

AUSTRALIA (2017)

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	YES, according to the Government: 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.	
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 AR: 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 AR: The Government reported that 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	No change.	
	Measures taken or envisaged to prevent forms of forced labour	2017 AR: According to the Government, 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 exploitation. The Government will provide comprehensive	

		<p>guidance to support business to comply with the reporting requirement which is expected to involve awareness raising and an awards program; 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>2017 AR: The Government reported that 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 In-Language 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>2017 AR: According to the Government: 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>	

	Cooperation with other Member States, international / regional organizations or NGOs	2017 AR: The Government of Australia indicated that it 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.	
	Promotional activities		
	Special initiatives/Progress		
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers' organizations	NIL.
		Workers' organizations	NIL.
	According to the Government	2017 AR: The Government reported that Australia has reviewed Commonwealth, state and territory law and practice reports and committed to progressing ratification of the Forced Labour Protocol.	
TECHNICAL COOPERATION NEEDS	Request	2017 AR: The Government indicated that there is no need for technical cooperation with the ILO.	
	Offer	NIL.	