

7 March 2022

Attention: Joint Standing Committee on Treaties

**Re: Inquiry into the International Labour Organization Protocol of 2014 to Forced Labour Convention 1930 (No. 29)**

Dear Chair,

Australian Red Cross (Red Cross) welcomes the opportunity to provide a submission to the inquiry into the *International Labour Organization Protocol of 2014 to Forced Labour Convention 1930 (No. 29)*.

For the reasons set out in our submission, Red Cross supports the ratification of the International Labour Organization Protocol of 2014 to Forced Labour Convention 1930 (No. 29) and recommends that the Australian Government incorporates all relevant standards from this international instrument into our domestic legal and policy framework.

Red Cross welcomes any opportunity to discuss these issues further and continues to be ready to work together to ensure that everyone in Australia can engage with confidence in safe and dignified employment.

Yours sincerely,



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## About Red Cross

As a humanitarian organisation and part of the International Red Cross and Red Crescent Movement (the Movement), Red Cross is active in responding to the humanitarian impacts of modern slavery, including forced labour, globally.

Red Cross and Red Crescent National Societies around the world work to address modern slavery. We deliver prevention and awareness-raising activities, facilitate regional dialogues and networks, run support programs for people who have experienced modern slavery, and advocate for systemic reforms.

In Australia, Red Cross has been responding to the humanitarian needs of migrants for over 30 years. For the past 13 years, we have delivered the Australian Government's Support for Trafficked People Program (Support Program) as well as other labour exploitation awareness projects. We deliver a comprehensive complex casework service that is responsive to individual needs, guided by clients' voices and uses a strength-based and trauma-informed casework approach. Through this work we have gained extensive, direct experience in identifying and addressing the needs of people who have experienced forced labour.

As a Red Cross National Society, we also fulfil an important auxiliary role to public authorities in the humanitarian field. This close, legally-recognised relationship entails making commitments to work bilaterally towards common goals. In 2019 at the International Red Cross Red Crescent Conference attended by state parties to the Geneva Conventions, we welcomed the opportunity to renew our pledge with the Australian Government to enhance the response to modern slavery.<sup>1</sup>

The pledge includes working with government to increase awareness and build capacity of businesses, frontline workers, local and migrant communities to respond to modern slavery, including in regional and remote areas.

Importantly, we also work with government as well as sector and international Movement partners on a range of initiatives to build strong regional and international responses to modern slavery, including by playing an active role as a member of the National Roundtable on Human Trafficking and Slavery, and advocating for the establishment of the *Commonwealth Modern Slavery Act (2018)*.

Internally our organisation is committed to addressing any risk of modern slavery in our operations and supply chains. This requires a progressive approach, continually building on our systems and processes to identify and address modern slavery. We have reported our efforts to-date in our first and second annual Modern Slavery Statements.<sup>2</sup>

Having worked directly with people affected by a range of experiences throughout the continuum of exploitation, from poor work conditions to forced labour, as well as through our policy and advocacy work, Red Cross has developed unique insights into the experiences and support needs of people impacted by forced labour. It is these direct experiences and insights which inform our submission.

## Our Position

Red Cross considers there is a compelling need for greater prevention and capacity building activities to increase awareness of forced labour and other forms of labour exploitation among service providers, migrant communities, frontline responders, community organisations and associations.

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<sup>1</sup> Australian Red Cross & Australian Government, (2020). Modern Slavery Pledge, 33rd International Conference <https://rcrconference.org/pledge/modern-slavery/>

<sup>2</sup> Australian Red Cross, (2022). Modern Slavery Statement, <https://modernslaveryregister.gov.au/statements/7501/>

Despite strong government commitment and civil society engagement, evidence from government inquiries,<sup>3</sup> a range of National Roundtable working group and Fair Work Ombudsman reports,<sup>4</sup> and research undertaken by Red Cross all indicate that forced labour, as well as other forms of trafficking and slavery, remain under-reported, under-detected and under-prosecuted.

We have identified a clear need for increased protections of people experiencing labour exploitation. Red Cross has seen an increase in people referred to the Support Program due to labour exploitation since the beginning of the program in 2009, but especially over the past 5 years. Currently 58% of people accessing the Support Program have been identified as having experienced some form of labour exploitation, either in a personal or commercial setting.

We note that people who have been exploited experience multiple service gaps and barriers to accessing support, especially if they are unable or unwilling to engage with policing agencies or government authorities.

In our 2022-23 Pre-Budget Submission, Red Cross highlighted our willingness to support the Australian Government in addressing barriers to full and safe economic participation of migrants and meeting labour shortages.<sup>5</sup> In particular, we stand ready to help improve the safety of migrant workers through raising awareness of labour exploitation and associated rights and requirements and ensure appropriate humanitarian support for victim-survivors.

To successfully do so, we have recommended that government:

- Invest in prevention and awareness of labour exploitation of migrant workers, including those who arrive through labour mobility schemes, by increasing training and capacity strengthening for workers, recruitment agencies and employers.
- Ensure all those who have been trafficked in Australia are able to access support through the Support Program by expanding the referral pathway to the Support Program beyond solely the Australian Federal Police.

Red Cross supports Australia's leadership to promote regional and international cooperation on combating forced labour and welcomes its commitment to assume international obligations against this and other exploitative practices. We further encourage the Australian Government to continue to prioritise anti-trafficking programs in the Asia Pacific where there remains a high need for prevention activities and the provision of multi-sector support to meet the needs of victim-survivors. Preventing forced labour in the region requires increased awareness – particularly for migrant workers prior to departure and on arrival in destination countries – about relevant legislation, rights, and available assistance.

Preventing forced labour requires addressing root causes and factors that heighten the risk for people and communities. From our experience, migrants are often placed in a particular position of vulnerability during their migratory journey because of language barriers; differences in cultural practices around working standards; insecure immigration status; fear of authorities; lack of understanding of rights under Australian

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<sup>3</sup> Including inquiries into Establishing a Modern Slavery Act for Australia (December 2017), Human trafficking, slavery and slavery-like practices (July 2017), the Impact of Australia's temporary work visa programs on the Australian labour market and on the temporary work visa holders (March 2016). See also: Australian Treasury (2017). Black Economy Task Force Final Report; Senate Education and Employment References Committee (2016). A National Disgrace: The Exploitation of Temporary Work Visa Holders; Joint Standing Committee on Migration (2016). Seasonal Change: Inquiry into the Seasonal Worker Programme; Select Committee on Temporary Migration, (2021). Report on Temporary Migration; Senate Select Committee on Job Security (2022). The Job Insecurity Report.

<sup>4</sup> LWEG, (2018). Strengthening Australia's Approach to Serious Forms of Labour Exploitation; Fair Work Ombudsman, (2017). Inquiry into the wages and conditions of people working under the 417 Working Holiday Visa Program.

<sup>5</sup> Australian Red Cross, (2022). *Recovering Stronger, Together - A humanitarian approach to building community resilience and participation*, 2022-23 Pre-Budget Submission. <https://www.redcross.org.au/globalassets/cms-migration/documents/publications/australian-red-cross-pre-budget-submission-2022-23.pdf> (2022).

workplace and criminal law; lack of support and information; financial hardship; limited social networks; unstable housing and structural discrimination.

Australia's response to combating forced labour can be strengthened by ensuring that safe and accessible protections and supports are available to everyone, including people in rural and remote parts of the country where barriers to report and identify labour exploitation are intensified. This includes investing in sustained and culturally sensitive training for frontline officials and service providers, educating people in vulnerable situations about their rights and available supports and raising the visibility of the issue in high-risk sectors across Australia and in the region, particularly for new migrants prior to and on arrival, and delinking access to support from criminal justice processes.

Ratification of the ILO Protocol (29) will reinforce Australia's commitment to combating labour exploitation and will ensure that the Government can adhere to a strong international labour framework. It will help to further strengthen Australia's commitment and obligation to ensure effective prevention mechanisms against forced labour, and the obligation to protect, support and assist victim-survivors. Ratification would also build on Australia's global leadership in relation to forced labour and modern slavery and provide support for the review of the Modern Slavery Act (2018) later this year.

Therefore, Red Cross recommends that the government ratify this Protocol and incorporate the relevant standards from this international instrument into domestic law and policy.

For further information:

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