



Justice and International Mission Cluster: Draft Proposals to the 2023 Synod Meeting

April 2023

Below are two proposals which the Justice and International Mission Cluster plans to take to the 2023 Synod meeting, to be held in November. Proposals seek the endorsement of the Synod to ensure the work is in line with the discerned direction of this Council of the church.

Synod proposals:

- cannot repeat something that a past Synod or National Assembly meeting has already resolved, as resolutions of the Synod remain in force until they are rescinded by a future Synod meeting; and
- cannot ask the Justice and International Mission Cluster to do something it is already able to do on its own and is within its mandate to do.

At their best the Synod resolutions should set the broad position of the Synod, as guided by the Spirit. In doing so they enable the Synod to be active in the world and empower bodies like the Justice and International Mission Cluster to undertake its work on behalf of Synod as a body, and not just in the name of the Cluster. Resolutions of the Synod shape the work of the Cluster with the broader Uniting Church membership and help to set the direction of the Cluster.

Each proposal comes with an associated rationale, and will be accompanied by a verbal introduction at the Synod meeting.

We welcome your feedback on the proposals. Your comments, questions and suggestions will assist us in presenting these to the Synod meeting, and assist us in effectively enacting the resolution.

Comments or suggestions on the proposals below can be provided to:

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Feedback and comments are welcome by **Monday 5 June 2023** at the latest.

There may be an additional proposal on the Synod committing to achieve net zero greenhouse gas emissions by 2040, which is subject to a separate consultation.

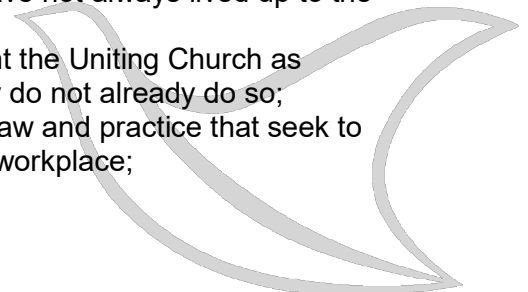
The Proposals:

Secure Work

The Synod resolve:

In affirmation of the Uniting Church as Employer Principles, and its theological underpinnings, that provide a guide for the way all people employed should be treated:

- (a) To confess with lament that different parts of the Synod have not always lived up to the Uniting Church as Employer Principles;
- (b) To call on all parts of the Synod to embrace and implement the Uniting Church as Employer Principles in their employment practices where they do not already do so;
- (c) To publicly support all reasonable additional measures in law and practice that seek to create gender equity and eliminate sexual harassment in the workplace;





- (d) To publicly support all reasonable measures in law and practice that ensure that people doing the same work at the same level for the same employer are paid the same;
- (e) To call on the Commonwealth and State Governments to ensure the on-demand gig economy is not used by unethical employers to be able to classify employees as independent contractors. The existing law should be amended to establish collective bargaining rights for all employees, including those in the gig economy;
- (f) To call on the Commonwealth Government to establish a national industrial commission (or a Fair Work Commission jurisdiction) to:
- i. Regulate all work contracts regardless of the work status of those workers and regardless of how those workers were engaged. The measure should cover arrangements for the engagement of on-demand gig workers;
 - ii. Hear and determine complaints concerning the unfair termination of work contracts for all workers, including those working in the gig economy; and,
 - iii. Issue orders to ensure supply chain accountability where workers, including on-demand gig workers, are engaged by subcontractors.
- (g) To call on the Commonwealth Government to introduce a short-term visa with work rights for people on temporary visas that have a meritorious claim of workplace exploitation to be able to stay in Australia to pursue the claim;
- (h) To write to the Prime Minister, Minister for Employment and Workplace Relations, Shadow Minister for Employment and Workplace Relations, the Leader of the Opposition, the Leader of the Australian Greens, the Victorian Premier, Victorian Minister for Industrial Relations, Victorian Minister for Employment, the Victorian Leader of the Opposition, the Tasmanian Premier, the Tasmanian Leader of the Opposition, and the Tasmanian Leader of the Greens to inform them of the above resolution.

Rationale

The Uniting Church in Australia has long supported decent employment conditions for all people. The above proposal builds on the previous resolutions of the National Assembly and Synod, responding to the emergence of new trends that threaten decent employment conditions for all people.

There are a number of theological frames which support decent treatment of people in employment. These include:

- *The love we have for God finding expression in our love of all people. Such love includes a desire for structures that serve the wellbeing and just treatment of all people;*
- *The God of the Bible is a God of justice, for whom just relations are central, and who is accordingly on the side of people who are poor, disadvantaged, marginalised or exploited;*
- *All people are created in the image of God and all people are intrinsically valuable; and,*
- *Biblical passages condemning the exploitation of workers, including by the prophets (Mal 3:5, Jer 22:13) and James (5:4).*

The emergence of the on-demand gig economy has allowed some multinational corporations to engage people in employment through online platforms while denying they are employees. People engaged in work who are not regarded as employees do not have the protection of measures contained within employment law.

Employers seeking to get around the protections of employment law is not new to our Synod. The Synod supported home-based workers in the clothing industry through the Fair Wear campaign. It supported the rights for cleaners. In both cases, employers sought to argue that the people engaged in doing the work were independent contractors and so not entitled to the protections of employment law.



Ethical Procurement and Investment

The Synod resolve:

In alignment with the role of the Church to be “an instrument through which Christ may work and bear witness” (BoU 3):

(a) To lament all parts of the Synod cannot avoid business transactions where the goods and services supplied will have involved serious human rights abuses, excessive environmental damage or other severe criminal activity in their production;

(b) To call on Synod operations, congregations, Presbyteries, U Ethical, Uniting Vic.Tas and Uniting AgeWell to:

- i. seek to deal with businesses that uphold ethical standards;
- ii. not invest in and to avoid purchases from businesses involved in on-going serious human rights abuses, excessive environmental damage and non-trivial criminal activity;
- iii. not invest in and avoid purchases from businesses that have been proven to have been involved in serious human rights abuses, excessive environmental damage and non-trivial criminal activity in the last five years, unless there is strong verification that the business has corrected its past practice and conducted meaningful remediation of its past wrong-doing; and
- iv. not have dealings with any business that has been established through criminal activity, or purchased with proceeds of crime, in the previous 20 years.

Rationale

Christian theology declares that God is the source of abundant life for all creation, and that this God is passionately and relentlessly committed to providing and accomplishing this reality in and for a broken world. In Jesus the Christ, God has acted uniquely, decisively and finally to fulfil God’s purpose – to bring about a new creation, to overcome the dehumanizing powers of evil, sin and death, to reconcile all creation to God-self, to give ‘life’ to the world. In that sense, the incarnation, life, death, resurrection, ascension of Jesus, embodies and accomplishes God’s promised fulfilment for all creation. (BoU #3)

The church is uniquely the community which, gifted by the Holy Spirit as the foretaste and guarantee of God’s promised future, is called upon to celebrate, embody and display, God’s accomplished future in Christ – the ‘body of Christ’.

Thus, ‘Church’ is, in the first instance, not an institution, not a religious organisation, but a new way of being in the world, a way derived from the incarnate Easter Christ and inspired by the Holy Spirit. In this sense, the church lives out of a new reality (truth) in each time and place – contextually ‘in the world but not of the world’, in anticipation of God’s promised fulfilment for all creation, completed in Jesus Christ. Thus, through its business dealings the Uniting Church should point towards the coming Kingdom.

Currently, there are no overarching policy principles that guide the business transactions of the various parts of the Synod. U Ethical has a comprehensive ethical investment policy.

There are also some specific positions adopted by previous Synod meetings, such as all parts of the Synod should avoid purchases of products that have involved slavery, human trafficking and the exploitation of children.

The above proposal seeks to establish some high level principles to guide the business decisions of all parts of the Synod. There will still be room for interpretation of these principles by different parts of the Synod and different parts of the Synod may go further than what is in the proposal, but the proposal should drive some greater consistency.

Cross border trade and production have made understanding the supply chains of companies that the Synod does business with very difficult. It can be very costly to investigate the supply chain of any product or service that has components from different cross-border locations.



However, detection of the following criminal activity and abuses in supply chains has increased:

- *Murders of those that get in the way of the business activity, such as eliminating First Nations people who oppose a business development on their land, law enforcement officials that challenge illegal logging, and the targeting of human rights defenders and environmental activists;*
- *Modern slavery;*
- *Wage theft and other forms of illegal labour exploitation;*
- *Environmental destruction;*
- *Illegal or corrupt acquisition of land, including from First Nations people;*
- *Tax evasion and avoidance;*
- *The payment of bribes to facilitate the above activities or to gain favourable treatment by government authorities;*
- *Online and technology businesses that have designed their products to minimize their costs in monitoring the misuse of their platforms or products for carrying out human rights abuses;*
- *Financial institutions that provide finance or services to businesses involved in the above activities; and,*
- *Financial institutions and other businesses that willfully or recklessly launder profits from the above activities.*

The flourishing of the abuse abusive and criminal activities in part occurs due to law enforcement agencies not having the resources to deal with the scale of the problem. Further, cross border crimes are extremely hard to prosecute. Gathering evidence is costly and difficult.

Governments can also be reluctant to see corporations that are headquartered in their jurisdiction prosecuted for crimes committed in other jurisdictions. Courts and law enforcement agencies can be reluctant to see penalties placed on large corporations that would cause the corporation to have to wind up, being 'too big to fail'. Individuals involved in serious criminal human rights abuses or environmental crimes from large corporations can often escape prosecution, a phenomena known as 'too big to jail'.

In some sectors, the criminal activity within the sector is so prevalent that it is now almost impossible to purchase products that do not have a high risk of human rights abuse or criminal activity in their production. Examples include mobile phones and solar panels.

The Synod can find itself the beneficiary of such abuses and criminal activity. The benefit will largely be in the form of lower prices for the goods or services in question.

There is the problem of corporations that are 'too big to exclude', making it very difficult for the Synod not to deal with those corporations. Thus, the proposal is framed in language of seeking to avoid such transactions, rather than a strict prohibition.

A clash of values occurs where any part of the Synod puts the financial sustainability of its existing operations ahead of the need not to be supporting businesses involved in human rights abuses, environmental destruction or other criminal activities. A significant danger exists that such business dealings become justified through the argument the greater good the Synod is providing into the world cancels out the abuses and environmental destruction associated with our transactions.