maritime Union of Australia, and Mick Buchan, Secretary of the WA Branch of the Construction, Forestry, Mining and Energy Union and a delegation from the International Transport Workers Federation have travelled to the United States to attend the Chevron Shareholder meeting at the same time as this ACTU Congress. At the AGM, held in San Ramon, California, the delegation will raise their concerns about the company's operations in Australia directly with shareholders and the company's senior executives. During this visit the delegation is also meeting with community, and environmental groups and unions to build a global network of Chevron activists.

This ACTU Congress COMMITs to supporting the Australian affiliates currently in struggle with Chevron and their campaign to:

- Educate the Australian public and politicians about the true nature of Chevron's corporate behaviour towards workers, communities and environmental groups both in Australia and overseas;
- Stand with unions, local communities, first people and environmental groups who are fighting for justice at Chevron;

- Engage directly with investors about the mismanagement of the Gorgon project to explain the real reasons for the project delays and cost blow outs and the business case against Chevron's sustained attacks on workers and their unions;
- Build a coalition of Australian and global resource unions with exposure to Chevron to develop a joint public communications and solidarity campaign; and
- Engage with global union federations (GUFs) with members at Chevron to develop a global solidarity campaign to raise awareness of unions' issues to extend solidarity and support to Chevron unions.



RESOLUTIONS

DAY THREE

THURSDAY, 28 MAY 2015

TRAINING IS UNION BUSINESS – GOVERNMENT ATTACKS ON THE ROLE OF UNIONS IN THE NATIONAL TRAINING SYSTEM LEAVE NO VOICE FOR WORKERS

Congress rejects and condemns the actions of the Abbott Government to remove unions from tripartite oversight and governance of training and skills matters, effectively leaving no organised voice for workers or students under the national training system.

Since coming to office, the Government has followed a clear pattern of shutting unions out wherever possible and dismantling long-standing, successful tripartite structures for addressing skills and productivity.

Congress notes the deplorable record of the Abbott Government on this front, which to this point includes the following decisions:

1. Abolishing the independent, tripartite advisory body, the Australian Workforce and Productivity Agency (AWPA).
2. Setting up a new ministerial VET Advisory Board with no members who represent the interests of workers or students.
3. Announcing a ‘new model for training package development’ that means the end of the 12 joint union-employer Industry Skills Councils (ISCs).
4. Announcing a new oversight body for the training body, the Australian Industry Skills Committee (AISC), with no union representation.

The national training system is designed to meet the needs of the Australian community and the national economy as well as the interests of both employers and employees, yet the government continues to focus only on the narrow interests of employers at the expense of the national interest and to the detriment of workers and students.

These actions ignore and destroy the proud and productive history of joint union-employer collaboration in the national training system that has been in place for 30 years or more, and the involvement of trade unions in the provision of skills and training that stretches back to before Federation. The representative model of the ISCs has worked in the sole and best interest of each industry since their formation.

These actions tear down one of the key enduring strengths of the Australian vocational education and training system and the source of much of its strong international reputation, namely the industry focus and leadership from both employers and unions through the network of ISCs and other forums.

Congress notes that the work of the ISCs has been recognised internationally, including by the OECD, as a successful model for industry engagement and leadership in VET. The Government has failed to make any genuine case for its decision to undermine the ISCs, which can be explained only by an ideological obsession to remove unions as a dedicated voice for workers in the training system.

In response, Congress calls upon the Federal Government to withdraw these reforms to enable consultation to take place with appropriate stakeholders, including unions, to enable the retention of an appropriate tripartite approach to skills and training in the interest of good training outcomes and more productive workers and workplaces.

Pending this withdrawal, Congress requests respective State and Territory Governments to withdraw their representatives from the body known as the Australian Industry and Skills

Committee, and to withdraw recognition of it until the issue of appropriate and fair representation is resolved.

Congress calls upon members of Parliament to receive delegations from unions to explain our concerns regarding the Australian Industry and Skills Committee and the Industry Skills Councils. Congress calls on employers and their representatives to publicly acknowledge the substantial benefits that have been realised through structured collaborations over Australia's skills and workforce development needs, and calls on them to reiterate their strong endorsement of bipartite arrangements as contained in the Joint Industry Compact endorsed by the ACTU, AiGroup and ACCI on 25 June 2013.

Congress calls on the Government to provide a categorical statement that affirms the long-standing role of unions in representing the needs of the workers who rely on the VET system and the value of genuinely bipartite and tripartite industry advisory structures that underpin balanced industry leadership of the system.

WORKERS IN QATAR

Congress notes and condemns the decision by FIFA to hold the 2022 World Cup in Qatar. Migrant workers in Qatar are subject to the slave labour Kefala system, appalling occupational health and safety, inhumane living conditions and a ban on unionisation.

Repeated promises by Qatar to improve workers' rights and conditions have not been kept.

FIFA must require Qatar to implement the end of Kefala, safe construction sites, decent accommodation standards, the right to organise trade unions as guaranteed under international law and the right to regular and emergency return flights to home countries.

If Qatar does not immediately act on these issues, FIFA must not hold the 2022 World Cup in that nation.

MYANMAR DEMOCRACY

The ACTU Congress states its continuing commitment towards the transition to full democracy and ensuring human and civil rights for all in Burma. However, the progress in these areas has stalled and now Burma is at critical juncture as to whether reforms will meaningfully continue or whether the allowed limits of reform have been reached.

How the emerging trade union movement of Burma fares - fighting against entrenched interests and exploitative practices through organizing and industrial actions - will signal the direction Burma will proceed.

We applaud the Burmese trade unions and their allies for using the small opening of space in law and practice to represent and protect the interests of Burmese workers, their families and communities as best they can.

We urge the CTUM and other labour unions to be unified in their struggle for implementation of Core Labour Standards and the rule of law. We demand that the government of Burma institute the legislative and practical changes which are needed before free and independent trade unions can be established and safely and fully represent workers in Burma.

Despite elections scheduled for the end of this year and previous ones in 2010 and 2012, Burma has to yet approach a semblance of a genuine democracy. Burma's Constitution still ensures military dominance in the parliament, excludes basic rights, and provides human rights violators with impunity from prosecution. The Constitution cannot be amended without approval by the military and all indications are that no changes will be made prior to the upcoming elections.

Recently the government and its crony allies have blatantly used violent force against trade unionists, students, land rights activists, journalists and others who peacefully and legitimately protest for continued change.

The ACTU Congress supports maintaining pressure on the government of Burma and to provide more aid to the trade union movement and other parts of civil society. The ACTU Congress endorses the International Trade Union Confederation's benchmarks to mark reform in Burma, including:

- Full respect in law and practice for Core Labour standards;
- The end to ongoing serious human rights abuses including continued attacks on workers and their leaders, students, journalists and other civil society activists;
- The release of remaining political prisoners and allowing the full return of all political exiles;
- A nationwide ceasefire as part of any peace negotiations and to fully address the root causes of the on-going conflicts;
- A curtailment of the role of the military in government and to remove its corporations from economy; and
- Guaranteed religious freedoms and civil rights for people living in Burma and the end of the targeted campaigns against the Rohingyas and other minorities.

Congress calls on the Australian Government to continue press for reform and improvement and to not ease any existing sanctions or give any trade benefits until these benchmarks are met. The ACTU also calls on the Australian Government to support all available aid delivery channels when providing humanitarian assistance, including cross border aid and greater democracy and governance programs inside Burma to strengthen civil society, including trade unions.

ACTU TRANS PACIFIC PARTNERSHIP (TPP)

The ACTU calls on the Australian Government to release the TPP text for parliamentary debate and public scrutiny or withdraw Australia from the secret TPP negotiations.

One of the foundation stones of any healthy democracy is the right to participate in the democratic process and to be clearly informed about the choices our Government intends to make on our behalf. We cannot, in good faith, stand by and allow these negotiations to proceed in secret, with 600 US corporations assisting in drafting the TPP text that potentially has far reaching impact on people's lives and the environment, while our elected representatives and key community stakeholders are locked out of the process.

The lack of transparency of the TPP negotiations has in fact led to our elected representatives and the public only knowing details of a few selected chapters because of leaks to the publishing organization WikiLeaks and other public interest media sites.

The most recent leak of the Investment Chapter confirms some of our worst fears about the corporate influence over the agreement. The chapter includes Investor-State Dispute Settlement (ISDS) provisions which enable foreign investors to sue governments for damages resulting from domestic legislation which they claim will harm their investment. ISDS will enable foreign corporations to avoid our legal system, hold unreasonable sway over our legislative process and effectively hold our public policy formation to ransom through the empowerment of multinational corporations to sue our governments.

Current ISDS cases show that it can potentially impact our fundamental human rights and national sovereignty, and threaten our access to affordable medicines, regulations on environmental protections, food safety standards, workers' rights, jobs, culture and Indigenous rights.

Other chapters within the TPP pose a significant threat to universal healthcare. Through decreased access to affordable medicines, changes to the way in which the Pharmaceutical Benefits Scheme operates and, at a primary healthcare level, through restrictions on food labelling. In this way the TPP is a further attack on universal healthcare within the region and within Australia.

As representatives of union members and the broader community, we call on the Australian Government to act in a transparent and democratic way and in the best interests of the people rather than corporations. We believe we need trade policy that engages and works with unions and community groups to uphold human rights, workers' rights and protects the environment. Australia needs a democratic and transparent process for negotiating and signing trade agreements. Trade Agreements need to be released for public and parliamentary debate before they are signed and that Parliament should vote on the whole text of the agreement, not just implementing legislation.

FEDERAL GOVERNMENT ATTACK ON COMMONWEALTH CLEANERS

This ACTU Congress notes that the Federal Government has initiated a heartless attack on Commonwealth Cleaners.

The removal of the Commonwealth Cleaning Guidelines has ripped wages and job security away from the cleaners of Commonwealth buildings.

Following the removal of these guidelines, cleaners in Julie Bishop's department of Foreign Affairs and Trade have experienced a \$6000 a year pay cut.

Further, the ACTU Congress representing workers across Australia expresses our admiration and support of the Parliament House cleaners who last week voted to take industrial action.

This Congress calls on the Parliament to reinstate the Commonwealth Cleaning Guidelines to lift the standards of the cleaning industry.

LAND TENURE

Congress condemns the erosion of Native Title rights for Indigenous Australians since the High Court ruled in the Mabo case that the application of Terra Nullius by Captain James Cooke in Australia was false.

Congress notes the Indigenous Leaders Round Table Meeting on Property Rights convened by the Australian Human Rights Commissioner in Broome on Tuesday, 19 May and Wednesday, 20 May 2015 and supports the recommendation made to Government by those Indigenous Leaders for regional conferences to be held across Australia to maximise the input from Indigenous Australians.

The ACTU Congress resolves to support Aboriginal and Torres Strait Islander people, of which thousands are trade union members, against the further erosion of Native Title and urges that Land Tenure discussions have an oversight by the U.N. Special Rapporteur on Indigenous Peoples that ensures any proposal from the Australian Government meets international standards developed on Human Rights processes in the United Nations.

The ACTU Congress encourages the above towards a National Social Compact that brings into focus the developments in the area of Human Rights, the U.N. Declaration on the Rights of Indigenous Peoples, the I.L.O. Convention 169 and a host of other Human Rights instruments in any further amendments to Land Tenure legislation.

TIMOR SEA

Congress recognises that the people and government of Timor Leste are still seeking justice in a fair division of resources in the Timor Sea in the Greater Sunrise Oilfields.

Congress calls on the Australian Government to:

1. Acknowledge its unlawful and unjust claim to a continental shelf boundary north of the median line between Australia and Timor Leste and adhere to the principles of the UN Convention on the Law of the Sea impartially and fairly; and
2. Commence immediate negotiations to settle the eastern and western boundaries of the Timor Gap between Australia, Timor Leste and Indonesia.

NUCLEAR FUEL CELL CYCLE

With regards to the Royal Commission into the Nuclear Fuel Cell Cycle currently underway in South Australia, Congress notes with alarm that the Commission has decided to require that all public submissions to be typed and sworn under oath in front of a Justice of the Peace before they will be accepted.

Requiring members of the public to take the time and resources to type and swear an oath before they can lodge a submission is an unnecessary and surprising restriction that will serve as a huge barrier to participating in what is supposed to be an open, public, inclusive and democratic process.

To be required to type a submission then swear an oath just to have your say is simply not necessary, and will have a disproportionately large effect on regional and remote communities, a majority of which are Indigenous. Additionally, in many remote communities English is not a first language, so along with the typed and sworn oath requirements means that many Indigenous voices will not be heard in the Royal Commission.

The requirements means that if you live in a community that does not have a Justice of the Peace or other authorised witness, you would need to drive (assuming access to car or transport) up to an hour or more to the nearest community that does.

This runs contrary to the spirit of having an open public inquiry and is particularly unacceptable given that it is indigenous communities that will be most impacted should the Commission make recommendations for the establishment of a nuclear waste facility because they will have the facility placed on their land.

Congress calls on the Royal Commission to:

1. Restore and encourage the broadest possible public participation by removing the requirement for public submissions to be sworn under oath.
2. Accept oral and written submissions from members of the public.
3. Ensure that any activities in regional and remote indigenous communities are done in a culturally appropriate manner, including the provision of interpretation services at public meetings and ensuring that written materials are available in local languages.

BUILDING COMMISSION

Conference condemns the prosecution of hundreds of individual construction workers by Tony Abbott's building commission.

These workers are accused of taking industrial action to defend apprenticeships, local labour, safety, wages conditions and union representation.

The building commission has chosen to prosecute these workers as individuals in order to intimidate all construction workers and refuses to enforce the law against employers who steal workers' wages and entitlements or engage in sham contracting and Phoenix company arrangements.

WESTERN SAHARA

The Australian Council of Trade Unions notes that:

- Morocco has occupied Western Sahara since 1975;
- UN efforts to accomplish the decolonisation process in Western Sahara have not been successful;
- Around 165,000 Saharawis continue to live in dire conditions in refugee camps in South West of Algeria;
- Saharawis in the occupied areas endure human rights abuses and denial of their basic rights;
- The only just, legal and lasting solution to the conflict in Western Sahara, is to end the Moroccan illegal occupation and allow the Sahara people to exercise their right to self-determination, in accordance with the UN decolonisation doctrine.

Congress:

- Strongly supports the right of the Saharawi people to self-determination and independence;
- Condemns the gross violations of human rights in the occupied territories of Western Sahara;
- Calls on the Moroccan Government to respect human rights in the Saharawi occupied territories and to release all Saharawi political detainees forthwith;
- Calls on the UN to proceed without further delay with the organisation of the long overdue referendum of self-determination;
- Urges the UN to expand the mandate of its mission in Western Sahara to include human rights monitoring; and to
- Protect the natural resources of Western Sahara and set up a UN Council for the Natural Resources of Western Sahara.

Congress urges the Australian Government to:

- Support the right of the Saharawi people to self-determination in accordance with UN resolutions and relevant UN decolonisation doctrines;
- Call on Australian companies to end the importation of phosphate from Western Sahara through agreements made with Moroccan regime; and
- Pressure Morocco to end human rights abuses in the occupied areas of Western Sahara.

Congress calls on the Australian Government to recognize the Saharawi Republic which has been recognized by the African union and over 80 countries.

NATIONAL YOUNG PEOPLE IN UNIONS SURVEYS

Young workers are key to the future of the union movement and must be front and centre in union and ACTU planning.

Australian unions must take action to ensure that the next generation of workers is not lost permanently to insecure employment; but rather, a key part of the future success of the movement and the broader economy, in secure well-paid employment and as union members.

This Congress resolves that, in order to ensure that young people feature prominently in ACTU and union planning and to gain a better understanding of the experiences unions and young people have with each other, Australian unions will conduct a Young People in Unions survey. The results will be presented at Congress 2018 and will be critical in guiding the ACTU and unions' responses to the critical need of organising young workers.

It is intended that this survey be reproduced every three years so that the union movement can track its progress.

BANGLADESH

Having heard the report from Brother Amirul Amin, President of the National Garment Workers Federation, the ACTU Congress condemns:

- The horrific working conditions of workers in the ready-made garment sector (RMG) in Bangladesh;
- The unnecessary loss of more than 1200 workers lives in the Tazreen and Rana Plaza industrial homicides;
- The Bangladesh Governments failure to implement existing Labour laws , to introduce future law reform to meet ILO standards and the exemption of more the 400,000 workers in Export Processing Zones from the protection of labour laws;
- National companies and global brands who fail to ensure that workers in their supply chains have safe and fair working conditions, a living wage and the right to organise.

Congress notes the continuing campaigns and efforts to improve the safety and working conditions of 4.2 million garment workers in more than 5000 factories, including through:

- national and international efforts to improve structural, electrical and fire safety in the Ready Made Garment (RMG) sector especially the Accord (IndustriaALL/Uni, international brands, IndustriaALL Bangladesh Council) and the Compact (ILO, European Union and Bangladesh) through the inspection and remediation of over 2,500 factories;
- Education and training for unions and activists on freedom of association, Labour law and safety; and
- Easier registration of trade unions, with more than 300 new factory unions registered in 2013-2015, compared to only 132 in the decades before Rana Plaza.

Congress notes with concern that:

- The amendments to the Labour Law 2006 were very weak and the Labour law is still not compliant with core ILO Conventions, especially Conventions 87 and 98 with respect FoA and the right to organize: for example, the ability to form unions is constrained (30% of factory workforce required to be members before a union can be registered), union officials must be employed within the factory and industrial action cannot be taken unless there is a two thirds 'yes' vote;
- OHS laws are very weak, with no legal right to elect OHS representatives or committees and there is no legislated right for workers to stop work in dangerous situations;
- That a number of the newly registered unions have been rendered ineffective by management, either by closing the unionized factory or sacking the union leadership; and
- Despite 70% increases to the minimum wage for RMG workers in 2013, from 3,000 to the current 5,300 Taka per month (Aus\$88) is still 80% below the 'poverty line' wage, calculated against international definitions of a living wage (9200 Taka or Aus\$153 per month).

ACTU Congress calls on:

- The ILO to increase the pressure on the Bangladesh Government to implement the Labour law amendments, to reform the labour inspectorate and to enforce the law. Further, that the ILO should pressure the Bangladesh Government through all means available to stop trade union rights violations and to further reform the labour law to make it compliant with the Core Conventions and Conventions related to occupational health and safety (especially Convention 155);
- The Australian Government to both register its concerns with the Bangladesh Government over the slow progress in achieving reform and its continued non-compliance with core ILO Conventions and to support capacity building projects within the RMG sector in Bangladesh (as are other European and the US Governments);
- Affiliates to support the efforts of IndustriALL and other GUFs, and the ILO, to support Bangladesh RMG unions and federations to organize more factories, build their capacity to operate effectively and to fight for a living wage in the RMG sector;
- Affiliates to support projects undertaken by international union aid agencies, including APHEDA should it make a decision to operate in Bangladesh, aimed at improving the organizing and organisational capacity of RMG Federations and their unions; and
- Affiliates to continue campaigning to ensure global brands provide transparent international supply chains that deliver safe working conditions and a living wage, and that all Australian companies with supply chains in Bangladesh, including Just Group and Best and Less, sign up to the Bangladesh Fire and Building Safety Accord.

TAMIL PEOPLE IN SRI LANKA

Congress expresses its solidarity with Tamil people in Sri Lanka:

- Recognizing the historical injustices, and the effects of a brutal war which impacted mainly on civilians, and the ongoing repression directed against Tamil people in various ways;
- Seeks an international independent investigation of possible war crimes and crimes against humanity taken place, especially as occurred during the last phase of the war which ended in 2009; and
- Urges the international community to recognize the Tamil people's right to self-determination as the permanent and peaceful political solution to all people, in the island of Sri Lanka.

The ACTU calls upon the Australian Government to engage on these issues, and urges all affiliates which are members of global union federations to engage in dialogue around these issues to promote a just solution to the issues of Tamil disadvantage.

REGULATION OF DOMESTIC AVIATION INDUSTRY

The ACTU Congress opposes any move by the Australian Government to allow foreign airlines to operate domestic Australian aviation routes.

BUILD A BETTER FUTURE

FIGHT FOR OUR LIVING STANDARDS

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