

AUSTRALIA (2017-2018)

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR

Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	Yes.	
	Involvement of Employers' and Workers' organizations in the reporting process	<p>2018 AR: Yes, copies of this report have been forwarded to the Australian Chamber of Commerce and Industry (ACCI) and the Australian Council of Trade Unions (ACTU) prior to submission, and the Government invited the ACCI and the ACTU to provide their comments for inclusion in this report, or to provide them directly to the ILO.</p> <p>2017 AR: Yes: The Australian Government regularly consults with the social partners (the Australian Chamber of Commerce and Industry and the Australian Council of Trade Unions) through the International Labour Affairs Committee which meets biannually, as well as through ad hoc consultations.</p>	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No.	
	Workers' organizations	No.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Australia has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	2017-2018 ARs: The Australian Government announced its intention to progress ratification of the Forced Labour Protocol in November 2017 at the IV Global Conference on the Sustained Eradication of Child Labour.
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	2017-2018 ARs: There are national policy and plans of actions for the prevention of all forms of forced labour as well as for combatting trafficking in persons for the purposes of forced or compulsory labour.	
	Measures taken or envisaged for systematic and coordinated action	2017-2018 ARs: No change.	
	Measures taken or envisaged to prevent forms of forced labour	<p>2018 AR: The measures taken include: a) <i>Information, education and awareness raising targeting especially people in vulnerable situation and employers;</i> b) <i>Strengthening and broadening of the coverage of legislation, particularly labour law:</i> the Government introduced the Modern Slavery Bill 2018 into the Parliament of Australia in July 2018. This proposed legislation will support business to respond more effectively to modern slavery. In New South Wales, on 21 June 2018, the NSW Parliament passed the Modern Slavery Bill 2018 (the Modern Slavery Act). The Modern Slavery Act will target modern slavery and human trafficking in supply chains with the aim of increasing transparency around these issues for consumers and investors and improving workplace anti-slavery practices by holding businesses to account. Under the Act, "modern slavery" is defined by reference to particular existing criminal offences set out in NSW and Commonwealth law, including forced labour, human trafficking and debt bondage. In Queensland, the Queensland Parliamentary Finance and Administration Committee (FAC) held an Inquiry into the practices of the labour hire</p>	

		<p>industry in Queensland between December 2015 and June 2016 and as a result, the Labour Hire Licensing Act 2017 (LHL Act) commenced on 16 April 2018. The Act establishes a mandatory licensing scheme to protect labour hire workers and support responsible labour hire providers. All labour hire providers operating in Queensland need to be licensed under the scheme. This includes labour hire providers based interstate or overseas who supply workers in Queensland. Users of labour hire must only engage licensed providers. The scheme helps users of labour hire and workers find licensed labour hire providers through a register. There are strong penalties for operating without a license and for using an unlicensed provider. Additionally, the Labour Hire Licensing Compliance Unit (LHLCU) reviews licence applications to ensure that they meet the requirements set out by the Labour Hire Licensing Act 2017. Applicants may also have a compliance audit or inspection in the form of a desktop audit, scheduled inspection, unannounced inspection or targeted audit campaign. In Western Australia, the only gap in the coverage under Western Australia’s industrial relations framework relates to a small group of workers in Western Australia who are excluded from the Industrial Relations Act 1979 (WA) and/or the Minimum Conditions of Employment Act 1993 (WA). Western Australia has concluded a Review of its industrial relations system which included a term of reference ensuring comprehensive coverage of employees. The Final Report of the Review is currently being considered by the State Government;</p> <p><i>c) Regulation and supervision of the labour recruitment and placement process:</i> in Victoria, the Labour Hire Licensing Act 2018 (Vic) addresses abuse and exploitation of labour hire workers by requiring providers of labour hire services to hold a licence and hosts to only use licensed providers. Labour hire providers are required to pass “a fit and proper person test” and show compliance with workplace laws, labour hire laws, and minimum accommodation standards;</p> <p><i>d) Supporting due diligence by the public and private sectors:</i> to address the private sector’s due diligence obligations, in June 2018, the Australian Government introduced a supply chain reporting requirement into Parliament. The Modern Slavery Bill 2018 would require large businesses and other entities in Australia to publicly report on actions to address risks of modern slavery in their supply chains and operations. The introduction of this legislation followed extensive stakeholder consultation with business, industry, academia, unions, and civil society. The Government will provide comprehensive guidance to support business to comply with the reporting requirement and will also deliver awareness-raising and training activities;</p> <p><i>e) Addressing the root causes that perpetuate forced labour;</i> <i>f) Promotion of safe and regular migration ;</i> <i>g) Education/vocational training;</i> <i>h) Capacity building for the competent authorities;</i> <i>i) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers’ organizations;</i> and <i>j) Basic social security guarantees.</i></p> <p>2017 AR: The measures taken or envisaged include: a) in March 2017, the Government introduced legislation to strengthen protections for vulnerable workers. The Fair Work Amendment (Protecting Vulnerable Workers) Bill 2017 amends the Fair Work Act 2009 (Cth) to include higher penalties for contraventions of prescribed workplace laws, make franchisors and holding companies responsible for underpayments in certain circumstances, and strengthen evidence gathering powers for the Fair Work Ombudsman; b) industrial relations laws broadly apply to workers and sectors in Australia. The Fair Work Act 2009 (Cth) applies to workplaces in all sectors of the economy, with the exception of those entities covered by state government legislation. The only gap in coverage relates to a small group of workers in Western Australia that are not covered by either national or state legislation. Western Australia is currently conducting a review of its Industrial Relations legislation with the objective of ensuring comprehensive coverage for all employees. It is anticipated that options for reform will be presented to the state Government in 2018; c) the Australian Government has undertaken a range of initiatives to enhance ethical procurement to support due diligence by the public sector to ensure that public resources are used in an efficient, effective, economical and ethical manner. To address the private sector’s due diligence obligations, the Government is working with business and civil society to introduce supply chain transparency legislation requiring large businesses in Australia to publicly report on actions address supply chain</p>
--	--	---

		<p>exploitation. The Government will provide comprehensive guidance to support business to comply with the reporting requirement which is expected to involve awareness raising and an awards program; and d) the Government regularly trains frontline law enforcement officials, prosecutors, labour inspectors, and immigration compliance and visa processing officers to ensure that they are equipped to effectively recognise and appropriately respond to instances of human trafficking and slavery.</p>
	<p>Measures taken or envisaged to protect victims of forced labour</p>	<p>2018 AR: The Government reported that measures have been taken or envisaged, but does not provide further details.</p> <p>2017 AR: The following measures have been taken or envisaged: a) in addition to having access to civil remedies through the Fair Work Ombudsman, the Government Human Trafficking Visa Framework enables suspected victims of human trafficking and slavery without a valid visa status to remain in Australia to receive support from the Government's dedicated Support for Trafficked People Program and assist in the investigation and prosecution of offenses; b) to support and encourage exploited migrant workers to seek help, the Department of Immigration and Border Protection and the Fair Work Ombudsman (FWO) have agreed to a new reporting protocol. Under the protocol, a person's temporary visa will not be cancelled, even if it has been breached, provided the person had an entitlement to work as part of their visa, has reported their circumstances to the FWO and is actively assisting the FWO in an investigation, and commits to abiding by their visa conditions in the future; c) the Fair Work Ombudsman has established an InLanguage Anonymous Report, a new online tool which enables migrant workers to report workplace issues in their own language without identifying themselves. The tool is available in 16 difference languages; d) the Fair Work Ombudsman has further invested in establishing clear and evidence based strategies for addressing migrant worker exploitation including providing accessible tools and resources that enable migrant workers to understand and act on their rights; e) family reunification - the Human Trafficking Visa Framework contains a number of measures to assist with the reunion of victims with family members; and f) the Government established the Migrant Workers Taskforce on 4 October 2016. The Taskforce was established for a term of 18 months and brings together a range of Commonwealth regulatory and policy agencies to provide expert advice on ways to deliver better protections for migrant workers, including improvements in law, law enforcement and investigation. It will also consider practical measures to identify and rectify cases of migrant worker exploitation.</p>
	<p>Measures taken or envisaged to facilitate access to remedies</p>	<p>2018 AR: The Government reported that measures have been taken or envisaged, but does not provide further details.</p> <p>2017 AR: In addition to the measures outlined in the National Action Plan, in 2016-2017 the Government provided the FWO with additional funding to assist in addressing the exploitation of vulnerable workers, enabling the FWO to increase direct engagement with vulnerable communities and expand teams who work with vulnerable groups, including migrant workers. The Human Trafficking Visa Framework enables foreign nationals who do not already hold a valid visa and are suspected victims of trafficking in persons or slavery to remain lawfully in Australia and access support through the Support for Trafficked People Program. In addition, the Fair Work Ombudsman has the power to investigate matters related to, and take enforcement action on behalf of workers covered by the national workplace relations system irrespective of their presence or visa status in Australia.</p>
	<p>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</p>	
	<p>Cooperation with other Member States, international / regional organizations or NGOs</p>	<p>2018 AR: In addition to the cooperation detailed in its 2017 Annual Report which remains unchanged, it is playing a lead role in Alliance 8.7 as chair of the Global Coordinating Group.</p>

		<p>2017 AR: The Government cooperates with other member States, international and regional organizations as well as non-governmental organizations. Australia helped launch Alliance 8.7 at United Nations General Assembly (UNGA) Leaders Week in 2016 and chaired the inaugural meetings of Alliance 8.7 (Group of Friends and the Global Coordinating Group) in November 2017.</p>	
	Promotional activities		
	Special initiatives/Progress		
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers' organizations	
		Workers' organizations	
	According to the Government	<p>2017 AR: Australia has reviewed Commonwealth, state and territory law and practice reports and committed to progressing ratification of the Forced Labour Protocol.</p>	
TECHNICAL COOPERATION NEEDS	Request	<p>2017-2018 ARs: There is no need for technical cooperation with the ILO.</p>	
	Offer		