



Committee Secretary  
Senate Education, Employment and Workplace Relations Committees  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia  
[eewr.sen@aph.gov.au](mailto:eewr.sen@aph.gov.au)

## **SUBMISSION TO THE INQUIRY INTO THE FAIR WORK AMENDMENT (TEXTILE, CLOTHING AND FOOTWEAR INDUSTRY) BILL 2011**

**Submitted:** Dr. Mark Zirnsak, Director of the Justice and International Mission Unit of the Uniting Church in Australia, Synod of Victoria and Tasmania

### **The Justice and International Mission Unit**

The Justice and International Mission Unit is a department of the Commission for Mission of the Uniting Church in Australia, Synod of Victoria and Tasmania. The Commission for Mission By-Law<sup>1</sup> for the Unit includes: the need to reflect in our community and individual living, the truth that each person is made in the image of God, through striving to ensure the implementation of basic human rights for all people within a peaceful world (1.1). To achieve this, the Unit involves itself in:

- Engaging in listening to the lived experience of people, theological reflection, social and policy analysis to expose social injustice within the Uniting Church and society (2.1)
- responding to social injustice through prophetic witness, consciousness raising, advocacy, social action and campaigning, and acts of solidarity with those experiencing the injustice (2.2)
- initiating policy proposals for the church and society which reflect the Gospel vision for humanity and creation (2.5)
- working ecumenically and cooperatively with church, community, state and national groups and agencies, organisations, campaigns etc. which aim to achieve social justice, or expose and respond to social injustice (2.6).

This submission is in keeping with the charter of the Justice and International Mission Unit.

### **Declaration of Interest**

The Justice and International Mission Unit have no pecuniary or material interest in the outcome of this Inquiry.

<sup>1</sup> Uniting Church in Australia, Synod of Victoria and Tasmania, Synod Commission for Mission, 2007, *Justice and International Mission Unit: Terms of Reference* [under the authority of Commission for Mission By-Law 5.2.2], Melbourne





## CONTENTS

<b>PURPOSE OF SUBMISSION</b>	(pg. 3)
<b>RECOMMENDATIONS</b>	(pg. 3)
<b>The Uniting Church in Australia, and FairWear</b>	(pg. 4)
<b>Existing Protections for homeworkers in the clothing industry</b>	(pg. 5)
<b>FAIR WORK AMENDMENT (TCF INDUSTRIES) BILL 2011</b>	(pg. 8)
<b>Recovery of unpaid wages for homeworkers</b>	(pg. 8)
<b>Deeming contract homeworkers as employees</b>	(pg. 8)
<b>Special right of entry provisions</b>	(pg. 9)
<b>TCF Code of Practice</b>	(pg. 10)
<b>BACKGROUND TO THIS SUBMISSION</b>	(pg. 11)





They rip you off because you work at home. They think you need the job more than the worker in the factory. So if you work at home they think you don't know the language or the rules' [*Homeworkers interviewed by the Brotherhood of St. Laurence*<sup>2</sup>].

## PURPOSE OF SUBMISSION

The main purpose of this submission is to advocate for comprehensive legislative arrangements to protect such vulnerable workers as set out in the Fair Work Amendment (TCF Industries) Bill 2011 ("the Bill"). The Justice and International Mission Unit believe evidence suggests that workers in the textile, clothing and footwear industry are routinely coerced into unfair contracting arrangements, enabling employers to shift costs onto 'contractors' - who really should be treated as employees.

The Justice and International Mission Unit are aware of submissions from Oxfam Australia and FairWear and we strongly recommend these for close consideration by the Committee. \

## RECOMMENDATIONS

- **Recommendation one:** The Justice and International Mission Unit support the reforms in the Bill to assist outworkers to recover unpaid wages.
- **Recommendation two:** The Justice and International Mission Unit request that outworkers are not inadvertently prevented from recovering unpaid money by having to identify each party in the supply chain.
- **Recommendation three:** The Justice and International Mission Unit supports reforms in the Bill that ensure that contract outworkers are deemed employees for most purposes of the Fair Work Act.
- **Recommendation four:** The Justice and International Mission Unit recommend that protection be afforded to all vulnerable employees in the textile clothing and footwear industry irrespective of legal structuring of companies and entities; and that this be clearly set out in the Bill.
- **Recommendation five:** The Justice and International Mission Unit strongly supports provisions in the Bill that make a series of changes to the Act that expand right of entry coverage for permit holders.
- **Recommendation six:** The Justice and International Mission support a common Mandatory Code of Practice for Australia as set out in the Bill.

---

<sup>2</sup> Brotherhood of St Laurence [Diviney, E., Lillywhite, S.], 2007, *Ethical Threads*, [online], available from: [http://www.nosweatshoplabel.com/media/Diviney&Lillywhite\\_ethical\\_threads.pdf](http://www.nosweatshoplabel.com/media/Diviney&Lillywhite_ethical_threads.pdf) [23 May 2008]





## The Uniting Church in Australia, and FairWear

The Uniting Church in Australia, Synod of Victoria and Tasmania, was one of the founding members of FairWear in December 1996 and has been actively involved in the FairWear campaign since that time. The objective of this campaign is to end the exploitation of home-based and sweatshop workers in the textile, clothing and footwear industry through the recognition of their status as employees and the comprehensive protection of their pay and conditions.

The FairWear campaign, including Uniting Church members, actively defended Award conditions for home based workers against changes intended by the Commonwealth Government in 1998. The Industrial Relations Commission upheld that the outworker clauses in the Federal Clothing Award should be kept intact.

In 2000 the Synod of Victoria and Tasmania passed a resolution calling for all apparel and footwear manufacturers to 'comply with a code of practice, as well as require all their contractors and subcontractors pay their employees a living wage, and respect the right of all employees to join a trade union'<sup>3</sup>.

The Uniting Church in Australia affirms support for the human rights standards recognised by the United Nations, in the 2006 policy, *Dignity in Humanity: Recognising Christ in Every Person*<sup>4</sup>. The Uniting Church also supports International Labour Organisation (ILO) labour conventions which cover a range of employment-related matters.

In 2006, the Synod of Victoria and Tasmania called for a national and coordinated approach to issues faced by homeworkers worldwide resolving<sup>5</sup>:

- To call on all Australian State and Territory Governments to support the Commonwealth of Australia acceding to the International Labour Organisation (ILO) – C177 Convention concerning Home Work.
- To call on the Commonwealth of Australia to accede to the ILO – C177 Home Work Convention, 1996, Convention concerning Home Work.
- To write to State and Territory industrial relations Ministers and the Commonwealth Minister for Employment and Workplace Relations to inform them of this resolution.

In July 2006 the Justice and International Mission Unit made a submission<sup>6</sup> to the *Commonwealth Senate Employment, Workplace Relations and Education Legislation Committee Inquiry into the provisions of the Independent Contractors Bill 2006 and Workplace Relations Legislation Amendment (Independent Contractors) Bill 2006*. In keeping

---

<sup>3</sup> Resolution 00.35.3

<sup>4</sup> The Uniting Church in Australia, National Assembly, [Eleventh Assembly], 2006, *Dignity in Humanity: Recognising Christ in Every Person*, A Uniting Church in Australia Statement on Human Rights

<sup>5</sup> Resolution S06.4.25.1

<sup>6</sup> Justice and International Mission Unit, 2006, *Submission to Commonwealth Senate Employment, Workplace Relations and Education Legislation Committee Inquiry into the provisions of the Independent Contractors Bill 2006 and Workplace Relations Legislation Amendment (Independent Contractors) Bill 2006*, July





with the previously stated policy commitment of the Commonwealth Government, clauses of the Federal Clothing Award (1999) in relation to outworkers were not undermined; neither were requirements for employers to register with the Industrial Relations Commission providing records of where they send work, and what they pay outworkers were safeguarded in the enacted legislation. Similarly, the legislation, did not override State 'deeming provisions' relating to outworkers that made it more difficult for employers to enter into 'sham' arrangements with their employees by inappropriately and unjustly treating them as 'independent contractors'.

Significantly, the Commonwealth concurred with the analysis of the FairWear campaign, that the introduction of the category 'contract outworker' would in effect create a legal fiction leading to further exploitation in the industry<sup>7</sup>. Despite differences between the various sides of politics on a range of industrial relations issues; there has been strong longstanding bi-partisan support for home and sweatshop workers in the clothing industry in Australia at the federal level<sup>8</sup>.

A uniform approach needs to be further developed in the textile, clothing and footwear industry, broadly based on the aforementioned ILO 'Convention concerning Home Work' ("the Convention"). Among other requirements the Convention reinforces the status of homeworkers as workers entitled to parity in remuneration, training and other conditions as per enterprise-based workers. The reforms outlined in the Bill go some way to meeting these requirements of the Convention.

### **Existing Protections for homeworkers in the clothing industry**

Research into the treatment of outworkers has revealed a disturbing pattern of exploitation and the need for special protection. This is borne out in numerous Senate inquiries and Federal reviews while Australian Industrial Relations Commission and Federal Court decisions have recognised the particular exploitation that occurs in the 'supply chains' of this sector - a complex web of interconnected subcontracting relationships where homeworkers are engaged under 'sham contracting'<sup>9</sup> arrangements<sup>10</sup>.

---

<sup>7</sup> As part of a broader team, the Justice and International Mission Unit enjoyed a good relationship with the then Minister for Workplace Relations, the Hon. Kevin Andrews, resulting in this area being afforded strong safeguards for homeworkers.

<sup>8</sup> It is therefore heartening that the current Bill seeks to treat the category of 'contract outworker' as employees for the purposes of the Fair Work Act.

<sup>9</sup> "A sham contract is when an employer deliberately disguises an employment relationship as an independent contracting arrangement, instead of engaging the worker as an employee. This may mean the worker misses out on some entitlements. In other cases, employees are pressured to become independent contractors where they are threatened with being dismissed or are misled about the effect of changing their working arrangements. The Fair Work Act 2009 protects genuine employees from 'sham' independent contracting arrangements and outlines employers' obligations when establishing an employment relationship." See:

<http://www.business.gov.au/BusinessTopics/Independentcontractors/Pages/Unfaircontractsandshamcontracts.aspx>

<sup>10</sup> FairWear Victoria [Thompson, L.], 2008, *Submission of the FairWear campaign to the Senate Education, Employment and Workplace Relations Committee Inquiry into the Fair Work Bill*, [online],

<https://senate.aph.gov.au/submissions/committees/viewdocument.aspx?id=39891bfd-1887-4a08-8648-bec1cf4b0c2d> [29 October 2011]





To address high levels of exploitation in the clothing industry, a range of Commonwealth and Victorian laws have been introduced in order to protect homeworkers<sup>11</sup>; these include:

- *Fair Work Act 2009* (Cth), including the National Employment Standards
- *Textile, Clothing Footwear and Associated Industries Award 2010* (Cth)
- *Outworkers (Improved Protection) Act 2003* (Vic)
- *Occupational Health and Safety Act 2004* (Vic).

While there are relatively good legislative protections in Victoria, protections are not nationally uniform with Western Australia, the Northern Territory and ACT failing to recognise outworkers as employees. Furthermore, despite these protections, in 2004 the Victorian Ethical Clothing Trades Council<sup>12</sup> found a disturbing lack of compliance by some Victorian companies in meeting the minimum levels of lawful entitlements of clothing outworkers as set out in the Victorian Act in that state.

In addition to legislative protections, the Homeworkers Code of Practice ('the Code') is a voluntary accreditation scheme administered by Ethical Clothing Australia (ECA). The scheme practically assists Australian clothing, textile and footwear businesses to ensure that their supply chains and contracting arrangements are transparent and lawfully compliant. Once deemed compliant under the Code by the ECA, businesses are licensed to display the ECA trademark on their Australian-made products, providing consumer recognition for their commitment to local and ethical manufacturing<sup>13</sup>.

The FairWear campaign had been successful in persuading some Australian manufacturers and retailers to sign the then nascent Homeworkers Code of Practice, No Sweat Shop label (now Ethical Clothing Australia).

Clothing industry mandatory codes of practice are only in force in NSW, South Australia and Queensland. If a more comprehensive framework is adopted, as outlined in the Bill, the work of the ECA would be considerably strengthened, for example, by reducing complexity for businesses that work across various Australian jurisdictions.

Research undertaken in 2007 by the Brotherhood of St Laurence has highlighted the unfortunate situation of homeworkers in Australia still needs to be urgently addressed. The research included interviews with homeworkers:

One group said they were paid \$2.50 for a detailed shirt which took one hour to sew. Another group said they were paid between \$2 and \$3 an hour. When asked about hours worked, most indicated that they often went weeks without a job but when the

<sup>11</sup> Workforce Victoria, [not dated], *A guide to engaging outworkers in Victoria's clothing industry*, [online], accessed at: [http://www.business.vic.gov.au/busvicwr/\\_assets/main/lib60052/diird%20-%20outworkers%20brochure\\_english.pdf](http://www.business.vic.gov.au/busvicwr/_assets/main/lib60052/diird%20-%20outworkers%20brochure_english.pdf) [30 October 2011]

<sup>12</sup> Ethical Clothing Trades Council of Victoria, 2004, *12 Month Report*, [online], available from: [http://www.irc.vic.gov.au/CA256EF9000EB8A3/WebObj/332BC39C68F5407CCA256FCE0016683F/\\$File/Ethical-Clothing-Trades-Council-Report-final.pdf](http://www.irc.vic.gov.au/CA256EF9000EB8A3/WebObj/332BC39C68F5407CCA256FCE0016683F/$File/Ethical-Clothing-Trades-Council-Report-final.pdf) [15 August 2005]

<sup>13</sup> See: <http://www.ethicalclothingaustralia.org.au/business/how-it-works>





work was available they worked long hours.<sup>14</sup>

More recently in 2011, the Textile, Clothing and Footwear Union of Australia (TCFUA) found that clothing workers associated with a Victorian school uniform manufacturer were being illegally paid as homeworkers, earning as little as \$7 dollars per hour. This is less than half the hourly award rate<sup>15</sup>.

These findings demonstrate that while protections have resulted in improvements for home and sweatshop workers much more needs to be done. We commend the Commonwealth Government for introducing legislation to further assist this vulnerable group of workers. We hope for continued bipartisan support in this endeavor.

The Fair Work Amendment (TCF Industries) Bill 2011 (“the Bill”) sets out sections to achieve:

- **Recovery of unpaid wages for homeworkers**
- **Deeming contract outworkers as employees**
- **Special right of entry provisions**
- **TCF Code of Practice.**

This Submission briefly comments on each of these areas.

---

<sup>14</sup> Brotherhood of St Laurence [Diviney, E. & Lillywhite, S.], 2007, *Ethical Threads*, [online], available from: [http://www.nosweatshoplabel.com/media/Diviney&Lillywhite\\_ethical\\_threads.pdf](http://www.nosweatshoplabel.com/media/Diviney&Lillywhite_ethical_threads.pdf) [23 May 2008]

<sup>15</sup> Heard, H., 2011, *\$7-an-hour sweatshop clothes*, Sunday Herald Sun, 16 July, [online], accessed at: <http://www.heraldsun.com.au/news/victorians-wearing-7-an-hour-sweatshop-clothes/story-e6frf7jo-1226095989369> [29 October 2011]







## FAIR WORK AMENDMENT (TCF INDUSTRIES) BILL 2011

### Recovery of unpaid wages for homeworkers

As previously outlined in this Submission, homeworkers are often underpaid. The Bill (Part 6-4A (ii)<sup>16</sup>) outlines ways in which an outworker may recover unpaid wages (providing that the outworker takes reasonable steps to recover such monies<sup>17</sup>). The Justice and International Mission Unit support this reform.

Recommendation one: The Justice and International Mission Unit support the reforms in the Bill to assist outworkers to recover unpaid wages.

The Bill provides outworkers the ability to recover money from businesses such as fashion houses, or others that are principal contractors. These businesses may then recover this money from sub-contractors who are not fulfilling their legal obligations. In order for this to occur, the Bill requires that workers be able to identify details of the supply chain.

The Justice and International Mission Unit suggest that outworkers should be legally empowered to recover unpaid wages without having to know the details of the supply chain. Legislation pertaining to outworkers in Victoria, NSW and Queensland does not require the outworker to identify details of the whole supply chain in order to make a claim. In most cases, the outworker is only expected to know the name of the person or entity which issues them work.

Recommendation two: The Justice and International Mission Unit request that outworkers are not inadvertently prevented from recovering unpaid money by having to identify each party in the supply chain.

### Deeming contract outworkers as employees

Some advocates for independent contracting highlight that better remuneration and conditions are available via this mode of engagement<sup>18</sup>. As has been hitherto outlined, there appears to be a lack of evidence supporting this view in the textile, clothing and footwear industry.

The Justice and International Mission Unit supports reforms in the Bill that ensure that contract outworkers are deemed employees for most purposes of the Fair Work Act<sup>19</sup>. This will ensure that workers enjoy the same minimum suite of wages and conditions as well as other rights and responsibilities, set out in employment law.

<sup>16</sup> See Part 6-4A, Division 3 of the Bill - recovery of unpaid amounts

<sup>17</sup> See Section 789CB(2) of the Bill

<sup>18</sup> UnitingCare NSW.ACT [Wansbrough, A.], 2006, *Submission 48, Inquiry into the provisions of the Independent Contractors Bill 2006 and Workplace Relations Legislation Amendment (Independent Contractors) Bill 2006*, [online], accessed at: [http://www.aph.gov.au/Senate/committee/eet\\_ctte/completed\\_inquiries/2004-07/contractors06/submissions/sub48.pdf](http://www.aph.gov.au/Senate/committee/eet_ctte/completed_inquiries/2004-07/contractors06/submissions/sub48.pdf) [13 January 2012]

<sup>19</sup> See Section 789BB of the Bill







Recommendation three: The Justice and International Mission Unit supports reforms in the Bill that ensure that contract outworkers are deemed employees for most purposes of the Fair Work Act.

It appears that some technical sections of this part of the Bill might not ensure blanket protection where formal corporations are not involved. We therefore recommend that protection be provided to all vulnerable employees in the textile clothing and footwear industry irrespective of legal structuring of companies and entities; and that this be clearly set out in the Bill.

Recommendation four: The Justice and International Mission Unit recommend that protection be afforded to all vulnerable employees in the textile clothing and footwear industry irrespective of legal structuring of companies and entities; and that this be clearly set out in the Bill.

### **Special right of entry provisions**

Limiting legitimate trade union access to worksites places undue restrictions on employee organisations who seek to ensure workers receive their minimum legal entitlements. In 2007 the TCFUA reported to the Justice and International Mission Unit<sup>20</sup> that these rules make it difficult to ascertain if problems are occurring for on-site employees and to find out if a company is hiding any outwork arrangements.

Recognising widespread exploitation in the TCF industry, the current Fair Work Act (2009) provides for union right of entry in relation to outworker conditions<sup>21</sup>. This right of entry is less clear in relation to 'sweatshop' environments, for example, a backyard shed that is set up as a sham formal workplace. For obvious reasons those profiting from work undertaken in such operations would not find it in their interest to allow freedom of association or for their employees to know their legal minimum terms and conditions. Because of the covert nature of such business it is important that inspectors or union officials enjoy certainty when seeking to legally enter such premises.

Recommendation five: The Justice and International Mission Unit strongly supports provisions in the Bill that make a series of changes to the Act that expand right of entry coverage for permit holders.

<sup>20</sup> Justice and International Mission Unit, Synod of Victoria and Tasmania, Uniting Church in Australia, 2007, *Submission to the Tasmanian House of Assembly Select Committee on Work Choices Legislation*

<sup>21</sup> See Part 3-4 of Subdivision AA of the Fair Work Act (2009)





### TCF Code of Practice

The Bill provides for the creation of a national mandatory code for TCF industries, modelled on the existing codes in New South Wales, South Australia and Queensland.

The common Mandatory Code of Practice in the Bill aims<sup>22</sup> to harmonise existing state-based codes and provides coverage for Australian jurisdictions that do not have a code.

As has been previously outlined supply chains in the TCF industry are incredibly complex. For example, a member of the Justice and International Mission Unit team visited a school uniform business in Victoria that outlined 40 suppliers to the business; many of these suppliers engage sub-contractors, and so the 'chain' goes on.

Without record-keeping requirements being made compulsory for all stakeholders in the supply chain there is little chance of exploitation being uncovered and prosecuted. The existing codes ensure that all stakeholders conduct record-keeping in this area<sup>23</sup>. Regulatory bodies have been able to uncover illegal practices due to these requirements. Uniformity of record-keeping requirements for all Australian jurisdictions also fosters fair competition.

Recommendation six: The Justice and International Mission supports a common Mandatory Code of Practice for Australia as set out in the Bill.

<sup>22</sup> Evans, C. [Senator], 2011, Second Reading Speech, TCF Bill 2011, 24 November

<sup>23</sup> See Division 4 of the Bill





## BACKGROUND TO THIS SUBMISSION

Broadly, people of faith believe that when we are in right relationship God and each other, and we respect creation, all aspects of our life become fruitful, including our working lives. The great 'Abrahamic religions', Jewish, Christian and Islamic<sup>24</sup>, all listen to the words of the first book of the Bible, Genesis, where we find a story of a world very different to the one we live in today, where all people enjoyed good working conditions, took care of each other, and the creation around them (Gen 2:15, 2:5-6). Only later, where humanity famously has a falling out with God, does this narrative describe work as a curse for many (Gen 3:6-8).

Work and the desire to create are an essential part of being human and being made in the likeness of God. It also tells us that the work (creating) week ends in rest. This is reflected in the tradition of Sabbath, of an allocated time of rest, where the human soul, body and mind have the opportunity to be restored and refreshed for the work to come. The creation narrative also tells us that to be human is to be relational. We do not exist in isolation but are created to be in relationship, in community with others. It is this web of relationships that give people a sense of belonging and meaning. The creation narrative tells us that we were created with freewill, the ability to create good, and to unfortunately create evil (ill) in the world. Humanity has its flaws which is why we legislate to protect the vulnerable from those who may wish to harm them.

The Judeo-Christian Scriptures speak against those who profit through the exploitation of workers; God is 'against those who oppress the hired workers in their wages, the widow and the orphan' (Malachi 3:5). Paul writes in a letter in the Bible that Christians have a right to command all those who are wealthy to be generous with their wealth (1 Timothy 6:17-19).

There is a long history of Christians as diverse as John Wesley and Pope Leo XIII calling for better working conditions. Wesley decried the situation of many workers in the industrial revolution who had to 'struggle with weariness and hunger together'<sup>25</sup> because they were not paid justly and so could not put enough food on the family table.

The Uniting Church's theological understanding of the human person, and the belief in God's commitment to social justice, as illustrated in numerous passages in the Judeo-Christian Scripture (second only to passages against idolatry<sup>26</sup>) prioritising the needs of the poor, informs this Submission.

As can be seen in the following quote from the Reverend David Pargeter, Director of the Commission for Mission, Uniting Church in Australia, Synod of Victoria and Tasmania, the exploitation of people at work has a long history.

---

<sup>24</sup> The Prophet Muhammad underlined the importance of the just wage by saying, 'give the employee his wages before his sweat has had time to dry'. See: *Prophet Muhammad* (Ibn Majah collections) cited in Interfaith Workers Justice publication, *Workers' Rights – A Cornerstone of Social Justice*

<sup>25</sup> John Wesley, 'Heaviness Through Manifold Temptations', 1703-1791

<sup>26</sup> Wallis, J. [Rev], 2005, *God's Politics*, Lion, Australia, pg. 212





Exploitation is as old as the relationship between power and labour. The ancient story of Moses and the Hebrew people escaping from Egypt, is as much about freedom of association and the right to strike and withdraw labour, as it is about responding to God. This is what the First Testament says “And Pharaoh gave this command to the over-seers. Until now you have provided these people with straw for brick-making. Do so no longer. Let them go and gather straw for themselves. And what is more, you are to get from them the same number of bricks as before – there will be no reduction in quantity”<sup>27</sup>.

This ancient Biblical story is a startlingly apt description of unethical employment practices – the ‘employer’ (Pharaoh) expects the ‘labourers’ (the Hebrew people) to maintain productivity while at the same time burdening them with unjust demands.

Judeo-Christian Scriptures also speak of the importance of clothing. The link between the wearing of clothing and justice for the people who make it is one of the concerns of the Prophet Ezekiel. In a reference to the wealth and power of the kings and those in a position to protect the poor he said “You clothe yourself with the wool...but you do not feed the sheep” (Ezekiel 34:3). In this passage the prophet Ezekiel was angered when he saw people who could afford to have fine clothes made of wool but did not make sure that those who produced the clothes were fed. The poor people who served them, as shepherds, spinners, weavers and tailors, were paid so little that they did not have an adequate income to buy food, let alone the other basic necessities of life.

Mainstream Christians believe that the human person is made in the image of one ‘God in three persons’ (the Holy Trinity<sup>28</sup>). This Trinitarian God is a unity and a union of diverse but equal persons. This constitutes an ideal model for society. Personal transformation through faith in God as well as the appropriate regulation of society, with due regard for the common good of all, is required for social justice to flourish.

The market place is driven by the desire for profit. Unfortunately some will value profit more than the need to offer dignity to others. The work environment must be ordered in such a way that protects people’s rights and value.

Near the end of the Bible there is short letter written by James, who in tradition was the first head of the new Church in Jerusalem at the birth of Christianity. He talked about a dispute between workers who ‘mowed the fields’, and those who employed them. Their cries ‘reached the ears of the Lord’ and the wealth of their oppressors rotted away (James 5:2, 5:4). In Australia, the statement by Pope Leo XIII, *Rerum Novarum*, inspired Justice H.B. Higgins in 1907 to make a landmark decision in relation to workers who made a particular type of mower of the field (Sunshine Harvesters). He said they should be paid a minimum wage to sufficient

<sup>27</sup> Pargeter, D. [Rev.], 2006, *Church, Community and Unions*, transcript of Melbourne Town Hall Speech [unpublished], 7 June

<sup>28</sup> The Uniting Church in Australia, 1992 [edition], *The Basis of Union*, [see: 9. Creeds], [online], available from: [http://www.uca.org.au/basis\\_of\\_union.htm](http://www.uca.org.au/basis_of_union.htm) [23 May 2008]





to support a family 'in frugal comfort'<sup>29</sup>. It is worth noting that Higgins 'was brought up in the Church of Ireland and educated by Wesleyans'<sup>30</sup>; thus, he provided an important ecumenical bridge between two currents of Christianity at that time. His decision became one of the treasured planks of Australian social policy; contributing to the ideal of a shared Commonwealth of Australia<sup>31</sup>.

Often economic imperatives are falsely pitted against the requirements of social justice. However, the etymology of the word 'economy' is essentially 'rules of the household' (rather than the rules of a competitive, impersonal and sometimes immoral marketplace). The Uniting Church in Australia, believes that in God's household people are to be *safe, secure, cared for and valued*<sup>32</sup>.

*The Justice and International Mission Unit believe that all people of good will, whether they are people of faith or not, support the vision of dignified work for all.*

The Uniting Church in Australia believes that human rights must be safeguarded. In the 2006 policy, *Dignity in Humanity: Recognising Christ in Every Person*, the Uniting Church in Australia affirmed support for the human rights standards recognised by the United Nations. The Uniting Church noted that "internationally recognised human rights are indivisible, universal and inalienable<sup>33</sup>" and that, "no rights are possible without all that is necessary for a decent life, including the rights to work with just pay and conditions...<sup>34</sup>".

Through the United Nations system, governments have developed a number of 'human rights instruments'. In addition, there is the International Labour Organisation (ILO), to which Australia belongs. It is tripartite in the sense that employers, workers (unions) and governments attend meetings and participate in decision-making. The ILO sets international labour standards in the form of conventions on particular matters.

Work is the primary way in which people provide for their basic survival needs. The human rights instruments include very clear statements about the rights of employees to decent wages and working conditions, and to the right to organise to obtain these. All employers have a responsibility to respect those rights in their employment practices.

<sup>29</sup> K. Blackburn, 2007, The living wage in Australia: a secularization of Catholic ethics on wages, 1891-1907, cited in: James Franklin. To Life to the Full: Rights and Social Justice in Australia, Connor Court

<sup>30</sup> Kirby, M. [Hon Justice], 2004, *Industrial Conciliation and Arbitration in Australia - A Centenary Reflection*, The Centenary Convention Conciliation and Arbitration in Australia, Opening Plenary Session, Melbourne, Friday 22 October, [online], [http://www.hcourt.gov.au/assets/publications/speeches/former-justices/kirby/kirby\\_22oct04.html](http://www.hcourt.gov.au/assets/publications/speeches/former-justices/kirby/kirby_22oct04.html) [12 January 2012]

See also: Australian Catholic Council for Employment Relations, 2011, Fair Work Australia *Annual Wage Review 2010-11*, March

<sup>31</sup> Much of this section is taken from the forward section of the Creative Ministries Report by Uniting Church in Australia, Synod of Victoria and Tasmania, Moderator Isabel Thomas Dobson. See: Creative Ministries Network [Bottomley, J. and Neith, M.], 2011, *Cutting Corners: Cleaners' struggle for justice with Victorian shopping centres' contract cleaning system*, [online], accessed at: <http://www.cmn.unitingcare.org.au/pdf/ShoppingCleanersReport.pdf> [13 January 2012]

<sup>32</sup> An Economy of Life: Re-imagining human progress for a flourishing world, *Twelfth Uniting Church In Australia Assembly*, 2009

<sup>33</sup> The Uniting Church in Australia, National Assembly, [Eleventh Assembly], 2006, *Dignity in Humanity: Recognising Christ in Every Person*, *A Uniting Church in Australia Statement on Human Rights*

<sup>34</sup> Ibid

