



Electrical Trades Union of Australia

Proud to be Union

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ETU Submission to the Joint Standing Committee on Treaties Inquiry into the Free Trade Agreement between Australia and Hong Kong, China

The Electrical Trades Union of Australia (ETU) is the Electrical, energy and Services Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU). The ETU represents approximately 61,000 electrical and electronic workers around the country and the CEPU, as a whole, represents approximately 100,000 workers nationally, making us one of the largest trade unions in Australia.

The ETU welcomes the opportunity to make a submission on the Free Trade Agreement between Australia and Hong Kong, China.

The ETU is aware of the submission by AFTINET and as a member of AFTINET we support that submission and the recommendations contained within it. The ETU shares AFTINET's concerns relating to:

- a) The lack of transparency and accountability in negotiations with Hong Kong
- b) The inclusion of Investor-State Dispute Settlement provisions
- c) The potential impact of the trade in services chapter on essential services
- d) The potential risks of the electronic commerce chapter
- e) Compliance with International Human rights and labour rights law and environmental standards
- f) Technical barriers to trade

The ETU would like to draw particular attention to the issue of workers rights both domestically and internationally and the role trade agreements are playing in exacerbating issues of foreign worker exploitation, displacement of Australian workers and the absence of genuine skills transference.

There are no commitments in the agreement relating to international laws and standards relating to human rights, labour rights, women's rights, the right to health, the right to privacy and the environment.

The National Interest Assessment does not include an assessment of the potential impacts on human rights and the environment and there is no independent human rights and environmental impact assessment.

The Australian Government should ensure that trade agreements include commitments by all parties to implement agreed international standards on labour rights, including the International Labour Organisation's Declaration on Fundamental Principles and Rights at Work and the associated conventions.

These include:

- the right of workers to freedom of association and the effective right to collective bargaining (ILO conventions 87 and 98)
- the elimination of all forms of forced or compulsory labour (ILO conventions 29 and 105)
- the effective abolition of child labour (ILO conventions 138 and 182)
- the elimination of discrimination in respect of employment and occupation (ILO conventions 100 and 111)

There should also be national standards for maximum hours of work and health and safety standards based on ILO standards.

Absent these provisions, trade agreements are continuing to drive poor outcomes for workers. In the case of electrical trades, the experience of the electrical industry is that trade agreements are facilitating unlicensed, unqualified workers being granted visa's and performing high risk electrical work contrary to Australian law. Often the worker is also being paid their originating country wages and not Australian wages under the visa's which have been created to satisfy the movement of natural person's chapters of trade agreements.

The necessary skills assessments are simply not being performed putting workers lives at risk and creating the potential for harm to the Australian community.

Further the absence of labour market testing requirements means that Australian workers are missing out and employers are avoiding their obligation to train the domestic workforce. This puts a strain on Australian taxpayers when workers unnecessarily are required to access welfare support and services having a detrimental impact on local economies and further exacerbates skills shortages.

The Agreement also contains a concerning side letter on skills and qualifications recognition.

In the side letter pertaining to Professional Services it states;

"Australia and Hong Kong, China shall enter into discussions to explore ways to facilitate recognition of existing relevant professional experience for the purpose of the fulfilment of a Party's standards or criteria for the registration, authorisation, licensing or certification of service suppliers."

This provision will place undue pressure on the immigration department to seek ways to circumvent Australia's high standards of occupational and business accreditation. This will create enormous risk to workers lives, community safety and consumer protection.

This side agreements must be struck out or amended.

Conclusion

The ETU supports the development of fair-trading relationships with all countries and recognises the need for regulation of trade through the negotiation of international rules.

The ETU supports the principle of multilateral trade negotiations, provided these are conducted within a transparent framework that recognises the special needs of developing countries and is founded upon respect for democracy, human rights, labour rights and environmental protection.

The Hong Kong agreement fails these tests and in their current form should be opposed