



## Construction Forestry Mining Energy Union NATIONAL OFFICE

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Sent via email: [mmsddraftreport@iied.org](mailto:mmsddraftreport@iied.org)

Dear IIED,

### **Response to MMSD Project Draft Report of 4 March**

The Construction, Forestry Mining and Energy Union in Australia has been an active participant in the MMSD process under the umbrella of the ICEM. The International Federation of Chemical, Mine and General Workers' Unions brings together the majority of mineworkers worldwide. We have focussed our efforts on the Australian regional component of the MMSD project but are pleased to have this opportunity for brief comment on the global draft report.

#### **General view**

The report is better than we were expecting. It is somewhat academic and lengthy but generally the language is accessible. When published it will be a remarkably frank discussion of the state of the industry and the many problems it faces.

By contrast the Australian report is far briefer in the interest of being easier to get through. In consequence its breadth is far less.

The report does suffer at times from the lack of direct experience of the mining industry by the IIED. This leads to some obvious errors of the type described by Dr Crowson in his response to the draft report. However, if the MMSD report had been given to the usual bunch of industry consultants we would have something which the industry might like but which would be regarded as "more of the same" and irrelevant by those whom the MMSD process has sought to include. The report is a creditable effort and it now remains to be seen how much the various stakeholders - but especially industry - will respond.

There are several sections on labour in the report (eg 6-18 and 8-26) and they are broadly OK. The role of not just labour but organisations of labour is recognised. That shouldn't be seen as a remarkable achievement but given the sorry history of the industry in seeking to repress and abolish labour unions it is something. It needs to be said that there is just not that much on labour which is not an appropriate balance given we are the largest stakeholder in the industry. I note here the comments of Nick Robins of Henderson Global Investors in his response to the MMSD draft. He also thinks that labour has not been accorded due priority.

In treating social justice, equity and ethical issues as integral to sustainable development the MMSD Report is operating (correctly) in accordance with the Brundtland definition of sustainable development. It is surprising that some in the industry still regard SD as something of a technical exercise with regard to environmental management. So long as that view persists the industry's crisis of legitimacy will strengthen rather than dissipate.

### **The Final Chapter – Agenda for Action**

The call for companies to make a unilateral Declaration around principles based on certain international instruments (page 16-8) is good. I note the list contains the OECD Guidelines for MNEs, ILO 176 on mine safety, ILO 169 on Indigenous people and ILO 98 on collective bargaining. This is good, but why have most core ILO conventions been left out? Apparently because it would create an unwieldy list. The core ILO conventions should not be regarded as an optional list. The 8 core ILO conventions (on freedom of association, the right to bargain collectively, freedom from forced and child labour, equal pay and non-discrimination) have been agreed by governments, labour unions and business groups worldwide as absolutely fundamental to the observance of human rights at work.

The section on unions in the Agenda for Action talks about companies and labour producing a Framework Agreement for Sustainable Development. The CFMEU as part of global labour stands ready to advance this project. Framework agreements at either company or industry association level will provide a basis for mutual recognition of rights and obligations and enable capital and labour to move forward in advancing sustainable development

There are many calls for international government agencies to do things eg the World Bank, UNCTAD, UNEP, etc. It is both intriguing and contradictory that a company-sponsored initiative is saying this. It is contradictory that companies spend much time seeking to reduce their taxes, and generally oppose government regulation of their industry, and now seek government support to sort out their problems. I see nowhere where the companies are offering to pay more taxes to fund this heightened government or international agency effort. I note that at page 16-22 it is recognised that UN bodies would need more resources to do this work, but it doesn't say where this should come from.

The issue is that UN and other multilateral agency resources are scarce (as well as often being deployed wastefully). Given that mining is such a small part of the world economy, and has done such a good job of reducing its flow-on benefits, why should governments and international agencies do all this extra work for it?

### **Specific comments on other chapters**

#### Chapter 2

page 2-13. I'm used to looking at employment figures for mining rather than "mining and minerals processing". Even so I'm sure the figures are wrong for Australia. Employment in mining has shrunk substantially over the last decade and it has not been counterbalanced by any massive increase in employment in minerals processing. Production has increased strongly but not employment.

#### Chapter 3

Workers and unions are listed as a subsection of industry. UN structures and a lot of developed countries recognise labour as a distinct social partner alongside business and government. This section is OK in style but thin on data and statistics. I believe the major UK miners' strike was 1984-85. If one needs to provide evidence of violent repression of unions and their members a useful reference would be the ICFTU's annual survey of violations of

labour rights. A highly relevant recent mining example would be the summary execution of three mining union leaders in Colombia. They were literally dragged off the bus on the way to work and shot in front of their colleagues. There is now a court case in the USA alleging a conspiracy involving paramilitary groups and the Drummond company.

#### Chapter 6

Page 6-18 on unions is OK/good but brief

Page 6-20 to 6-28 on occupational health and safety is reasonable but brief. It is arguable that insufficient attention is given to the problem of rapidly spiralling working hours in mining – a problem that is more obvious in the developed world than the developing world. Some employers in Australia boast of their industry sector averaging 3,000 hours per worker per year, or almost 60 hours per week.

#### Chapter 8

The section on Protecting and Promoting Human Rights at pages 8-23 to 8-30 is useful and does a good job of recognising the need to observe human rights in the workplace. It is constantly amazing to unions that human rights are often regarded as something which may be observed anywhere BUT in the workplace – as if the place where people spend much of their waking life and which is central to their income can somehow be divorced from their civil and political rights.

#### Chapter 13

Good description of scale of the artisanal mining sector and its problems.

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Overall, the Report is a good effort despite the various errors and imbalances. As stated earlier, it remains to be seen whether this report will be acted upon by stakeholders – especially industry – or whether it will sit on the shelf as part of an industry public relations exercise.

Yours sincerely,



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**CFMEU National Secretary**