

- **Australian Charter of Employment Rights**

- **Australian Standard of Employment Rights**

Your tools for creating good faith relationships
and healthy, productive workplaces.



Australian Institute of Employment Rights
214 Graham Street

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
- sex, gender identity or sexual orientation
- age
- physical or mental disability
- marital status
- family or carer responsibilities
- pregnancy, potential pregnancy or breastfeeding
- religion or religious belief
- political opinion
- irrelevant criminal record
- union membership or participation in union activities or other collective industrial activity
- membership of an employer organisation or participation in the activities of such a body
- personal association with someone possessing one or more of these attributes.

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 Organization 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.

Conciliation 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.



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Australian Standard of Employment Rights

Recognising that: improved workplace culture requires workers and employers to recognise their pivotal role as industrial citizens.

And building upon: the Australian Charter of Employment Rights, this Standard has been framed as a statement of the reciprocal rights and responsibilities of workers and employers in Australian workplaces which have received the distinction of being a 'Charter-Accredited Workplace'.

1 Good faith performance

A Employers and workers do not seek to mislead, deceive or trick each other but always seek to act in an honest and trustworthy manner.

B Employers and workers do not abuse any powers or discretions granted to them in the employment contract.

C No person in or associated with the workplace is subjected to harassment or humiliation so as to cause psychological harm or distress.

D Workers and employers act in good faith during termination of the employment relationship. Workers are dismissed only for a reason relating to their performance or conduct, or for operational business reasons. Workers are willing to serve the notice period required in their contract if they decide to terminate their employment.

E Employers and workers do not maliciously damage the reputation of the other.

F Employers do not seek to place an illegitimate restriction on the freedom of workers to pursue their careers once their employment relationship is over.

2 Work with dignity

A Employers and workers are committed to recognising and affirming the dignity of every person in the workplace.

B There is no bullying and harassment in the workplace.

C The employer regularly invests in the skill formation of workers and appropriate career paths are developed within the workplace.

D Surveillance of the workplace only occurs with the consent of workers and when used for a legitimate purpose.

E Every person in the workplace is committed to treating others with respect.

3 Freedom from discrimination and harassment

A The employer is committed to achieving a workplace that is free from discrimination and harassment based on protected attributes.

B The employer makes non-discriminatory decisions about all work related matters by giving every worker and job applicant fair access to all workplace opportunities and benefits.

C The employer has a clear set of policies and procedures for addressing and managing the risks arising from discrimination and harassment in the workplace. This includes:

- i** preparing and distributing a written policy on discrimination and harassment
- ii** ensuring that there is in place a protective investigation process which deals with complaints promptly and properly
- iii** maintaining thorough records and (subject to legal requirements) guaranteeing confidentiality
- iv** promoting the policy throughout the business
- v** providing training on operation of the policy to all workers, including those in leadership positions
- vi** if possible, appointing trained discrimination and harassment contact officers
- vii** reviewing work practices and regularly monitoring and evaluating the workplace culture to ensure compatibility with appropriate standards
- viii** guaranteeing that no worker will be victimised for making a complaint or for supporting someone who has done so
- ix** ensuring that all parties to the complaints process are permitted to have a support person, advocate, union official or other similar representative accompany them to any interviews or meetings

x providing a worker who has suffered discrimination or harassment in the workplace with access to counselling services or other employee assistance programs

xi dealing with perpetrators in a manner proportionate to the severity of their behaviour

D All workers are committed to achieving a workplace that is free from discrimination and harassment based on protected attributes.

4 A safe and healthy workplace

A The employer is committed to making safety part of the lifeblood of the business by minimising exposure to health hazards and taking all steps to minimise deaths and injuries in the workplace.

B The employer has a systematic, proactive and comprehensive risk management process to ensure the achievement of a safe and healthy workplace.

C There is consultation with workers about major changes to safety and health measures as well as changes to work that may have safety or health implications.

D Workers are given the opportunity to be represented in dealings with their employer concerning health and safety issues.

E There is adequate information, instruction, training and supervision given to workers to enable them to perform their work in a manner that is safe and without risks to health.

F The workplace is free of bullying, stress, abuse and anxiety that is detrimental to the worker's mental health.

G All workers are committed to achieving a safe and healthy workplace and to cooperating with management about workplace safety measures.

Australian Standard of Employment Rights

5 Workplace democracy

A Both employers and workers reject adversarial workplace relations and commit to seeking mutually beneficial outcomes.

B The employer does not have a blanket managerial prerogative but is committed to managing the business in a responsible manner.

C Both employers and workers are committed to engaging in constructive dialogue. As part of this, workers are allowed to express their views in the workplace and have their views considered in good faith by their employer.

D In the case of business decisions that have significant implications for workers such as workplace restructuring, workers have the opportunity to participate in the decision-making process by being provided with information and meaningful consultation.

E Workers are committed to cooperating with and supporting the employer's right to responsibly manage their business.

6 Union membership and representation

A Workers are not discriminated against or treated detrimentally for joining or being a member of a union or on account of their union activities.

B No job or other employment benefit is offered on the condition that the worker is not a union member or relinquish the right to union representation.

C The employer does not refuse to recognise a union or punish its members for participating in lawful industrial activity.

D The employer recognises that the right to collectively bargain is an integral aspect of union membership.

E The employer does not restrict the role of the union in representing workers within the workplace.

F Workers and their unions exercise their right to collectivism, responsibly, in good faith and with regard to their ongoing employment relationship and the dignity of every person in their workplace.

7 Protection from unfair dismissal

A The employer has a systematic and comprehensive risk management process to managing dismissals or

terminations of employment in the workplace.

B The employer has a legitimate reason for termination of employment when that termination relates to the worker's conduct.

C Prior to termination and where possible, an employer should warn the worker about conduct or performance matters so that the worker has a reasonable opportunity to rectify the conduct or improve performance.

D Workers who are being dismissed are entitled to procedural fairness in the dismissal process.

E Where a worker is terminated because of the employer's operational requirements, the termination is to be treated as a redundancy, and procedures for determining and dealing with redundancies are followed.

F The employer is committed to respecting the dignity of all those involved in the termination process.

8 Fair minimum standards

A The employer is committed to complying with fair minimum standards imposed externally to the workplace.

B The employer, in consultation with workers, is willing and committed to providing fair standards that build upon the legislative minimum and which are tailored to the needs of the workplace.

C The employer respects the need of workers to live a fulfilling life and to attain a fair balance between work and the rest of their lives. In recognising this, the business is committed to developing policies on flexible work practices, parental leave, working hours and workloads, and other conditions within the workplace.

9 Fairness and balance in industrial bargaining

A Workers have the right to bargain collectively.

B All parties involved in bargaining for workplace agreements act in good faith and with due regard for the dignity and integrity of all persons in the workplace and relevant third parties.

C Workers have a right to use representatives of their choosing in the bargaining process.

D Workers have the right to use lawful industrial action as part of the bargaining process. Employers have a right to respond to this.

E The use of statutory individual agreements does not undercut collective agreements and is not used as a mechanism to avoid or undermine collective bargaining with workers.

10 Effective dispute resolution

A The process of dispute resolution is clearly documented and accessible to all workers, offering both formal and informal options.

B The employer has a well-designed dispute resolution process that aims to:

i Guarantee timeliness, confidentiality and objectivity

ii Be administered by trained personnel

iii Provide clear guidance on the investigation process

iv Guarantee that no worker is victimised or disadvantaged for making a complaint

v Be regularly reviewed for effectiveness

vi Guarantee that the worker can participate in the dispute resolution process without any loss of remuneration

vii Graduate from informal to formal measures

C The dispute resolution process is procedurally fair.

D The process of dispute resolution allows the worker and the employer to be represented. Full access to relevant records and information as to the dispute resolution process is provided to the worker and their representative.

E If the dispute cannot be resolved at the workplace level, the dispute is referred to an independent and impartial body that has the power to resolve the dispute.



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