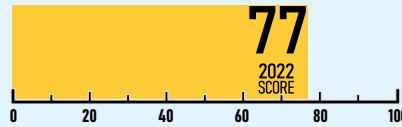




Australia



72 2020 SCORE

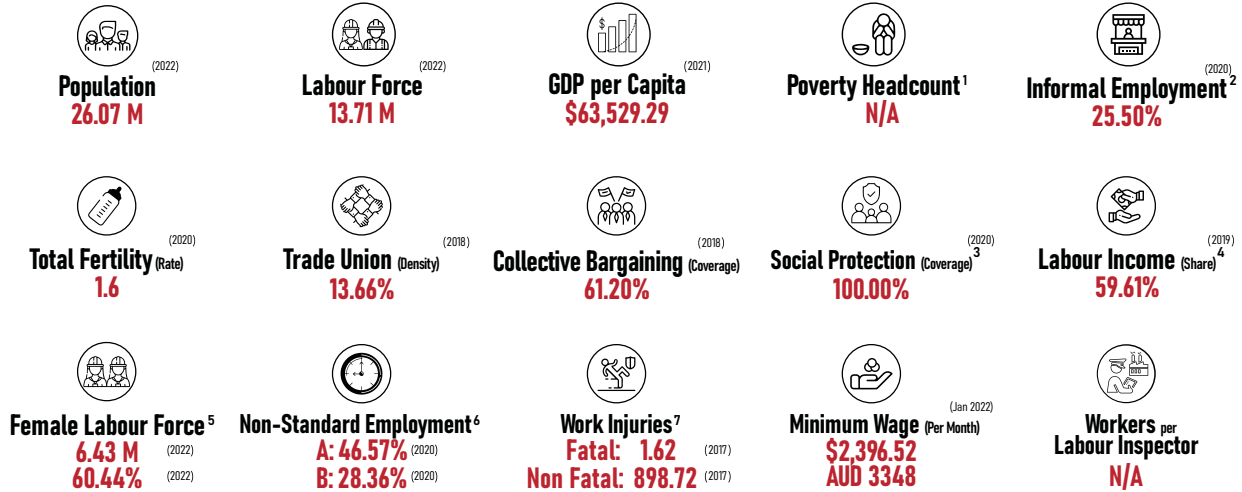
Oceania

High income

Reasonable Access to Decent Work

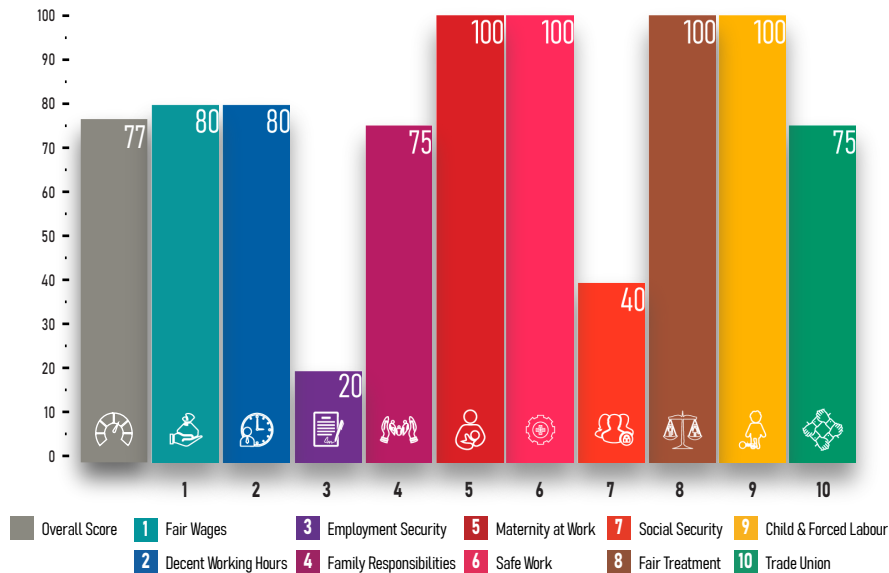


Contextual Indicators



Sources: World Bank
International Labour Organization
WageIndicator Minimum Wages and Living Wages Database
M=Million

Legislative Performance Indicators



Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

The legal data refers to the legislation applicable to the most populous state (New South Wales, Australia). Different rules may apply in other jurisdictions, necessitating review of other sources. Following this approach, Australia's overall score is 77 out of 100. The overall score for Australia is higher than the regional average observed across Oceania (61.33). Within the Oceania region, the highest score is observed for Australia.

¹ Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

² Share of informal employment in total employment (%), as measured under SDG 8.3.1

³ Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

⁴ Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

⁵ The female labour force is shown in absolute number along with the female labour force participation rate

⁶ Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

⁷ Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

LABOUR RIGHTS INDEX 2022

	Question ⁹	Answer	Legal Basis	Trend ¹²
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	Yes	§284-287, 294-295 & 539 (Item 8) of the Fair Work Act 2009	●
	Does the law require regular payment of wages?	Yes	§323-324 of the Fair Work Act 2009; §117-119 of the NSW Industrial Relations Act 1996 No. 17	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	§62 of the Fair Work Act 2009; §24 of the Health Professionals and Support Services Award 2020	●
	Does the law require additional compensation for working on a weekly rest day?	No	No applicable legal provisions could be located	●
2. Decent Working Hours	Does the law require additional compensation for night work?	Yes	§25.3 of the Health Professionals and Support Services Award 2020	●
	Does the law stipulate general working hours as 48 hours or lower?	Yes	§62-64, Fair Work Act 2009; §22 of the NSW Industrial Relations Act 1996 No. 17	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	No	§62-64 of the Fair Work Act 2009; §10, 11 & 13 of the Health Professionals and Support Services Award 2020	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§13.2 (a) of the Health Professionals and Support Services Award 2020	●
3. Employment Security	Does the law require a weekly rest of at least 24 hours?	Yes	§4 & 5 of the Public Holidays Act 2010 No. 115	●
	Does the law require at least three working weeks of paid annual leave?	Yes	§3 (1-8) of the Annual Holidays Act 1944 No. 31	●
	Does the law require written employment contracts or at least written employment particulars?	No	No applicable legal provisions could be located	●
	Does the law restrict the hiring of fixed-term contract workers?	No	No applicable legal provisions could be located	●
4. Family Responsibilities	Does the law limit the length of probation period including renewals to a maximum of 3 months?	No	§382 & 383 of the Fair Work Act 2009	●
	Does the law require a 30-day notice before contract termination?	No	§2-4 of the NSW Industrial Relations Act 1996 No. 17; §117 & 123 of the Fair Work Act 2009	●
	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	Yes	§119 & 121 (1) (2) of the Fair Work Act 2009; §37.2 (b) of the Health Professionals and Support Services Award 2020	●
	Does the law require parental leave for parents?	Yes	§53, 54, 57, 61 & 63, NSW Industrial Relations Act 1996 No. 17; §70, 71 & 79, Fair Work Act 2009	●
5. Maternity at Work	Does the law require at least one week of paid paternity leave for fathers?	Yes	§10, Paid Parental Leave and Other Legislation Amendment Act 2012; §55 & 58, NSW Industrial Relations Act 1996 No. 17	●
	Does the law require flexible work arrangements for workers with family responsibilities?	Yes	§1 (1A) (1B) & 3-5 of the Fair Work Act 2009; §76 of the NSW Industrial Relations Act 1996 No. 17	●
	Does the law require paid nursing breaks?	No	§7AA & 7D (1e) of the Sex Discrimination Act 1984	●
	Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§7 & 14 of the Sex Discrimination Act 1984	●
6. Safe Work	Does the law require paid maternity leave of at least 14 weeks?	Yes	§11, Paid Parental Leave Act 2010; §80, Fair Work Act 2009; §71 & 72, NSW Industrial Relations Act 1996 No. 17	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§8(1C) & 93WC of Social Security Act, No. 46 of 1991; 52-61 of Paid Parental Leave Act 2010	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§8(1C) & 93WC of Social Security Act, No. 46 of 1991; 52-61 of Paid Parental Leave Act 2010	●
	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§7, Sex Discrimination Act 1984; §84, 342 & 351, Fair Work Act 2009; §66 & 68, NSW IRA 1996	●
7. Social Security	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§44 & 46, NSW Work Health and Safety Regulation 2017; §4, Work Health and Safety Act 2011	●
	Does the law require the employer to train workers on health and safety issues?	Yes	§39 of the Work Health and Safety Regulation 2017	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§66, 68 & 70 of the NSW Industrial Relations Act 1996 No. 17	●
	Does the law provide for employment injury benefit?	Yes	§9 (2), 9A, 25 (1), 26, 33, 34, 36, 37 & 39 of the Workers Compensation Act 1987 No. 70	●
8. Fair Treatment	Does the law provide for an old age pension?	Yes	§23 (5A-5D), 43 & 308 of the Social Security Act, No. 46 of 1991	●
	Does the law provide for a dependants/survivors' pension?	No	§82-91, 146F-146G & 308 of Social Security Act, No. 46 of 1991	●
	Does the law provide for unemployment benefit?	No	§308 & 593-660M of Social Security Act, No. 46 of 1991	●
	Does the law require paid sick leave for the first 6 months of sickness?	No	§96-99 of the Fair Work Act 2009; §26 of the NSW Industrial Relations Act, 1996 No. 17	●
9. Child and Forced Labour	Does the law provide for invalidity benefit?	Yes	§27, 94-120 & 308 of Social Security Act, No. 46 of 1991	●
	Does the law require equal remuneration for work of equal value?	Yes	§300-306 of the Fair Work Act 2009	●
	Does the law prohibit sexual harassment in employment?	Yes	§28B of Sex Discrimination Act, 1984; Sex Discrimination and Fair Work (Respect at Work) Amendment Act, 2021	●
	Does the law prohibit discrimination in employment matters? ¹⁰	Yes	§14 of Sex Discrimination Act 1984	●
10. Trade Union	Does the law allow women to do the same jobs as men?	Yes	No restrictive legal provisions could be located	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	Social Security Act, No. 46 of 1991; ISSA Country Profile for Australia	●
	Does the law prohibit employment of children?	Yes	Youth Law Australia (https://yla.org.au/nsw/topics/employment/when-can-i-start-working/)	●
	Does the law set employment entry age equal to or higher than the compulsory schooling age?	Yes	§21B of the NSW Education Act, 1990	●
11. Child and Forced Labour	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	Regulation 89 of the NSW Work Health and Safety Regulation, 2017	●
	Does the law prohibit forced labour?	Yes	§270 & 271 of the Criminal Code Act 1995; Modern Slavery Act, 2018	●
	Does the law allow workers to form and join unions of their own choice?	Yes	§303-304 of the Industrial Relations Act 1996 No 17; Fair Work (Registered Organisations) Act 2009	●
	Does the law allow workers to bargain collectively with employers through their representative unions?	Yes	§28-47 of the Industrial Relations Act 1996 No 17	●
12. Trade Union	Does the law provide for the right to strike?	No	§423-427 of the Fairwork Act 2009; CEACR C87 Obs. 2020	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	Yes	§416A of the Fairwork Act 2009; §143 of the Industrial Relations Act 1996 No 17	●

Covid 19 and Labour Market in Australia*

Total Covid Cases	8.91 Million
Total Covid Deaths	10,884
Partial Vaccinated	88.0%
Fully Vaccinated	86.0%

Wage Subsidies	✓
Social Security Contributions (deferrals/waivers)	✓
Paid Sick Leave	✓
Add. Unemployment Benefits	✓

Protection from Dismissals	✗
Telework/flexible work	✓
Improved Health Access	✓
Training (activation measures)	✓

⁹ The Index has 10 indicators and 46 evaluation criteria or questions.

¹⁰ The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

¹¹ A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). The score of Australia on SDG 8.8.2 is 0.69 (2020)

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change