# Chapter 20

# Trade and Labour

## Article 20.1

## Definitions

For the purposes of this Chapter:

**ILO** means the International Labour Organization;

**ILO Declaration** means the ILO *Declaration on Fundamental Principles and Rights at Work and its Follow-up*done at Geneva on 18 June 1998 and as amended in 2022;

**labour rights** means:

(a) the fundamental rights set out in the ILO Declaration; and

(b) acceptable conditions of work with respect to wages and hours of work, including any requirements to provide wage-related benefit payments to, or on behalf of, workers, as per a Party’s domestic regulations, such as those for profit sharing, bonuses, retirement, and healthcare, as established by a Party in its laws, regulations, and practices thereunder, of acceptable conditions of work as determined by that Party;

**labour laws** mean laws and regulations, or provisions of laws and regulations, of a Party that are directly related to labour rights;

**laws and regulations** or **laws or regulations** mean:

(a) for Australia, an Act of the Commonwealth Parliament or a regulation made by the Governor-General in Council under delegated authority under an Act of the Commonwealth Parliament, which is enforceable at the central level of government; and

(b) for the United Arab Emirates, a Decree-Law, Law or Decree issued by the President of the State, the Cabinet, or the competent Ministries which is enforceable at the Federal level.

## Article 20.2

## Objectives

The objectives of this Chapter are to:

(a) promote trade and labour laws and regulations in a way that is conducive to full and productive employment and decent work for all;

(b) promote cooperation and dialogue between the Parties on trade and labour;

(c) enhance the capacities of the Parties to address labour issues; and

(d) promote a stable and productive labour environment in a manner that supports productivity and business investment and contributes to the sustainable economic development in both countries.

## Article 20.3

## Statement of Shared Commitments

1. As members of the ILO, the Parties affirm their commitment to respect and advance labour rights, including those stated in the ILO Declaration, within their territories.

2. The Parties recognise that, as stated in paragraph 5 of the ILO Declaration, labour standards should not be used for protectionist trade purposes.

## Article 20.4

## Right to Regulate

1. Each Party recognises the sovereign right of the other Party to establish its own levels of domestic labour protection and its own priorities on labour, and to establish, adopt or modify its labour laws and policies accordingly, in a manner consistent with its international labour commitments referred to in this Chapter.

2. Each Party shall endeavour to ensure that its labour laws and policies provide for and encourage high levels of labour protection and shall strive to continue to improve such laws and policies with the goal of providing protection for labour rights.

## Article 20.5

## Labour Rights

The Parties, in accordance with their laws and regulations, and their obligations as members of the ILO and the ILO Declaration, shall endeavour to adopt and maintain labour rights.

## Article 20.6

## Non-Derogation

The Parties recognise that it is inappropriate to encourage trade and investment by weakening or reducing the protections afforded in their respective labour laws.

## Article 20.7

## Enforcement of Labour Laws

1. Neither Party shall fail to enforce its labour laws through a sustained or recurring course of action or inaction in a manner affecting trade or investment between the Parties after the date of entry into force of this Agreement.

2. Each Party retains the right to exercise reasonable enforcement discretion and to make *bona fide* decisions with regard to the allocation of enforcement resources between labour enforcement activities among the labour rights, provided that the exercise of that discretion, and those decisions, are not inconsistent with its obligations under this Chapter.

## Article 20.8

## Non-discrimination, Equality and Safety in the Workplace

1. The Parties acknowledge the importance of equality and non-discrimination in employment, entrepreneurship and income opportunities for sustainable, equitable, and inclusive economic growth.

2. Each Party affirms its commitments to non-discrimination in employment, occupations and places of work on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, and to take measures to advance anti-discrimination practices and eliminate any and all discriminatory practices, including in relation to working arrangements, opportunities and pay or salary.

3. The Parties agree to share information on their respective domestic approaches and to cooperate, as appropriate, on activities to address discriminatory practices, promote equality of opportunity and safety in employment, and to ensure decent work and improve access to the benefits of trade or investment for all.

4. Each Party recognises the importance of eliminating violence and harassment from the world of work and shall endeavour to investigate and address violence or threats to violence in the workplace.

## Article 20.9

## Forced or Compulsory Labour

1. Each Party recognises the goal of eliminating all forms of forced or compulsory labour, including forced or compulsory child labour. Taking into consideration, consistent with paragraph 2 of the ILO Declaration, that the Parties have assumed obligations in this regard in their membership to the ILO, each Party shall also discourage, through initiatives it considers appropriate, the importation of goods from other sources produced in whole or in part by forced or compulsory labour, including forced or compulsory child labour.[[1]](#footnote-2)

2. Each Party affirms their commitments to respect, promote and realise the ILO fundamental conventions that aim to progress the effective abolition of child labour, particularly:

(a) *Convention concerning Forced or Compulsory Labour* adopted in Geneva 1930 (C029);

(b) *Convention concerning Abolition of Forced Labour* adopted in Geneva 1957 (C105);

(c) *Convention concerning Minimum Age for Admission to Employment*, adopted in Geneva 1973 (C138); and

(d) *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour* adopted in Geneva 1999 (C182).

3. To assist in the implementation of paragraph 1, the Parties shall endeavour to cooperate, share information and best practices, and, as appropriate, identify areas of alignment to eliminate forced or compulsory labour.

## Article 20.10 Digital Trade and Labour

The Parties recognise the importance of supporting workforce development and respect for labour rights in the digital economy by addressing emerging labour issues including issues arising from workplace surveillance, algorithmic decision-making, and gig work.

## Article 20.11

## Public Awareness and Procedural Guarantees

1. Each Party shall promote public awareness of its labour laws, including by ensuring that information related to its labour laws and enforcement and compliance procedures required by its laws and regulations are publicly available and accessible.

2. Each Party shall ensure that persons with a recognised interest in a particular matter under its labour laws have appropriate access to impartial and independent tribunals for the enforcement of the Party’s labour laws. Such tribunals may include administrative, quasi-judicial, judicial, or labour tribunals, as provided for in the Party’s laws.

3. Each Party shall ensure that the proceedings of its administrative, quasi-judicial, judicial, or labour tribunals for the enforcement of its labour laws are fair, equitable, inclusive, accountable and transparent.

4. Each Party shall provide that the parties to such proceedings may seek remedies to ensure the enforcement of their rights under its labour laws.

5. For greater certainty, nothing in this Chapter shall be construed as calling for the examination under this Agreement of whether a Party’s court has appropriately applied that Party’s labour laws.

## Article 20.12

## Corporate Social Responsibility

Each Party shall encourage enterprises to voluntarily adopt corporate social responsibility initiatives on labour issues that have been endorsed or are supported by that Party.

## Article 20.13

## Cooperation

1. Recognising that cooperation provides opportunities to promote respect for labour rights, the Parties shall cooperate on labour matters of mutual interest and explore ways to further advance labour standards on a bilateral, regional, and multilateral basis.

2. The Parties may cooperate on labour matters of mutual interest and explore ways to further advance labour standards. Cooperative activities may include work on labour laws and practices in the context of the ILO Declaration, and other matters as mutually agreed between the Parties. Cooperative activities may take the form of exchanges of information, joint research activities, visits, or conferences, and other such forms of technical exchange as the Parties may agree.

## Article 20.14

## Dialogue on Labour

1. The Parties agree to establish a Dialogue on Labour (“the Dialogue”) composed of government representatives from each Party. Meetings of the Dialogue shall take place by agreement of the Parties.

2. The Dialogue may propose to discuss any matter that the Parties consider appropriate to advance labour rights in the Parties’ trade and investment relationship.

3. The Dialogue may engage and facilitate communication with relevant stakeholders and social partners in its consideration of matters relevant to this Chapter.

4. The Dialogue shall report on the progress of its work to the Joint Committee, while seeking to avoid duplication of the Joint Committee’s work.

5. The Dialogue may work with other bodies and subsidiary bodies established under this Agreement to advance the objectives of this Chapter and support the delivery of the cooperative activities described in Article 20.13 (Cooperation), which may include providing advice or recommendations to the Joint Committee as appropriate.

## Article 20.15

## Contact Points

Each Party shall designate a contact point to facilitate communication and the exchange of information on matters arising under this Chapter within 90 days of the date of entry into force of this Agreement. Each Party shall promptly notify the other Party in the event of any change to its contact point.

**Article 20.16**

**Non-Application of Dispute Settlement**

The Parties shall not have recourse to dispute settlement under Chapter 25 (Dispute Settlement) for any matter arising under this Chapter.

1. For greater certainty, nothing in this Article authorises a Party to take initiatives that would be inconsistent with its obligations under other provisions of this Agreement, the WTO Agreement or other international trade agreements. [↑](#footnote-ref-2)