

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION  
LEGISLATION COMMITTEE**

**2004-2005 BUDGET SENATE ESTIMATES HEARING  
31 MAY AND 1 JUNE 2004**

**EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

**QUESTIONS ON NOTICE**

**Outcome 2: Higher productivity, higher pay workplace**

**Output Group 2.1: Workplace relations policy and analysis**

**Output 2.1.1: Workplace relations policy advice**

**Question Number: W063-05**

**Question:**

Senator Cook asked at *Hansard* page 65: In relation to the chapter on labour standards we settled on the US type of definitions and not the Australian. The US used language we would prefer not to use. That is language in respect of what particular issues?

**Answer:**

The US proposed a definition of “internationally recognised labour principles and rights” which is similar to the definition used in the US Trade Promotion Authority Act, and the definition used in other Free Trade Agreements concluded by the US. It reads:

- (a) *the right of association;*
- (b) *the right to organize and bargain collectively;*
- (c) *a prohibition on the use of any form of forced or compulsory labour;*
- (d) *labour protections for children and young people, including a minimum age for the employment of children and the prohibition and elimination of the worst forms of child labour; and*
- (e) *acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.*

Australia considered that a more appropriate definition for “internationally recognised labour principles and rights” would have been one that was agreed internationally, e.g. the definition used by the International Labour Organisation in its *ILO Declaration on fundamental principles and rights at work* adopted in 1998. It reads:

- (a) freedom of association and the effective recognition of the right to collective bargaining;*
- (b) the elimination of all forms of forced or compulsory labour;*
- (c) the effective abolition of child labour; and*
- (d) the elimination of discrimination in respect of employment and occupation.*

Ultimately Australia decided to accept the US definition, largely because the differences between the two definitions were not contentious in themselves.