

# AUSTRALIAN CHARTER OF EMPLOYMENT RIGHTS

## Recognising that:

improved workplace relations requires a collaborative culture in which workers commit to the legitimate expectations of the enterprise in which they work and employers provide for the legitimate expectations of their workers

## and drawing upon:

Australian industrial practice, the common law and international treaty obligations binding on Australia, this Charter has been framed as a statement of the reciprocal rights of workers and employers in Australian workplaces.

- 1 Good Faith Performance**

Every worker and every employer has the right to have their agreed terms of employment performed by them in good faith. They have an obligation to co-operate with each other and ensure a “fair go all round”.
- 2 Work with Dignity**

Recognising that labour is not a mere commodity, workers and employers have the right to be accorded dignity at work and to experience the dignity of work. This includes being:

  - treated with respect
  - recognised and valued for the work, managerial or business functions they perform
  - provided with opportunities for skill enhancement and career progression
  - protected from bullying, harassment and unwarranted surveillance.
- 3 Freedom From Discrimination and Harassment**

Workers and employers have the right to enjoy a workplace that is free of discrimination or harassment based on:

■ race, colour, descent, national, social or ethnic origin	■ family or carer responsibilities	■ in union activities or other collective industrial activity
■ sex, gender identity or sexual orientation	■ pregnancy, potential pregnancy or breastfeeding	■ membership of an employer organisation or participation in the activities of such a body
■ age	■ religion or religious belief	■ personal association with someone possessing one or more of these attributes.
■ physical or mental disability	■ political opinion	
■ marital status	■ irrelevant criminal record	
	■ union membership or participation	
- 4 A Safe and Healthy Workplace**

Every worker has the right to a safe and healthy working environment. Every employer has the right to expect that workers will co-operate with, and assist, their employer to provide a safe working environment.
- 5 Workplace Democracy**

Employers have the right to responsibly manage their business.

Workers have the right to express their views to their employer and have those views duly considered in good faith.

Workers have the right to participate in the making of decisions that have significant implications for themselves or their workplace.
- 6 Union Membership and Representation**

Workers have the right to form and join a trade union for the protection of their occupational, social and economic interests.

Workers have the right to require their union to perform and observe its rules, and to have the activities of their union conducted free from employer and governmental interference.

Every worker has the right to be represented by their union in the workplace.
- 7 Protection from Unfair Dismissal**

Every worker has the right to security of employment and to be protected against unfair, capricious or arbitrary dismissal without a valid reason related to the worker's performance or conduct or the operational requirements of the enterprise affecting that worker. This right is subject to exceptions consistent with International Labour Organisation standards.
- 8 Fair Minimum Standards**

Every worker is entitled to the protection of minimum standards, mandated by law and principally established and maintained by an impartial tribunal independent of government, which provide for a minimum wage and just conditions of work, including safe and family-friendly working hours.
- 9 Fairness and Balance in Industrial Bargaining**

Workers have the right to bargain collectively through the representative of their choosing.

Workers, workers' representatives and employers have the obligation to conduct any such bargaining in good faith.

Subject to compliance with their obligation to bargain in good faith, workers have the right to take industrial action and employers have the right to respond.

Cconciliation services are provided where necessary and access to arbitration is available where there is no reasonable prospect of agreement being reached and the public interest so requires.

Employers and workers may make individual agreements that do not reduce minimum standards and that do not undermine either the capacity of workers and employers to bargain collectively or the collective agreements made by them.
- 10 Effective Dispute Resolution**

Workers and employers have the right and the obligation to participate in dispute resolution processes in good faith, and, where appropriate, to access an independent tribunal to resolve a grievance or enforce a remedy.

The right to an effective remedy for workers includes the power for workers' representatives to visit and inspect workplaces, obtain relevant information and provide representation.