



INTERNATIONAL – THE WORLD WE WANT

Introduction

1. The COVID-19 pandemic has had a devastating health, economic, and social impact on workers and communities around the world. Millions of lives and livelihoods have been lost around the world. The crisis is deepening existing inequalities, with women, informal economy workers, and refugee and migrant workers among the worst impacted.
2. Workers around the world are bearing the burden of this crisis, while the rich are profiting. Opportunistic governments and employers around the world are using the pandemic as an excuse to attack workers' rights and undermine democracy. Authoritarianism is on the rise around the world, and peace is increasingly fragile.
3. As we enter the vaccine distribution phase of the pandemic, we are starting to see the inequality gap between rich and poor nations widen. While rich countries are vaccinating young and healthy people, frontline health workers in developing countries have no access to vaccines. Current estimates are that developing countries will not have widespread vaccine coverage until 2023. This vaccine nationalism is likely to result in new strains of COVID-19 emerging, prolonging the crisis. At the World Trade Organisation, in their push for a waiver of intellectual property rights to enable affordable and timely access to COVID-19 vaccines and supplies, South Africa described rich countries' bilateral procurement deals with big pharmaceutical companies as "vaccine apartheid" that deepens the chasm of inequality. Congress calls on the Australian Government to support South Africa and India's proposal at the World Trade Organisation for a waiver on certain aspects of the TRIPS (Trade Related Aspects of Intellectual Property Rights) agreement, to enable equitable vaccine access for all.
4. As the world prepares to rebuild out of this crisis, we cannot return to business-as-usual. The warnings of the global trade union movement about the dangerous effects of unfettered trade and investment liberalisation, the deregulation of labour markets and growing corporate power have materialised. Three decades of neoliberalism has created unparalleled economic inequality, which the COVID-19 crisis has laid bare.
5. Congress calls for a just and equitable global recovery based on global solidarity, and echoes the ITUC's call for a new social contract for recovery and resilience that must include:
 - a) Climate justice: The creation of climate-friendly jobs with a just transition. Job-creating industrial transformation to achieve net-zero carbon emissions, along with jobs in health, education and other quality public services;
 - b) Rights for all workers, regardless of their employment arrangements, to fulfill the promise of the ILO Centenary Declaration with its labour protection floor including rights to maximum working hours, living minimum wages, and health and safety at work;

- c) Universal social protection, with the establishment of a Global Social Protection Fund for the least wealthy countries;
- d) Equality: ending all discrimination to ensure that all people can share in prosperity and that the appalling concentration of wealth in the hands of a few at the expense of the many is undone;
- e) Inclusion: to combat the growing power of monopolies and oligarchs, ensure that developing countries can actually develop their economies and guarantee tax systems that provide the income vital for governments to meet the needs of people and the planet. An inclusive approach to tackling the COVID-19 pandemic is paramount, both in terms of economic support as well as universal access to testing, treatment and vaccines.

Workers' rights

6. 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.
7. Congress maintains that unions, workers' organisations and social justice movements are essential to protecting the rights of all the world's working people and lifting people out of poverty. 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 is a scourge that must be eliminated everywhere.
8. Key to this should be the recognition that freedom of association and the right to collectively bargain play an important role in lifting wages and conditions, improving the safety of workplaces and increasing productivity. Evidence from a large sample of countries indicates that labour market regulations (such as minimum wages, unionisation, and social security contributions), on average, tend to improve the income distribution.
9. Today, more than 60 percent of the world's workers labour in the informal economy, where employment relationships are not legally regulated. In some developing countries, informal jobs comprise up to 90 per cent of available work. Millions of informal workers labour in global supply chains, where some of the worst abuses of freedoms of association and peaceful assembly are found and where migrant workers are often concentrated.
10. Moreover, the emergence of new business models such as 'platform' or 'gig' companies completely deny employment responsibilities, further eroding the rights of workers around the world to secure work with decent pay and conditions. The ILO *Centenary Declaration for the Future of Work*, adopted at the 2019 International Labour Conference, provides the basis for a Labour Protection Floor, which would guarantee a floor of rights and protections for all workers – regardless of their employment arrangements. The *Centenary Declaration* outlines that all workers should enjoy adequate protection with respect for their fundamental rights, an adequate minimum wage, maximum limits on working time, and safety and health at work.
11. Both trade unions and the right to strike are fundamental tools for achieving workers' rights, as they provide mechanisms through which workers can stand up for their interests collectively and engage with big business and government on a more equal footing. The State is obligated to protect these rights for all workers. The right to strike is enshrined in the International Covenant on Economic, Social and Cultural Rights and in the constitutions of at least 90 countries and has become customary international law.
12. However, workers' ability to exercise these rights is in dangerous decline. Many countries restrict workers' rights or fail to enforce laws protecting those rights. The ITUC found that 85 percent of countries surveyed for the 2020 Global Rights Index violated the right to strike, and 80 percent of countries violated the right to collectively bargain. Some States ban all legitimate unions, including Saudi Arabia and the United Arab Emirates. Countries such as China which own or operate industry do not permit the formation of independent unions, thus violating association and assembly rights both as a government and employer.

13. The ITUC's 2020 Global Rights Index found that workers were exposed to violence in 51 countries; this violence included threats, kidnappings and physical violence from state security forces and gangs working on behalf of companies. Workers were killed, including at trade union protests, in Bolivia, Brazil, Chile, Colombia, Ecuador, Honduras, Iraq, the Philippines, and South Africa. There were 61 countries where the arrests and detentions of trade unionists were recorded. This is being used as a method to control the activism of trade unionists, particularly in repressive regimes. In several, trade union leaders were targeted, suggesting that governments (often in collaboration with employers) are attempting to undermine the organising capacity of trade unions.
14. In addition, states that allow the use of precarious and informal labour to avoid legal employment obligations, such as minimum wage rates, benefits and unionisation, are failing to respect workers' assembly and association rights. These violations of basic labour rights are on the rise. As the UN Rapporteur on Freedom of Assembly and Association notes: "States' failure to enforce laws and regulations has strongly contributed to the inability of workers to exercise their assembly and association rights. Without any realistic legal or democratic political recourse, workers are condemned to a new poverty".
15. According to the ILO, less than half of the world's population have access to any form of social protection, and more than two-thirds of the world's population are unable to count on a comprehensive set of protections which are set out in international labour standards. Challenges in financing social protection, particularly in low-income countries, are a major reason for this. The ITUC is leading the call for a Global Social Protection Fund - to be financed through a combination of higher-income countries increasing their Official Development Assistance (ODA), increased international cooperation on taxation, and contributions from international financial institutions - to establish social protection systems in low-income countries.
16. To ensure that people are able to work their way out of poverty, insecurity and inequality, Congress calls on the Australian Government through domestic and international institutions, and in its bilateral relationships, to genuinely support, promote and enforce:
 - a) Freedom of association and collective bargaining as key to raising wages and dealing with the race to the bottom;
 - b) The creation of a labour protection floor for all workers, including respect for fundamental rights, maximum working hours, a living minimum wage, and health and safety at work, as outlined in the ILO Centenary Declaration;
 - c) The recognition of occupational health and safety as one of the ILO's fundamental principles and rights at work, as declared at the resolution of the 2019 International Labour Conference;
 - d) Regulations to deal with insecure work due to casualisation, the so-called gig-economy and other forms of non-standard work;
 - e) The provision of social protection to all, including those in the informal economy, through the creation of a Global Social Protection Fund
 - f) The ratification of all 8 core ILO Labour Conventions throughout the Asia Pacific region, being:
 - Freedom of association and the effective recognition of the right to collective bargaining (Convention No. 87 & No. 98)
 - The elimination of all forms of forced and compulsory labour (Convention No. 29 & No. 105)
 - The effective abolition of child labour (Convention No. 138 & No. 182)
 - The elimination of discrimination in respect of employment and occupation (Convention No. 100 & No. 111)

- g) Ratification and subsequent promotion in the Asia Pacific Region of the following:
- UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 2003;
 - ILO Maternity Protection Convention, 2000 (No. 183);
 - ILO Convention on Indigenous and Tribal People (No. 169);
 - ILO Domestic Workers Convention, 2011 (No. 189);
 - ILO Home Work Convention, 1996 (No. 177);
 - ILO Safety and Health in Mines Convention, 1995 (No. 176);
 - IMO Convention on Safe and Environmentally Sound Recycling of Ships 2009;
 - ILO Labour Relations (Public Service) Convention, 1978 (No. 151);
 - ILO Collective Bargaining Convention, 1981 (No. 154); and
 - ILO Violence and Harassment Convention (No. 190).

Corporate power and workers' rights

17. The proliferation of global supply chains has profoundly transformed the nature of cross-border production, investment, trade and employment. Trade in today's global economy is typically coordinated by lead firms through their global supply chains. The lead firm controls the global supply chain and sets the parameters with which other firms in the chain must comply. The intense price competition has led to larger profits for lead companies and ongoing exploitation of workers at the end of the supply chain.
18. While it is difficult to estimate the exact number of workers engaged in global supply chains (GSCs), considering the overwhelming number of workers in the informal economy who may be linked to GSCs, there is consensus that the number of jobs linked to GSCs is growing. A report by the ITUC¹ shows that 50 of the world's largest companies directly employ just 6% of the workers in their supply chains – the remaining 94% are part of the hidden workforce of global production. UNCTAD estimates that around 80% of global trade is linked to the international production networks of multinational corporations (MNCs). Whilst they have contributed to economic growth, job creation, and, in the case of China and India, poverty reduction, modern supply chains are riddled with problems and are yet another factor behind growing inequality. The majority of supply chain workers are trapped in insecure and unsafe work, with low wages and long working hours. Modern slavery, including forced labour and child labour, is rife.
19. These issues arise out of a combination of factors including purchasing practices with unequal bargaining power between multinational companies/lead firms and suppliers. This factor is further aggravated by increasing mergers and acquisitions, leading to further consolidation of market power by multinational companies. Some ten automobile companies control 77% of the global automobile market², while the global market of personal computers is controlled by 4 companies. In a similar vein, agri-business and tech companies hold greater and greater control over food and data supply chains threatening food security and privacy.
20. At the end of the chain, small suppliers and workers are paying the price of this unequal distribution. Only a small share of the ultimate retail price is received by these lower layers. Global competitive pressures (just in time/lean production models and prices) are also at the basis of the downward pressures on wages, working conditions and respect of labour rights in supply chains. Collective bargaining is almost absent, and health and safety laws are often flouted. Supply chains are also associated with significant levels of migrant

1 https://www.ituc-csi.org/IMG/pdf/pdffrontlines_scandal_en-2.pdf

2 Deloitte, *A new era – Accelerating towards 2020 – An automotive industry transformed*, 2015, p.5

<https://www2.deloitte.com/content/dam/Deloitte/in/Documents/manufacturing/a-new-era-auto-transformation-report-online.pdf>

employment recruited through third party labour contractors and intermediaries/labour hire agencies. Recent cases in Australia clearly show that whilst abuses in supply chains are a global problem, they are also very much a domestic problem.

21. The COVID-19 pandemic has further exposed the fragility of global supply chains and the risks to human and labour rights in a highly interconnected global economy, where corporate behaviour is largely unregulated. With the global drop in demand as a result of the pandemic, many lead companies resorted to abruptly ending the procurement of goods and services, with disastrous impacts on workers in global supply chains. In Bangladesh, more than half of the garment suppliers reported they had in-process or completed production cancelled, which led to massive job losses and workers being stood down – more than 98% of buyers refused to contribute to the cost of paying the partial wages to workers stood down, required under national law.

Supply chain regulation

22. Whilst governance over labour markets is a State issue, companies have been able to get around local laws, particularly in weak States that do not have strong unions or labour inspectorates. In many cases, victims of labour and human rights abuse are unable to investigate and pursue legal claims due to lack of access to information or jurisdiction. Supply chains have, in effect, created governance gaps which can only be rectified through more regulation. Strong regulation is needed domestically and abroad to ensure companies are held to account for their actions.
23. To uphold workers' rights in global supply chains, Congress calls on the Australian Government to:
 - a) Reform the *Fair Work Act 2009* regarding 'arm's length' arrangements such as the use of labour hire firms and subcontractors;
 - b) Establish a licensing and regulation scheme for the labour hire industry;
 - c) Create public procurement legislation which commits companies in tendering processes to include compliance with ILO Core Conventions at home and abroad;
 - d) Uphold its commitments under the UN Sustainable Development Goals (SDGs), including the commitment to decent work;
 - e) Amend the Commonwealth procurement rules to develop mandatory minimum criteria prioritising access to Commonwealth procurement contracts for those businesses with identifiable human rights due diligence, reporting frameworks, and positive human rights records;
 - f) Stop the practice of Australia's export credit agency, Export Finance Australia, providing loans to Australian companies that abuse human rights.
 - g) Reform the *Modern Slavery Act 2018*;
 - h) Introduce mandatory human rights due diligence legislation;
 - i) Strengthen the implementation of the OECD Guidelines for Multinational Enterprises and the Australian National Contact Point.
24. Congress calls on States and Territories to:
 - a) Start prosecuting breaches of their health and safety legislation in overseas supply chains, where the person controlling the business or undertaking is based within Australia, and extend the inspection powers of Work Health and Safety Act Regulators to match the overseas reach of the duties in sections 19 to 27 of the relevant Work Health and Safety Act.
 - b) Introduce their own supply chain regulation and amend procurement rules develop mandatory minimum

criteria prioritising access to government procurement contracts for those businesses with identifiable human rights due diligence, reporting frameworks, and positive human rights records

25. Congress commits to working with the ITUC and Global Union Federations (GUFs) to:
- a) support rights at work and secure fair labour laws around the world;
 - b) organise workers in global corporations and their supply chains through international collective bargaining and the use of our leverage with Australian companies;
 - c) support organising in economic processing zones (EPZs);
 - d) support rights at work and effective enforcement measures for overseas workers in Australia on temporary visas

Australia's Modern Slavery Act 2018

26. Modern slavery is rife in global supply chains. Modern slavery practices include forced labour, human trafficking, forced marriage, child labour, and other slavery-like practices. More than 40 million people globally are living and working in slave-like conditions, according to the ILO. Modern slavery occurs on a continuum of abuses of workers' rights that can begin with violations such as wage theft and excessive recruitment fees paid to labour hire companies. High-risk sectors for modern slavery include apparel and textiles, financial services, mining, construction, food and agriculture, and healthcare.
27. Some of the drivers of modern slavery include a lack of workers' rights, complex global supply chains, opaque employment relationships, such as outsourcing and labour hire, and migration – including precarious and temporary migration, and visas that bond the worker to the employer. The disruptions caused to supply chains by COVID-19, and the economic and social impacts of the virus have led to increasing precariousness, exploitation, poverty, and an increased risk of modern slavery.
28. Addressing labour exploitation and empowering workers is fundamental to ending modern slavery. The biggest factor that can contribute to ending labour exploitation is to recognise workers' rights to freedom of association and the right to organise and collectively bargain. The risk of modern slavery dramatically decreases in workplaces where trade unions operate. Unionised workers are best-placed to stand up collectively against modern slavery and slavery-like practices in the workplace. Congress believes that any strategy to eradicate modern slavery must have workers and the realisation of fundamental labour rights at the centre. Governments and businesses must genuinely engage with trade unions through social dialogue in any modern slavery initiatives.
29. Regulation of global supply chains is needed to promote workers' rights and eradicate modern slavery. While the Australian Government has taken a positive step in this space with the introduction of the Modern Slavery Act 2018, the Act as it currently stands is not sufficient to tackle the problem of modern slavery. The Act does not contain penalties for companies failing to report or take action on modern slavery, does not have independent oversight (such as a Commissioner) to ensure companies comply, and only deals with criminal offences, whilst a lot of labour exploitation is in the grey area between crime and breaches of civil law. The premise of the Act is that companies who do the right thing will be celebrated, while those who do not report or take action on modern slavery will be 'named and shamed'. This effectively outsources the compliance and enforcement to unions, civil society, consumers and shareholders to pressure companies to do the right thing, instead of the Australian Government enforcing compliance through penalties and strict oversight. Finally, as it does not contain any requirement for companies to engage with workers in their supply chains, the Act is likely to be viewed as a risk-management exercise to be carried out by auditors, rather than as a vehicle to improve the conditions of workers in their supply chains and operations.

30. Congress calls on the Australian Government to strengthen the Modern Slavery Act 2018 by:
- a) Introducing penalties for companies that fail to report, provide false, incomplete or insufficiently detailed reports, or fail to act on modern slavery in their supply chains;
 - b) Withholding Commonwealth procurement contracts from companies who have failed to report or act on modern slavery in their supply chains;
 - c) Introducing independent oversight of the Act in the form of an Anti-Slavery Commissioner, with inspection powers, to promote compliance;
 - d) Making available on a public register a list of companies required to report under the Act;
 - e) Lowering the annual turnover threshold to capture all large Australian businesses;
 - f) Covering public procurement by requiring all Government Departments and levels of Government to report under the Act;
 - g) Requiring companies to show they have genuinely engaged with unions in their operations and supply chains regarding improving workers' rights and tackling modern slavery;
 - h) Introducing due diligence requirements for companies ensuring they identify risks of modern slavery, put in place a system to prevent them, and provide an effective remedy when they occur;
 - i) Introducing provisions for the Act to apply extra-territorially so Australian companies operating are required to disclose the risks in their supply chains both domestically and overseas;
 - j) Introducing import bans on products made or suspected to be made using forced labour;
 - k) Amending the Criminal Code Act 1995, which is the legal source for defining forced labour in the Modern Slavery Act 2018, be amended to adequately capture and prohibit forced labour, including forced labour in shipping, fishing, textile, food production, domestic work, and other high-risk sectors;
 - l) Strengthening the Commonwealth Modern Slavery Act 2018 Guidance for Reporting Entities so that reporting entities include in their Modern Slavery Statements actions taken to mitigate modern slavery risks in the shipping components of their domestic and global supply chains, and in particular that reporting entities demonstrate how the shipping components of their supply chains are:
 - Conforming with the International Maritime Organisation (IMO) *Framework of Protocols for Ensuring Safe Ship Crew Changes and Travel During the Coronavirus (COVID-19) pandemic*, and
 - Conforming with *The Neptune Declaration on Seafarer Wellbeing and Crew Change*.
 - Using the UN Global Compact's Seafarer Human Rights Due Diligence Checklist in company human rights due diligence processes.
 - m) Introducing reforms in other areas to tackle modern slavery in Australia and abroad, such as reforming industrial laws, including union right of entry; introducing a national labour hire licensing scheme; reforming the migration system to shift the emphasis to permanent, independent migration and allow exploited workers to remain in Australia to pursue legal action against offending employers; and not sign up to trade agreements without enforceable workers' rights protections.

Mandatory human rights due diligence

31. Australian businesses have a responsibility to respect human rights – including workers' rights – and should be held accountable for human rights violations in their operations and supply chains, regardless of where they are located. Currently there is no binding obligation for Australian companies to identify, mitigate and remediate violations of human rights in their business activities, relationships and supply chains. Workers

and communities whose rights are abused by Australian business activity are often left without any legal means to seek a remedy against the company through the Australian courts.

32. Congress calls on the Australian Government to follow the lead of the European Union and develop, in consultation with the Australian trade union movement, mandatory human rights due diligence legislation. The law should require Australian businesses to take meaningful steps to prevent and address adverse human rights impacts in their operations and supply chains wherever they operate, and provide access to remedy for people who have suffered adverse human rights impacts caused or contributed by an Australian company. Human rights should include workers' and trade union rights as main components, and ensure the full involvement of trade unions and workers in the due diligence process. The law should provide effective remedies and access to justice for victims, including trade unions. Liability should be introduced where companies fail to respect due diligence obligations.
33. Congress calls on the Australian Government to support the proposed UN Binding Treaty on business and human rights that would hold business accountable for human rights violations they commit and provide victims with access to effective legal remedy.

OECD Guidelines for Multinational Enterprises

34. The OECD Guidelines for Multinational Enterprises are a global standard on responsible business conduct and have additional weight as the Guidelines are endorsed by the developed nations of the world including Australia. The Guidelines are consistent with the core labour standards of the International Labour Organisation and the UN Guiding Principles for Business and Human Rights.
35. The Guidelines create expectations of company performance that are in many cases over and above that which is required by law. This is the case in Australia, where our workplace laws fall short of international minimum human rights standards. The Guidelines also create expectations about the performance of Australian companies in other nations where our laws generally do not apply.
36. One problem with the OECD Guidelines in Australia is that they are almost invisible – very few have heard of them, they are not promoted enough by Government and in most cases attempts to use the Guidelines' tools for making complaints about companies do not result in effective redress. Following a review of the AusNCP – the Australian National Contact Point for the OECD Guidelines – in 2017, changes have been made to increase the independence and accountability of the mechanism: the appointment of an independent examiner to make decisions on complaints (called 'specific instances'); the creation of a new advisory body with union representation; improved procedural guidance to improve case handling; additional resource commitment including a budget allocation and three staff within the Treasury department; and an increased focus on outreach and promotion.
37. Congress calls on the Australian Government to strengthen the AusNCP in line with the Trade Union Advisory Committee to the OECD's (TUAC) best practice guidance for National Contact Points, calling on Governments to:
 - a) Sufficiently resource NCPs with the capacity to promote and protect the Guidelines;
 - b) Formalise inclusive operational structures with stakeholder oversight to ensure transparency and fairness;
 - c) Establish fair processes that incentivise good faith participation in NCP proceedings;
 - d) Regularly incorporate trade unions and workers in promotional activities;
 - e) Insist upon good faith engagement in specific instance proceedings;
 - f) Help level the playing field by addressing leverage imbalances between parties to a specific instance;

- g) Observe a narrow set of criteria for initial assessments that determine whether the issue raised is bona fide and relevant to the implementation of the Guidelines;
 - h) Pursue outcomes in the most expeditious timeline;
 - i) Strive to incorporate the Guidelines in policymaking activities related to trade and investment agreements, public procurement and private development.
38. Congress commits to monitor and provide feedback on the performance of the AusNCP in order to strengthen the mechanism; raise awareness of the AusNCP complaints mechanism within the Australian and international union movement; and work with the Trade Union Advisory Committee to the OECD (TUAC) to improve the OECD guidelines and NCP system.

Gender equality

39. Industrial and trade policies have both ignored and reinforced the structural barriers that impact women's ability to compete fairly in the labour market. Structural barriers include discrimination, the gender wage gap, occupational segregation, women's over-representation in the informal economy and often women's double burden of paid work and unpaid care work. There is a common assumption that economic growth will automatically increase women's economic and social rights, however, this carries an inherent gender blindness. Short-term jobs growth often hides gender inequality in wages further entrenching historical wage discrimination in export-manufacturing industries such as garment work and electronic assembly.
40. Globally, women tend to be concentrated in the bottom levels of the global supply chain, in sectors with lower pay, less prestige and fewer benefits, such as the garment, electronic assembly and service sectors. More women than men work in agriculture, where they comprise approximately 70 per cent of the informal workforce. Further, women usually constitute 60 to 90 per cent of the workforce in special economic zones, where worker protections and right to collective bargaining are sharply reduced or eliminated in order to attract foreign investment.
41. Only about half of women globally are in the labour force, compared to more than three-quarters of men. Three-quarters of their employment is in informal and unprotected work. Discrimination, abuse and relegation to jobs at the bottom of the global economy undermine women workers' ability to join and form organizations that defend their interests. The global gender wage gap, currently estimated at 77 per cent, is a further indicator of discrimination against women workers.
42. Gender inequality plays out in both the public sphere and in the private sphere as women often have a double burden of paid work and a primary caretaker role in the home. The disproportionate burden of household work and care work often falls to women across cultures, inhibiting their mobility and limiting employment opportunities that often need to be balanced with family obligations. Across developed and developing countries this forces women into part-time, on-call, at-home or underpaid and under-valued care labour.
43. Gender-based violence at work includes a spectrum of abuse from verbal abuse and threats, physical abuse; sexual violence; bullying; psychological abuse and intimidation; sexual harassment; economic and financial abuse; stalking; attempted murder and murder.
44. To achieve women's economic empowerment, we need a radical transformation of labour markets to meet the needs of women. Our domestic and international policies must be reoriented toward an explicit focus on gender equality that is focused on increasing women's economic and social rights, with a commitment to creating decent work for all women.
45. The Australian Government needs to shift from just endorsing international frameworks to fully implementing and monitoring progress of international frameworks regarding gender and economic and social rights. Being a leader on women's empowerment includes implementing and monitoring the progress of the:
- a) United Nations 2030 Agenda for Sustainable Development;

- b) ILO Conventions on Discrimination (No. 111), Equal Remuneration (No. 100), Workers with Family Responsibilities (No. 156) and Maternity Protection (No. 183); Recommendation 204 concerning the Transition from the Informal to the Formal Economy; and ILO Convention on Violence and Harassment (No. 190) and Violence and Harassment Recommendation (No. 206);
 - c) The Convention on the Elimination of all Forms of Discrimination Against Women; and
 - d) The UN Beijing Declaration and Platform for Action.
46. Congress calls on the Australian Government to address structural barriers to decent work and equal participation in the labour market by:
- a) ensuring access to social protections for all women, without regard to employment or migration status;
 - b) creating robust and gender-inclusive labour rights inspection, monitoring and adjudication systems capable of identifying and addressing gender-specific labour rights violations, particularly gender-based violence and discrimination;
 - c) providing full and equal access to education, skills and employment training programs, and addressing gender-specific structures and barriers to inclusion;
 - d) providing quality health care throughout women's lifecycles, parental leave, sick leave and other measures to reduce the burden of unpaid care and household work on women and households
 - e) Addressing the historical under valuation of care work and domestic work traditionally done by women by including what is considered social reproductive work in a GDP measurement
 - f) increasing the support for sexual and reproductive health and rights within the aid program and in policy engagement with partner governments;
 - g) Ratifying and implementing the ILO Convention on Violence and Harassment (C190); monitoring the impact of changes to the world of work since the COVID-19 pandemic, including telework, on women.

Multilateral institutions and Australia's human rights obligations

47. Global inequality is one of the big reasons behind the rise of isolationist and xenophobic sentiments. In order to fight this trend we need to turn to rights advocated by the multilateral institutions, such as the United Nations and the ILO, and ensure those rights are enforced, protected and promoted.
48. Institutions such as the International Monetary Fund, the World Bank and the Asian Development Bank, despite some recent showing of awareness of human rights, including labour rights, are yet to come to the table and ensure that their lending standards promote the advancement of human rights, rather than undermine them.
49. Congress supports the work being undertaken by the ITUC in this area and calls on all international financial and development institutions:
- a) 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;
 - b) to adopt effective social and environmental safeguards that require all investments and 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;

- c) to not fund projects that permit the privatisation of public services, or utilise asbestos;
- d) to create contracts which fully cover government workers, contract and sub-contract workers directly and in the supply chain, and to cover workers in the informal sector.

Peace

50. Congress acknowledges the devastating humanitarian consequences of any use of nuclear weapons, which are inherently indiscriminate and inhumane. Their existence threatens the security of all. Congress is committed to a world free of weapons of mass destruction and a nuclear-free defence policy for Australia. Congress welcomes the adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW) at the United Nations in 2017, and the entry into force of the TPNW on 22 January 2021, making nuclear weapons illegal in international law. Congress congratulates the Australian-founded International Campaign to Abolish Nuclear Weapons for their role in bringing about the TPNW, for which they were awarded the 2017 Nobel Peace Prize. Congress calls on the Australian Government to sign and ratify the TPNW as a humanitarian imperative. Congress also continues to call for the full implementation of the Nuclear Non-Proliferation Treaty, and minimise the proliferation of arms by calling on Governments to reduce military spending and invest in vital public services, decent jobs and renewable energy instead. Congress commits to standing on the front lines of struggles for peace and democratic rights and against autocratic governments and associated militarism.

International solidarity

51. International solidarity is a key part of our movement, and we will continue to stand with the unions and the people in those countries subject to conflict, occupation or dictatorship where there is no rule of law or no guarantee of democratic freedoms. We will stand with unions against governments and employers using the COVID-19 crisis to introduce authoritarian laws and attack workers' rights. We will continue to support decolonisation and the right to self-determination. We will take a stand against abuses of workers' rights, including forced labour, in global supply chains. 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 uphold the rights of overseas workers in Australia on temporary visas by working for legislative changes that would promote effective enforcement of legal minimum standards of remuneration and workplace safety.
 - c) to work to eliminate discrimination, xenophobia and racism;
 - d) to promote democratic reform and the peaceful resolution of conflict;
 - e) to support an independent Australian foreign policy;
 - f) to drive support for nuclear disarmaments and non-proliferation and abolition of weapons of mass destruction;
 - g) to support decolonisation;
 - h) 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:
 - Fiji, where the 2014 general election ended decades of overt military dictatorship. The repression of unions and systematic violations of human and worker rights under the military regime's decrees are still yet to be resolved; Congress condemns the arrests of Fijian trade union leaders for carrying

out legitimate trade union activities. Congress reiterates its solidarity with the Fiji Trades Union Congress and encourages all moves towards ending division and building unity across the Fijian union movement.

- The Republic of Korea, where the Government is highly repressive of the right to join and establish trade unions and carry out legitimate union activities. In the past few years, the Korean Government has acted repeatedly to limit the basic freedoms of unions. We are particularly concerned with the arrest and prosecution of many trade unionists, the refusal to register and attempts to de-register unions, raids of trade union premises, the criminalisation of strikes and other trade union activities, and excessive damages claims against workers. The ACTU confirms its solidarity with the Korean Confederation of Trade Unions (KCTU).
- Hong Kong, where workers have mobilised as part of the anti-extradition bill movement in 2019, which transformed into a movement for democracy calling for universal suffrage. Congress condemns the Hong Kong Government's brutal crackdown on the movement, the arrest and harassment of trade unionists for expressing their rights to freedom of speech, freedom of assembly, and freedom of association, and the passing of the repressive National Security Law in 2020. Congress confirms its solidarity with the Hong Kong Confederation of Trade Unions (HKCTU) and stands with them in their campaign for democracy and defence of trade union rights.
- Cambodia, where the Hun Sen Government is attempting to silence political opposition and outlaw legitimate civil society and media scrutiny. The rights of free independent unions continue to be suppressed. Dozens of unions have had their official registration blocked, which has led to them being unable to conclude collective bargaining for their members. Informal workers, who represent 90% of the workforce, continue to be excluded from the Labour Law and the Trade Union Law. Prominent trade union leaders and critics of the Hun Sen Government continue to be charged for exercising their fundamental rights to freedom of expression, peaceful assembly, and freedom of association.
- Burma/Myanmar, where progress towards true democracy has been wound back by the military coup of February 2021, which has suspended civilian government and effectively returned full power to the military. The military's coup follows their 2017 campaign of terror against ethnic and religious minorities, which included credible allegations of genocide, war crimes and crimes against humanity against the Rohingya people, as well as war crimes and crimes against humanity in Kachin and Shan States. Congress urges the Australian Government to:
 - o enact sanctions against the military, its leaders, and its business interests and business partners;
 - o recognise the National Unity Government (NUG) – the representative body of the democratically elected Myanmar MPs;
 - o not ratify the Regional Comprehensive Economic Partnership (RCEP) trade agreement which includes Myanmar. By entering into a new trade agreement with the military junta, Australia risks legitimising and further entrenching the regime;
 - o require all Australian businesses operating in Myanmar to suspend their operations until democracy is restored;
 - o provide urgent humanitarian assistance to the Civil Disobedience Movement which has erupted nationally in response to the coup, as well as cross-border humanitarian assistance to those fleeing the violence on the Thai and India borders;
 - o use all diplomatic leverage and influence to ensure rule of law is upheld and a return to democratic norms, civilian led government and the immediate release of those detained including journalists, civil society activists and MPs;
 - o support accountability mechanisms and proceedings including at the International Court of Justice and the International Criminal Court.

- Congress urges Australian businesses doing business in and with Myanmar to:
 - o immediately divest from any relationships with military owned, controlled or linked businesses and organisations, including, as long as the military controls the government, state owned enterprises;
 - o temporarily suspend operations in Myanmar and call on the Myanmar military to allow a return to democratic norms and a civilian led government.
- Congress commits to supporting the Burmese trade union movement in their struggle for democracy, and urges the movement to extend their solidarity to the people of Rakhine and seek to build an inclusive and tolerant nation in which strong democratic institutions serve all Burmese citizens.
- 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.
- The Republic of the Philippines, where over 50 trade union members and leaders have been murdered by extra-judicial violence for their trade union work since President Duterte came to power in 2016. . Congress supports the Philippine trade union movement and applauds the ITUC in documenting the 'red tagging', assassination, disappearance, and filing of false criminal charges against trade unionists, as well as cases of picketing workers being shot at. Congress calls on the Duterte Government to stop the 'red tagging', the attacks and killings of trade unionists, and to ensure accountability for the extra-judicial killings; and to repeal the Anti-Terrorism Act, which further threatens the rights of workers to organise. Congress calls on the Australian Government to stop enabling human rights violations in the Philippines through its continued funding and support of the Armed Forces of the Philippines.
- Turkey, where the Erdogan regime continues to persecute trade unionists in an attempt to silence the voice of workers. Since the attempted coup in 2016, the Turkish Government has severely restricted civil liberties and cracked down on independent trade unions. Freedom of opinion, expression and association are being systematically undermined, and trade union leaders continue to face arrests and prosecutions to suppress dissent. Along with the ITUC and ETUC, Australian workers demand freedom and justice for the Turkish union movement.
- Iran, where independent trade unions are banned, and trade unionists are often imprisoned for attempting to exercise their right to freedom of assembly and association. Trade unionists are often detained in remote secret prisons, subjected to ill-treatment and denied access to a lawyer. Workers' demonstrations are violently repressed, with workers and union leaders arrested and imprisoned for exercising their right to strike. Australian unions add their support and solidarity to our Iranian comrades.
- The Kingdom of Thailand, where despite some positive legislative changes, modern slavery in the fishing and sex industries remains rife. Tens of thousands of people are kidnapped, suffer forced labour, and endure physical violence and the threat of death each year. Congress supports the ITF and ILO in their work to document and address the issues. Congress is outraged at the three-year prison terms imposed on thirteen leaders of the State Railway Workers' Union (SRUT) in 2020 for campaigning for improved health and safety measures, following a fatal train derailment in 2009. Congress supports the return of the democracy movement in Thailand and calls on for the end of the military dictatorship.
- The Autonomous Administration of North and East Syria (NES), the mainly Kurdish region also known as Rojava. The Turkish and Syrian Kurds and their allies were instrumental in crushing the Islamic State, at the cost of thousands of lives. Congress is condemns the attacks by Turkey, led by President Erdoğan, against Rojava. We demand that the Australian Government do all in its power to

protest and stop Turkey's brazen aggression.

- East Timor, which has reached an agreement for a treaty on disputed maritime borders with Australia and is on a "pathway" to develop the giant Greater Sunrise offshore gas fields. We support the news that up to 80% of the gas and oil revenues will go to our youngest neighbouring country.
- Support for independent, representative and democratic unions in other countries including China, Cuba, North Korea, Brunei, Iran, Iraq, United Arab Emirates and Saudi Arabia.
- Support for the work of the ITUC and GUF's to continue their efforts to ensure that the Qatari Government ends the kafala system of modern slavery, and spread the campaign to the UAE and Saudi Arabia.
- Support for the work of the international trade union movement to end forced labour in the Xinjiang Uyghur Autonomous Region (XUAR) in the People's Republic of China, where as many as 1.8 million Uyghurs, ethnic Kazakhs, Kyrgyz, and other Muslim minorities are, or have been, arbitrarily detained and subject to forced labour, both inside and beyond the internment camps.
- Support for ending the 50 years of occupation of Palestine and a just and sustainable peace in accordance with resolutions 242 and 338 of the UN Security Council, with the removal of illegal settlements, the withdrawal of Israel from all Palestinian lands along with the dismantling of the separation wall. In line with our commitment to a two-state solution with the security of borders for both nations, we call on all countries to recognise, without delay, Palestine as a sovereign state with East Jerusalem as its capital. This will confirm the right of the Palestinian people to self-determination in a free and independent Palestine.
- Support for the newly formed Pacific Council of Trade Unions (PICTU) to provide a collective voice and support the organising of workers in the Pacific.
- Support for Western Sahara, where around 165,000 Saharawis continue to live in dire conditions in refugee camps in South West of Algeria. Congress deplores the flagrant violation by the Moroccan army of the ceasefire in November 2020, and the subsequent resumption of conflict in Western Sahara. Congress strongly supports the right of the Saharawi people to self-determination and independence in accordance with UN resolutions and relevant UN decolonisation doctrines; and calls on the Australian Government to recognize the Saharawi Republic. Congress condemns the gross violations of human rights in the occupied territories of Western Sahara and calls on the Moroccan Government to withdraw its army from the Buffer Strip and respect the terms of the ceasefire, respect human rights in the Saharawi occupied territories, and to release all Saharawi political prisoners. Congress calls on the UN to:
 - o pressure Morocco to withdraw its army from the Buffer Strip and respect the terms of the ceasefire;
 - o expand the mandate of its mission to include human rights monitoring;
 - o protect the natural resources of Western Sahara and set up a UN Council for the Natural Resources of Western Sahara;
 - o take immediate steps to restore the ceasefire and deliver a lasting resolution to the conflict, which must include the long overdue referendum of self-determination.
- Support the demands of people for peace and security in other nations ravaged by conflict including Afghanistan, Burundi, Central African Republic, Eritrea, Iraq, Libya, Somalia, Sudan, Syria, and Yemen.
- Support ongoing work in Bangladesh, where labour law is still not compliant with core ILO Conventions, especially Conventions 87 and 98 with respect freedom of association and the right to organise: for example, the ability to form unions is constrained (30% of a factory workforce required to be members before a union can be registered), work health and safety laws are very weak, with no legal right to elect WHS representatives or committees and no legislated right for

workers to stop work in dangerous situations; Congress calls on the ILO to pressure the Bangladesh Government through all means available to stop trade union rights violations and to further reform the labour law and for the Australian Government to register its concerns with the Bangladesh Government over the slow progress of the Safety Accord.

Overseas aid

52. Congress calls on the Australian Government to honour international commitments to raise international development expenditure to 0.7 per cent of GNI, with at least 20 per cent of the aid program delivered by non-profit Australian NGOs in partnership with local civil society organisations. Overcoming the COVID-19 crisis requires expanding aid budgets; COVID-19 responses and any new initiatives must be funded by additional ODA funding – not reductions in aid to other regions or initiatives. COVID-19 has highlighted the urgent need for improvements to social protection around the world, including better resourcing of public health systems and income support. The Australian Government should allocate additional aid resources to focus on building the capacity of public health systems to build resilience, and the development and expansion of social protection systems. Additionally, Australian aid should focus on addressing the climate crisis and increased inequality.
53. The current situation in which such a significant proportion of the aid budget goes to a handful of for-profit companies is unacceptable. The Australian Government should ensure that the aid funds it assigns to the private sector establish resilient supply chains by making funding conditional on safe and secure employment, and any private sector actors receiving ODA funds should also uphold freedom of association, occupational safety and health, and provide decent wages and conditions. 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 within the aid program.
54. 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 a key contributor to social and economic development, and as a leading component of democratic civil society. Congress urges the Australian Government to focus on the Decent Work agenda and on sustainable development in the Indo-Pacific 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.
55. Congress commits the ACTU to press the Australian Government to substantially refocus aspects of its international development assistance programs so that:
 - a) a) Recipient nations commit to internationally accepted labour standards as part of acceptance of Australian aid;
 - b) b) Programs involving employment contain a component requiring independent trade union participation;
 - c) c) Privatisation of public and community services is reversed and public sector programs assist recipient nations develop regulatory structures capable of ensuring those nations have the capability to ratify and comply with the ILO's Core Conventions; and
 - d) The objectives of overseas aid-funded programmes reflect our internationally agreed targets set within the Sustainable Development Goals and other related international treaties and conventions.
 - e) 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 generated from their resources to provide public goods.

- f) Ongoing funding is earmarked for the development of the trade union movement.
56. Congress reaffirms support for Union Aid Abroad-APHEDA as the global justice organisation of the Australian union movement, advancing international solidarity in support of equality, justice and human rights for all. Union Aid Abroad works to support the building of strong union and social movements, in particular along four priority areas:
- a) trade union and workers rights' and safety;
 - b) rights of migrant workers and refugees against exploitation;
 - c) women's rights and feminist movement development; and
 - d) climate justice, just transition and energy democracy.