



# Electrical Trades Union of Australia

*Proud to be Union*

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Joint Standing Committee on Treaties

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## **ETU Submission to the Joint Standing Committee on Treaties Inquiry into the Regional Comprehensive Economic Partnership Agreement**

### Who is the ETU?

The Electrical Trades Union of Australia ('the ETU') is the Electrical, Energy and Services Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia ('the CEPU').<sup>1</sup> The ETU is the principal union for electrical and electrotechnology tradespeople and apprentices in Australia, representing approximately sixty thousand workers around the country. The CEPU represents approximately ninety thousand workers nationally, making us one of the largest trade unions in Australia.

The ETU welcomes the opportunity to make this submission to the Joint Standing Committee on Treaties Inquiry ('the JSCOT Inquiry') in respect of the Regional Comprehensive Economic Partnership Agreement ('the RCEP'). The ETU is aware of, and in support of the submissions made by AFTINET and the ACTU, echoing their concerns and recommendations.

### Background

The RCEP negotiations began in November 2012 between sixteen countries. These included the ten countries which make up the Association of Southeast Asian Nations ('ASEAN') as well as ASEAN's free trade agreement partners (India, China, Japan, South Korea, Australia, and New Zealand). ASEAN consists of Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam. These countries represent a third of the world's population and economic output. The RCEP agreement is the world's largest free trade agreement.

India left the negotiations in November 2019, citing concerns that the agreement could potentially negatively impact the development of their local industries.<sup>2</sup> India's absence significantly diminishes the benefit the agreement would have provided for Australia as Australia already has pre-existing free trade agreements with the remaining member countries. As a result, for Australia, the RCEP will not provide additional export markets for Australian goods and only represents an increased ability to engage in further discussions with China in developing a one-on-one trade agreement. However, China

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<sup>1</sup> The CEPU is a registered organisation under the *Fair Work (Registered Organisations) Act 2009* (Cth).

<sup>2</sup> Panda, R. (2019) "A step too far: Why India opted out of the RCEP", *Global Asia*, Volume 14, No. 4, December.

and Australia continue to experience a deteriorating relationship, so this benefit is likely entirely negated.

On 15 November 2020, Ministers from the remaining fifteen countries signed the agreement in secrecy. The agreement was only released publicly after it was signed. We believe trade agreements should be subject to proper public scrutiny. Civil society, unions and businesses must have equal and genuine opportunity to provide input throughout the negotiation process.

### **Recommendations**

The ETU submits the following recommendations to the review:

#### **Recommendation 1**

The review finds that the RCEP is not in the Australian national interest and in its current form the agreement should be abandoned.

#### **Recommendation 2**

Investor State Dispute Settlement clauses, or any similar arrangements, undermine Australian legal sovereignty. The provision allowing for revisiting of ISDS in the RCEP should be immediately removed from the agreement, and any future trade agreement or treaty that Australia enters into must not include these provisions.

#### **Recommendation 3**

Labour Market Testing is a critical tool for ensuring the interests of the Australian domestic workforce are protected. The RCEP provisions which remove, exempt or water down Labour Market Testing requirements in Australia should be immediately stripped from the RCEP and its accompanying documents.

#### **Recommendation 4**

A review must be conducted into Australia's skills assessment, licencing bodies, and regulators capacity as they relate to monitoring and maintaining occupational skills testing of overseas workers is not compromised. The Trade Recognition Services function of Trades Recognition Australia should be reinstated.

#### **Recommendation 5**

The full text of the RCEP trade agreement must be required to be presented to both houses of parliament for open debate and endorsement, including aspects that do not require implementing legislation, before being agreed to by the government.

#### **Recommendation 6**

The RCEP must include commitments by governments to implement agreed international human and labour rights chapters which should be enforced by the government-to-government disputes process of the agreement and operable from commencement of the agreements.

#### **Recommendation 7**

A detailed social and economic impacts assessment of the RCEP text and its accompanying documents should occur immediately, followed by immediate commencement of detailed stakeholder consultation (including industry, unions, and civil society groups).

### **Recommendation 9**

Chapter 18 Institutional Provisions must mandate the inclusion of consultation with civil society groups, business and unions along with clear mechanisms to ensure transparency and accountability of all deliberations and decision making.

### **Recommendation 10**

The prohibition on zeroing at article 7.13 relating to anti-dumping measures should not be included in the agreement.

### Key Concerns

The ETU's main concerns regarding the RCEP are summarised as follows:

1. The RCEP includes several signatory nations where human rights and labour rights are being grossly violated. Australia should not enter into agreements devoid of enforceable human rights and labour rights chapters, particularly with these countries. Annexure 1 provides a summary of these issues.
2. The RCEP's provisions on temporary workers entrenches the removal of labour market testing. This has significant negative consequences for the Australian workforce.
3. The RCEP will facilitate the exploitation of migrant workers through the avoidance of skills assessments. The RCEP will facilitate unlicensed, unqualified workers being granted visas to perform high risk electrical work, contrary to Australian law.
4. Article 7.13's prohibition on zeroing makes dumping monitoring more difficult as smaller discrepancies are more easily hidden in the total trade data. The ETU is concerned about this lack of transparency and its potential to impact local industry and Australian jobs.
5. Chapter 8 of the RCEP, 'Trades in Services', encourages countries to privatise public owned services, monopolise industries with foreign investors and share market access of public services. This restricts the ability of governments to regulate them in the public interest.
6. Chapter 10 allows for renegotiation and inclusion of investor-state dispute settlement ('ISDS') provisions which challenges Australia's national sovereignty.
7. The RCEP requires Australia to remove all tariffs within one year of the agreement's ratification whereas other nation states retain tariffs, sometimes indefinitely. China, for example, has limited tariff reductions with most deferred for a period of at least five to ten years. Therefore, RCEP does little to increase Australia's export opportunities.
8. Chapter 18 establishes a range of working committees to meet regularly and review the operation of the RCEP but does not provide for any requirement to engage with civil society and Unions or to conduct their activities in any transparent manner.

The ETU would like to draw particular attention to the violation of labour rights both domestically and internationally and the role trade agreements are playing in exacerbating the exploitation of foreign worker, the displacement of Australian workers and the absence of genuine skills transference. This submission will specifically address the RCEP's Provision on Temporary Workers as well as its failure to address adequate skills assessments for migrant workers.

### Provisions on Temporary Workers

The RCEP commits to arrangements on "Intra Corporate Transferee" ('ICT'), Contractual Service Supplier ('CSS') and independent executives. As the RCEP deals with the movement of temporary overseas workers into Australia, these arrangements are critical issues for Australian unions and its

members. Employers can access over four hundred skilled occupations, including electricians and plumbers, under the Temporary Skill Shortage visa. We are concerned that there has been no independent analysis on the potential effect this will have on the labour market and on Australian workers. There has also not been a full independent empirical cost-benefit assessment of the overall economic impact the RCEP will have on the Australian labour force. However, we have seen in other trade agreements that the economic costs often outweigh benefits, with particularly significant negative impacts on labour, including increased job losses in certain sectors. It is essential to carry out these inquiries.

Whilst we understand that temporary migration is necessary when there is a critical shortage of short-term skills, we believe that there must be a rigorous process determining the areas of genuine need and the proper management of the process. These processes used to be conducted in a tri-partite manner between Government, Business and Unions but over the last 8 years Government has removed Union representation from all consideration of skills shortage issues.

The priority must be the maximisation of jobs and training opportunities for Australian citizens and permanent residents, regardless of their background or country of origin. Australians deserve reassurance that they will have first access to Australian jobs. This is extremely important and more so in recent times, with unemployment and underemployment rates together remaining high.

The ETU also believes it is important to focus on the creation of permanent migration pathways rather than higher facilitation of temporary worker streams. This unpoliced issuing of Temporary Skill Shortage visas to foreign workers with temporary rights exposes these workers to exploitation and dangerous working conditions with no formal path of recourse. In doing so, the RCEP is facilitative of likely labour rights abuses. The high rates of visa worker exploitation in Australia are well documented.

By failing to entrench enforceable labour rights, the RCEP fails to protect Australian jobs, Australian training opportunities, fair workplace treatment and decent wages and conditions for all workers. As a result, the RCEP will aggravate the mass exploitation of temporary workers while displacing Australian workers.

### Skills Testing

The ETU is concerned the RCEP will facilitate occupational exploitation of migrant workers as necessary skills assessments are not being performed adequately. This trade agreement will enable employers to secure unlicensed and unqualified visa workers to perform high risk electrical work contrary to Australian law. This creates significant health risks whilst also subjecting migrant workers to wage exploitation as they are also often paid their originating country wages and not Australian wages. It is essential to ensure the necessary skills assessments are being performed so as not to put workers' wellbeing at risk, to protect Australian consumers and to avoid potential harm to the Australian community.

A further risk relating to the RCEP agreement and its future interaction with skills testing is a potential loophole which has been created with the abolition of the Trades Recognition Australia Trades Recognition Service<sup>3</sup>, the process for migrant electrical workers already in Australia. Trade Agreements, such as the RCEP facilitate spouse and family visa arrangements meaning a person with

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<sup>3</sup> [https://www.tradesrecognitionaustralia.gov.au/news-media/news/closure-trades-recognition-service-trs-program#:~:text=The%20Trades%20Recognition%20Service%20\(TRS\)%20Program%20will%20close%20on%201,be%20accepted%20from%20this%20date](https://www.tradesrecognitionaustralia.gov.au/news-media/news/closure-trades-recognition-service-trs-program#:~:text=The%20Trades%20Recognition%20Service%20(TRS)%20Program%20will%20close%20on%201,be%20accepted%20from%20this%20date)

an overseas electrical qualification may be living in Australia on a spousal or other form of sponsored partner visa. By virtue of them having already entered Australia means they are excluded from the TRA process – Offshore Skills Assessment Program (OSAP) and Temporary Skills Shortage (TSS) Skills Assessment.

The pathway for these workers to a licence is through the state or territory's system of licence recognition, which in turn, falls to Registered Training Organisations (RTO) who may not perform the critical checks required for a robust licensing system. Previous experience has shown that candidates will have non-trade qualifications 'reverse engineered' to achieve a Certificate III Electrotechnology, apply for a licence in a less regulated jurisdiction, and then claim mutual recognition in another jurisdiction. This weakens the whole licensing system.

The ETU recommends reinstating the offshore TRA process for all migrant workers, regardless of being located in Australia or still overseas, maintaining the integrity and necessary safeguards to ensure only truly competent and assessed individuals become authorised to perform electrical work.

The ETU argues that formal skills assessment must be enforced to ensure Australian standards are adhere to, the potential skill gaps are filled, and the human and labour rights of visa workers are protected.

### General Concerns

The ETU wishes to emphasise that there is no empirical evidence that RCEP will provide any significant economic (or social) benefit to Australia. The Department of Foreign Affairs and Trade ('DFAT') Regulation Impact Statement ('RIS') acknowledged that this commitment will not 'provide Australia with additional market access'.<sup>4</sup> The RIS also acknowledges that RCEP does not provide Australian consumers with any benefits in the form of reduced tariffs on any imports from RCEP countries as under existing FTAs, 'Australia will have already eliminated tariffs on imports from all RCEP parties by 1 April 2020'.<sup>5</sup>

The RCEP was also negotiated and signed with very little public scrutiny. As the RCEP is a major undertaking with profound implications for the Australian and international economy and society, the RCEP must be properly scrutinised by all stakeholders. However, it has failed to be compliant with the basic democratic principles that underpin Australia's policy-making processes. The RCEP has been constructed without proper transparent and inclusive processes, and must be subject to an independent, external inquiry into its costs and benefits. A democratic process is of increasing importance as trade agreements such as the RCEP deal with an expanding range of regulatory issues which have significant impacts on citizens and workers' lives.

Although the RCEP could have increased market access for services export in China, Australia's deteriorating relationship with China has made this impossible. China has also initiated anti-dumping procedures and tariffs on Australian barley and wine since the RCEP negotiations were finalised in November 2019.<sup>6</sup> China has also placed restrictions on Australian meat imports and delayed the unloading of Australian coal exports. The RCEP does not address these issues. China also refuses to remove or reduce tariffs under the RCEP. Therefore, it is important for the Australian Government to

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<sup>4</sup> Department of Foreign Affairs and Trade (2021a) National Interest Analysis, Canberra  
[https://www.apf.gov.au/Parliamentary\\_Business/Committees/Joint/Treaties/RCEP/Treaty\\_being\\_considered](https://www.apf.gov.au/Parliamentary_Business/Committees/Joint/Treaties/RCEP/Treaty_being_considered)

<sup>5</sup> Department of Foreign Affairs and Trade (2021a) National Interest Analysis, Canberra  
[https://www.apf.gov.au/Parliamentary\\_Business/Committees/Joint/Treaties/RCEP/Treaty\\_being\\_considered](https://www.apf.gov.au/Parliamentary_Business/Committees/Joint/Treaties/RCEP/Treaty_being_considered)

<sup>6</sup> Ministry of Commerce, People's Republic of China, 2018.

commission an independent study of the economic and social costs and benefits of the RCEP. However, its costs are likely to outweigh any (currently unseen) benefits.

The RCEP allows for the parties to revisit investor-state dispute settlement ('ISDS') provisions within two years of ratification. ISDS provisions restrict national sovereignty and limit Australian governments' ability to regulate markets in the public interest. Insertion of ISDS provisions would mean that when Australian governments make new laws or policies in the interest of Australia, foreign investors can take legal action against the governments in international tribunals if they deem the new laws detrimental to them in some way. The ETU believes trade agreements should retain or enhance the autonomy of the Australian government to design and implement policies in the public interest across a wide range of areas trade agreements such as the RCEP now encroach on. However, the RCEP has the opposite effect. The ISDS provisions are also restricted to foreign investors, which means these clauses are discriminatory against local Australian businesses who can only access Australia's domestic court system to claim compensation. This could have a significant impact on relative access to finance and violate the basic principles of national treatment and competitive neutrality. Therefore, Australia should not enter into a trade agreement with these provisions whether they are embedded in the agreement or contemplated under enabling clauses.

The Australian Government also should not be entering into agreements with Myanmar while the military junta is in power. Doing so risks legitimatising the regime. Rather, the Australian Government should join with the international community in implementing strategic trade sanctions, cutting off all support to the military junta. The Australian Government should use its trade policies to create incentives to ensure its trading partners uphold human rights, including workers' rights. Annexure 1 provides a comprehensive overview of the human rights abuses as identified against the International Trade Union Confederation's (ITUC) 2020 Global Rights Index, perpetuated by other signatory nations of the RCEP, including the repression, detention and killing of trade unionists and human rights activists in China and the Philippines.

### Conclusion

The ETU strongly believes that trade agreements should not jeopardise Australian jobs, undermine working conditions or compromise the ability for current and future Australian governments to exercise their sovereign rights to protect the Australian people's interests. The RCEP also fails to implement internationally recognised labour rights and human rights. As a result, the ETU recommends that the RCEP not be ratified, and the Joint Standing Committee on Treaties should recommend the agreement be rejected.

## Annexure 1 – RCEP countries – labour violations

- The Australian Government should be using trade agreements to improve working conditions and address issues of labour exploitation, including forced labour and child labour.
- RCEP contains no protections for workers' rights or human rights: there is no reference to international labour standards or human rights standards, and no labour chapter.
- The lack of safeguards for workers' rights is particularly concerning given the RCEP agreement contains several countries with poor labour rights records.
- Over half of the 15 countries party to the RCEP agreement are ranked as among the worst countries in the world to work, where workers effectively have no access to rights, according to the International Trade Union Confederation's (ITUC) 2020 [Global Rights Index](#). The Global Rights Index documents workers' rights violations in 139 countries around the world and ranks countries on a scale of 1-5 based on the degree of respect for workers' rights. Workers' rights are absent in countries with a rating of 5, and violations occur on an irregular basis in countries with the rating of 1.
- According to the Global Rights Index, the worst RCEP countries for workers – Brunei Darussalam, Cambodia, China, Indonesia, Korea, Laos, the Philippines, and Thailand – have poor labour rights records, including the use of child labour and forced labour; arbitrary arrests, detention and imprisonment of trade union leaders and worker activists; and limitations on freedom of association and collective bargaining.
- Australian companies doing the right thing risk being undercut on labour costs by companies that use forced or child labour and repress union organising activity.

Country	<a href="#">ITUC Global Rights Index 2020 ranking</a>	Labour violations
Australia	3 – regular violations of rights	
Brunei Darussalam	No ranking (Brunei is not listed because there is no trade union activity in the country and no ITUC affiliate. Given the many restrictions on freedom of association and collective bargaining, if ranked the country would be in category 5 – no guarantee of rights)	<p><a href="#">Trade union rights:</a></p> <ul style="list-style-type: none"> <li>• No discernible trade union activity in Brunei</li> <li>• No provision for collective bargaining in law; an individual contract is required between an employer and each employee, and legal trade union activities are not allowed to violate these individual employee contracts</li> <li>• Law does not recognise the right to strike</li> <li>• Law prohibits unions from affiliating with international trade union bodies unless they receive prior written consent from the Government</li> <li>• There are only three trade unions registered in the country, all in the oil sector, representing approximately 1500 workers – these unions exercise little independence from government authority.</li> <li>• Labour laws only cover citizens – migrant workers, who comprise between 30-40% of labour force not covered.</li> </ul>

Cambodia	5 – no guarantee of rights	<p><b>Arbitrary arrests, detention and imprisonment of trade union leaders:</b></p> <ul style="list-style-type: none"> <li>• Rong Chhun, President of the Cambodian Confederation of Unions (CCU) was <a href="#">arrested</a> on 31 July for incitement to commit felony for his comments on border issues between Cambodia and Vietnam; recently he was leading pickets in garment factory closures.</li> <li>• Sor Saknika, President of the Cambodian Informal Labourers' Association (CILA) joined protests demanding Rong Chhun's release, and she was <a href="#">arrested</a> for incitement on 7 August.</li> <li>• Ouk Chayavy, former President of the Cambodian Independent Teachers' Association, was <a href="#">assaulted</a> by unknown thugs on the way home after visiting Rong Chhun in prison on 10 August.</li> <li>• Ath Thorn, President of the Cambodian Labour Confederation (CLC) was asked to appear in court on 30 October 2019 over a protest in front of the SL factory in 2013 for which he faced <a href="#">charges of incitement</a>, despite the fact that the owner of the SL factory had withdrawn the lawsuit in 2015</li> <li>•</li> </ul> <p><b>Child labour:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">2019 Findings on the Worst Forms of Child Labour</a> notes that the Govt failed to take active measures to investigate, prosecute, convict and sentence public officials who participate in or facilitate the worst forms of child labour, including commercial sexual exploitation of children and debt-based forced labour in brick kilns (p. 297)</li> <li>• Child labour is used in the production of alcoholic beverages, bovines, fish, manioc/cassava, meat, rubber, salt, shrimp, sugarcane, textiles, timber, tobacco (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 20)</li> </ul> <p><b>Forced labour:</b></p> <ul style="list-style-type: none"> <li>• There are reports that adults are forced to work in the production of bricks in Cambodia – tens of thousands of debt-bonded Cambodians work in more than 460 operational brick kilns across the country. (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 62)</li> </ul>
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China	5 – no guarantee of rights	<p><b>Arbitrary arrests, detention and imprisonment of trade union leaders:</b></p> <ul style="list-style-type: none"><li>• The Chinese government continues to use the PRC criminal code to <a href="#">arrest, detain and impose surveillance</a> on labour activists</li><li>• On 20 March 2019, the editor of a China labour rights website was <a href="#">detained</a> by authorities and in August was formally arrested on ‘picking quarrels’ charges</li><li>• On 15 March 2019, the wife of a prominent labour activist was held by police for questioning in a clear attempt at <a href="#">harassment and intimidation</a></li></ul> <p><b>Forced labour and human trafficking:</b></p> <ul style="list-style-type: none"><li>• As many as 1.8 million Uyghurs, ethnic Kazakhs, Kyrgyz and other Muslim minorities are, or have been, arbitrarily detained in the Xinjiang Uyghur Autonomous Region (XUAR). The severe human rights abuses, torture, political indoctrination, forced renunciations of faith, and widespread and systematic forced labour occurring in mass internment camps may constitute crimes against humanity, and global supply chains are at risk of being tainted with goods and products made with forced labour from the XUAR. (<a href="#">Global Supply Chains, Forced Labour</a>, and the XUAR, p. 4).</li><li>• The <a href="#">Australian Strategic Policy Institute</a> estimates that more than 80,000 Uyghurs were transferred out of Xinjiang to work in factories across China between 2017 and 2019, and some of them sent directly from detention camps. The report identifies 27 factories in nine Chinese provinces that are using Uyghur labour transferred from Xinjiang since 2017; these factories are part of the supply chains of 82 well-known global brands.</li><li>• There are reports that adults are forced to work in the production of fish on China’s distant-water fishing fleet. China’s fleet is the largest in the world at approx. 3000 fishing vessels; the majority of crew on board are from Indonesia and the Philippines (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 62)</li><li>• There are reports that adults are forced to produce artificial flowers, Christmas decorations, coal, fish, footwear, garments, gloves, hair products, nails, thread/yarn, tomato products (ie. Tomato paste). (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 21)</li></ul>
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Indonesia	5 – no guarantee of rights	<p><b>Arbitrary arrests, detention and imprisonment of trade union leaders:</b></p> <ul style="list-style-type: none"> <li>Secretary of the SPBMI (BMI Workers' Union – BMI is a major supplier for the global seafood industry) was arrested at her home by police armed with automatic weapons (<a href="#">ITUC Global Rights Index 2020</a>, p. 44).</li> </ul> <p><b>Child labour:</b></p> <ul style="list-style-type: none"> <li><a href="#">2019 Findings on the Worst Forms of Child Labour</a> notes that children in Indonesia engage in the worst forms of child labour, including commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in plantation agriculture, including in palm oil and tobacco production. (p. 637)</li> <li>Child labour is used to produce fish, palm oil, footwear (sandals), gold, rubber, tin, tobacco (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 22)</li> </ul> <p><b>Forced labour:</b></p> <ul style="list-style-type: none"> <li>There are reports that thousands of adult workers are forced to work in the production of palm oil in Indonesia (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 70). Forced labour is used in the production of fish.</li> </ul>
Japan	2 – repeated violations of rights	
Republic of Korea	5 – no guarantee of rights	<p><b>Arbitrary arrests, detention and imprisonment of trade union leaders:</b></p> <ul style="list-style-type: none"> <li>On 21 June 2019 the Chairman of the Korean Confederation of Trade Unions (KCTU) was <a href="#">arrested</a> following rallies held in front of the National Assembly over a controversial bill; he was released on US\$86,421 bail on 27 June</li> </ul> <p><b>Trade union rights:</b></p> <ul style="list-style-type: none"> <li>Basic trade union rights – freedom of association, and the right to organise and collective bargaining, are <a href="#">still not recognised</a> in Korea.</li> </ul>
Lao PDR	5 – no guarantee of rights	<p><b>Trade union rights:</b></p> <ul style="list-style-type: none"> <li>Trade unions must be affiliated with the government sanctioned Lao Federation of Trade Unions, which operates as a mass organisation directly controlled by the Lao People's Revolution Party. The penal code provides for between one and five years' <a href="#">imprisonment</a> for those who join an organisation that encourages protests, demonstrations and other actions that might cause 'turmoil or social instability'</li> </ul>

		<ul style="list-style-type: none"> <li>The government unilaterally sets wages for government employees, and its decision is not subject to <a href="#">collective bargaining</a>; the law gives unions the right to negotiate private sector pay rates with the employer, but there is no provision compelling the employer to bargain</li> </ul> <p><b>Forced labour and human trafficking:</b></p> <ul style="list-style-type: none"> <li>Many women and girls are trafficked to be exploited in Thailand's commercial sex industry and in forced labour in domestic service, factories or agriculture; and men and boys are victims of forced labour in Thailand's fishing, construction and agricultural industries.</li> </ul> <p><b>Child labour:</b></p> <ul style="list-style-type: none"> <li>According to a <a href="#">2010 ILO national survey</a>, approximately 178,000 children were considered to be engaged in child labour, of these, more than 130,000 were considered to be engaged in hazardous work. 90% of child labourers work in agriculture, forestry or fishing, and seven out of 10 work more than 49 hours a week.</li> </ul>
Malaysia	4 – systematic violations of rights	<p><b>Forced labour:</b></p> <ul style="list-style-type: none"> <li>Forced labour is prevalent in the production of rubber gloves, predominantly among migrant labourers from Bangladesh, India, Myanmar, and Nepal working in more than 100 rubber glove factories in Malaysia. There are an estimated 42,500 migrant workers employed in the Malaysian rubber glove industry (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 72)</li> <li>Forced labour is used in the production of electronics, garments and palm oil (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 22)</li> </ul> <p><b>Child labour:</b></p> <ul style="list-style-type: none"> <li>Child labour is used in the production of palm oil (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 22)</li> </ul>
Myanmar	4 – systematic violations of rights	<p><b>Arbitrary arrests, detention and imprisonment of trade union leaders:</b></p> <ul style="list-style-type: none"> <li>On 1 March 2019, the President and five other leaders and members of workers union at the Tharabar Gate Hotel, were convicted of attempting to hold a peaceful protest march; the 6 trade unionists were <a href="#">sentenced</a> to 1 month in prison.</li> <li>Eight trade union leaders were <a href="#">prosecuted</a> for organising peaceful protests in Feb 2019</li> </ul> <p><b>Child labour:</b></p>

		<ul style="list-style-type: none"> <li>National armed forces continues to force civilians, including at least 197 children, to work as porters, cleaners, cooks and agricultural labourers in the conflict areas of Kachin, Rakhine, and Shan states and the Govt made no attempt to hold criminally accountable those military personnel involved in these practices. (<a href="#">2019 Findings on the Worst Forms of Child Labour</a>, p. 266)</li> <li>Children engage in the worst forms of child labour, including forced recruitment and use in armed conflict by non-state armed groups and commercial sexual exploitation, sometimes as a result of human trafficking. (<a href="#">2019 Findings on the Worst Forms of Child Labour</a>, p. 266)</li> <li>Child labour is used in the production of garments, bamboo, beans (green, soy, yellow), bricks, jade, rice, rubber, rubies, sugarcane, teak (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 20)</li> </ul> <p><b>Forced labour:</b></p> <ul style="list-style-type: none"> <li>Forced labour is used in the production of palm thatch, sesame, shrimp, sunflowers, garments, bamboo, beans (green, soy, yellow), bricks, jade, rice, rubber, rubies, sugarcane, teak (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 20)</li> </ul>
New Zealand	2 – repeated violations of rights	
The Philippines	5 – no guarantee of rights *among the 10 worst countries in the world for workers	<p><b>Violence, harassment, arbitrary arrests, murder of trade unionists:</b></p> <ul style="list-style-type: none"> <li>At the time of writing, 50 union members and officials have now been killed by extrajudicial violence under President Duterte’s administration.</li> <li>Ongoing persecution of union members through ‘red tagging’ – workers and union leaders are spied on, profiled, portrayed as terrorists, arrested, unjustly detained and even murdered by police and paramilitary groups. (<a href="#">ITUC Global Rights Index 2020</a>, p. 29).</li> <li>Union organiser Dennis Sequena was shot and killed on 2 June 2019 while meeting a group of workers (<a href="#">ITUC Global Rights Index 2020</a>, p. 29).</li> <li>Union leader and community organiser Reynaldo Malaborbor was killed on 4 November 2019 (<a href="#">ITUC Global Rights Index 2020</a>, p. 29).</li> </ul>

		<ul style="list-style-type: none"> <li>General Secretary of the Alliance of Concerned Teachers (ACT), Raymond Basilio, received death threats during a press conference on 11 January 2019, and ACT members were being unlawfully profiled by police (<a href="#">ITUC Global Rights Index 2020</a>, p. 49)</li> </ul> <p><b>Child labour:</b></p> <ul style="list-style-type: none"> <li>Children in the Philippines engage in the worst forms of child labour, including in commercial sexual exploitation, sometimes as a result of human trafficking, and in armed conflict. Children also perform dangerous tasks in agriculture and gold mining. (<a href="#">2019 Findings on the Worst Forms of Child Labour</a>, p. 995)</li> <li>Child labour is used to produce bananas, coconuts, corn, fashion accessories, fish, gold, hogs, pornography, pyrotechnics, rice, rubber, sugarcane, tobacco (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 23)</li> </ul>
Singapore	2 – repeated violations of rights	
Thailand	5 – no guarantee of rights	<p><b>Arrest and detention of union leaders:</b></p> <ul style="list-style-type: none"> <li>On 22 October 2020, a Thai court imposed three-year prison terms on 13 leaders of the <a href="#">State Railway Workers' Union (SRUT)</a>, who had been pursued by the State Railway of Thailand through the legal system for carrying out a national rail safety campaign following a fatal train derailment in 2009. Since Nov 2018, the monthly salaries of 7 SRUT leaders have been deducted to pay fines of US\$726,116 to SRT for the 2009 initiative they took.</li> </ul> <p><b>Child labour:</b></p> <ul style="list-style-type: none"> <li>Children in Thailand are engaged in the worst forms of child labour, including in commercial sexual exploitation, sometimes as a result of human trafficking. A 2018 national survey found 177,000 children engaged in child labour, of which 133,000 are engaged in hazardous work. (<a href="#">2019 Findings on the Worst Forms of Child Labour</a>, p. 1135)</li> <li>Child labour is used in the production pornography, sugarcane, garments and shrimp (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 24)</li> </ul> <p><b>Forced labour:</b></p> <ul style="list-style-type: none"> <li>Forced labour is used in the production of fish, garments and shrimp (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 24)</li> </ul>
Vietnam	4 – systematic violations of rights	<p><b>Arbitrary arrests, detention and imprisonment of trade union leaders:</b></p> <ul style="list-style-type: none"> <li>On May 21, 2019, two labour activists were sentenced to long prison terms of 17 and 11 years</li> </ul>

		<p>for participating in protests against a bill on special economic zones, that was violently repressed by police forces (<a href="https://survey.ituc-csi.org/Vietnam.html#tabs-3">https://survey.ituc-csi.org/Vietnam.html#tabs-3</a>)</p> <p><b>Child labour:</b></p> <ul style="list-style-type: none"><li>• Child labour is used in the production of bricks, cashews, coffee, fish, footwear, furniture, leather, pepper, rice, rubber, sugarcane, tea, textiles, timber, tobacco, garments (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 24)</li></ul> <p><b>Forced labour:</b></p> <ul style="list-style-type: none"><li>• Forced labour is used in the production of garments (<a href="#">2020 list of goods produced by child labour or forced labour</a>, p. 24)</li></ul>
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