

# AUSTRALIA

Oceania

High-income country

Overall Score  
72 77 87  
2020 2022 2024



Score improved



Approaching Access to Decent Work



0 - 50

TOTAL LACK OF ACCESS TO DECENT WORK

50.5 - 60

BASIC ACCESS TO DECENT WORK

60.5 - 70

LIMITED ACCESS TO DECENT WORK

70.5 - 80

REASONABLE ACCESS TO DECENT WORK

80.5 - 90

APPROACHING ACCESS TO DECENT WORK

90.5 - 100

ACCESS TO DECENT WORK

The country rating is based on the overall score of 0-100, with the following coding: The overall score ranges from 0 to 100, where 100 signifies the highest possible score and 0 signifies the lowest possible score. The score indicates "access to decent work" by law.

## Contextual Indicators

Population (2022)	26.01 M	Total Fertility (rate) (2022)	1.63	Female Labour Force <sup>4</sup> (2024)	A : 6.82 M	B : 61% (participation rate)
Labour Force (2024)	14.54 M	Trade Union (density) (2018)	14%	Non-Standard Employment <sup>5</sup>	A : 47% (part-time employment) (2020)	B : 28% (temporary employment) (2021)
GDP per Capita (2022)	\$65,100	Collective Bargaining (coverage) (2018)	61%	Work Injuries <sup>6</sup> (per 100,000 workers)	A : 1.62 (fatal) (2017)	B : 899 (non-fatal) (2017)
Poverty Headcount <sup>1</sup>	No Data	Social Protection <sup>3</sup> (coverage) (2022)	94%	Minimum Wage <sup>7</sup> (April 2024)	AUD 3,825	
Informal Employment <sup>2</sup> (2021)	26%	Workers per Labour Inspector <sup>8</sup> (2023)	11,891	Living Wage <sup>9</sup> (April 2024)	AUD 2,034	

Sources: World Bank | International Labour Organization | WageIndicator Minimum Wages and Living Wages Database | M = Million  
GDP per Capita in USD (\$) | wages shown in local currency and per month

## At a glance

For Australia, the labour legislation in the most populous state (New South Wales, Australia) is analysed and scored. Different rules may apply in other jurisdictions, necessitating review of other sources.

Following this approach, Australia's overall score is 87 out of 100. The overall score for Australia is greater than the regional average observed across Oceania (67). Within the Oceanian region, the highest score is observed for Australia (87).

Australia owes its score improvement to the reforms in the Employment Security indicator; which restricts the hiring of fixed-term contract workers by limiting the length and renewals of fixed-term contracts to 24 months. The score on Social Security indicator is adjusted due to minor revision in methodology.

The country scores on the Labour Rights Index must be interpreted with caution, considering also the contextual indicators like the size of the population and labour force, informal employment in the country, social protection coverage, level of economic development (as measured by GDP per capita), female labour force participation rate, incidence of non-standard employment in the form of part-time employment and temporary employment as well as work injuries, both fatal and non-fatal. Trade union density and collective bargaining coverage rates are also relevant contextual indicators to assess the state of freedom of association and collective bargaining in the country.

## About Labour Rights Index

The Labour Rights Index 2024 (LRI 2024) is a de-jure index covering 145 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 Access to Decent Work" to "Access 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 SDG 5 (Gender Equality), SDG 8 (Decent Jobs), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Labour Rights Index scores countries based on applicable labour laws only. It does not comment on actual working conditions or labour law compliance in workplaces. The legislation that is used to score the country under the Labour Rights Index is generally national or federal level legislation. In cases where the legislation is enacted at the provincial/regional or state level, the Index analyses the labour legislation applicable to the most populous province/region or state (in federal, confederal or other complex structure states). Scoring for each country is based on labour legislation, as applicable on 1 January 2024.






\*Please check page 4 of the country profile for explanatory end notes.

In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2022), the opposite legend is used.

 Score increase  Score decrease  Score adjustment  Methodological change  No change






## 1. FAIR WAGES

80

QUESTION	ANSWER	LEGAL BASIS	TREND
Does the legislation or collective negotiation set and determine the minimum wages in the country?	Yes	\$284-287, 294-295 & 539 (Item 8) of the Fair Work Act 2009	
Does the law require regular and timely 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 to 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 any additional compensation for working on a weekly rest day?	No	No applicable legal provisions could be located	
Does the law require additional compensation for night work?	Yes	\$25.3 of the Health Professionals and Support Services Award 2020	





## 2. DECENT WORKING HOURS

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Does the law stipulate general weekly 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 paid weekly rest of at least 24 consecutive hours?	Yes	\$13.2 (a) of the Health Professionals and Support Services Award 2020	
Does the law require paid public holidays?	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	





## 3. EMPLOYMENT SECURITY

60

Does the law require a written employment contract or employment particulars to be given to a worker on commencement of employment?	Yes	Part 2-2 of the Fair Work Act, 2009 (The National Employment Standards)	
Does the law restrict the hiring of fixed-term contract workers?	Yes	Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022; Part 10 of the Fair Work Act 2009 (Fixed term contracts)	
Does the law limit the length of the probation period, including renewals, to three months?	No	\$382 & 383 of the Fair Work Act 2009	
Does the law require a 30-day notice period before employment 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 two 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	

## 4. FAMILY RESPONSIBILITIES

75

Does the law require a four-month parental leave for parents?	Yes	\$53, 54, 57, 61 & 63, NSW Industrial Relations Act 1996 No. 17; \$70, 71 & 79, Fair Work Act 2009	
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 working 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	

In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2022), the opposite legend is used.

● Score increase ● Score decrease ● Score adjustment ● Methodological change ○ No change

## 5. MATERNITY AT WORK

100

QUESTION	ANSWER	LEGAL BASIS	TREND
Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§7 & 14 of the Sex Discrimination Act 1984	○
Does the law require 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 benefits to be at least two-thirds (66.67%) 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 cash maternity benefits to be paid through a contributory social insurance or a universal benefits system or such benefits are an employer's liability?	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	○

## 6. SAFE WORK

100

Does the law require employers to provide free personal protective equipment to workers?	Yes	§44 & 46, NSW Work Health and Safety Regulation 2017; §4, Work Health and Safety Act 2011	○
Does the law require employers 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 benefits in the event of an occupational accident or disease?	Yes	§9 (2), 9A, 25 (1), 26, 33, 34, 36, 37 & 39 of the Workers Compensation Act 1987 No. 70	○

## 7. SOCIAL SECURITY

100

Does the law provide for an old age benefit?	Yes	§23 (5A-5D), 43 & 308 of the Social Security Act, No. 46 of 1991	○
Does the law provide for survivors' benefits?	Yes	§82-91, 146F-146Q & 308 of Social Security Act, No. 46 of 1991	●
Does the law provide for unemployment benefits?	Yes	§308 & 593-660M of Social Security Act, No. 46 of 1991	●
Does the law require paid sick leave (and sickness benefits) for the first six months of sickness?	Yes	§96-99 of the Fair Work Act 2009; §26 of the NSW Industrial Relations Act, 1996 No. 17	●
Does the law provide for invalidity benefits?	Yes	§27, 94-120 & 308 of Social Security Act, No. 46 of 1991	○

## 8. FAIR TREATMENT

100

Does the law require equal remuneration for men and women workers 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?	Yes	§14 of Sex Discrimination Act 1984	○
Does the law allow women to do the same job as men?	Yes	No restrictive legal provisions could be located	○
Does the law guarantee basic labour protection to the platform workers?	Yes	Social Security Act, No. 46 of 1991; ISSA Country Profile for Australia	○

## 9. CHILD AND FORCED LABOUR

100

QUESTION	ANSWER	LEGAL BASIS	TREND <sup>12</sup>
Does the law prohibit the employment of children?	Yes	Youth Law Australia ( <a href="https://yla.org.au/nsw/topics/employment/when-can-i-start-working/">https://yla.org.au/nsw/topics/employment/when-can-i-start-working/</a> )	<input type="radio"/>
Does the law set employment entry age equal to or higher than the compulsory schooling age?	Yes	Section 21B of the NSW Education Act, 1990	<input type="radio"/>
Does the law prohibit the employment of young persons in hazardous work under the age of 18 years?	Yes	Regulation 89 of the NSW Work Health and Safety Regulation, 2017	<input type="radio"/>
Does the law prohibit forced labour?	Yes	\$270 & 271 of the Criminal Code Act 1995; Modern Slavery Act, 2018	<input type="radio"/>

## 10. FREEDOM OF ASSOCIATION<sup>11</sup>

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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	<input type="radio"/>
Does the law allow workers to bargain collectively with employers through their representative unions?	Yes	\$28-47 of the Industrial Relations Act, 1996	<input type="radio"/>
Does the law provide the right to strike?	No	\$423-427 of the Fairwork Act, 2009; CEACR C87 Obs. 2020	<input type="radio"/>
Does the law prohibit imposing excessive sanctions against striking workers, including replacement of such workers?	Yes	\$416A of the Fairwork Act, 2009; \$143 of the Industrial Relations Act, 1996	<input type="radio"/>

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

<sup>2</sup> Share of informal employment in total employment (%), as measured under the SDG 8.3.1

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

<sup>4</sup> The female labour force is shown in absolute number (A) along with the female labour force participation rate (B)

<sup>5</sup> Non-Standard Employment has been defined as part-time employment (A) and temporary employment (B)

<sup>6</sup> Rate of fatal (A) and non-fatal work injuries (B) per 100,000 workers, as measured under the SDG 8.8.1

<sup>7</sup> Minimum Wage and Living Wage amounts are shown in local currency. The amounts are retrieved from the WageIndicator Minimum Wage Database and the WageIndicator Living Wage Database. The minimum wage amounts are those as were applicable on 1 April 2024. The Living Wage amounts are from the April 2024 data release by the WageIndicator. Given the declining share of labour income (a widely used measure of inequality, measuring the proportion of total income in a country that employed people earn by working), the contextual indicators on minimum wage and living wage are relevant.

<sup>8</sup> Robust legislation, backed by effective enforcement, forms the foundation for achieving decent work in practice. In this regard, it is relevant to see if the country has an adequate number of labour inspectors. While the Labour Inspection Convention, 1947 (No. 81) calls for a "sufficient number" of inspectors to do the work required, there is currently no official definition for a sufficient number of inspectors. In its 2006 General Survey on Labour Inspection, the ILO referred to the following benchmarks on the number of labour inspectors in the country in relation to the labour force: 1:10,000 in industrial market economies, 1:15,000 in rapidly industrializing economies, 1:20,000 in transition economies, and 1:40,000 in less developed countries. The latest guidance from the ILO (2022) however emphasizes a more holistic evaluation of national context rather than solely a ratio of labour inspectors to the size of labour force.

<sup>9</sup> The Living Wage estimates shown in this country profile are for a typical family (lower bound) that comprises two adults. The number of children is determined by the country-specific fertility rate, representing the average number of children in a family. One adult is engaged for 100% of normal working hours, while the working hours of the second adult are approximated based on the national labour force participation rate. The combined wage earned by two adults, each receiving a living wage, is designed to meet the requirements for achieving a decent standard of living for the family. For further details on this, please check here: <https://wageindicator.org/salary/living-wage>

<sup>10</sup> 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.

<sup>11</sup> The Freedom of Association indicator of the Labour Rights Index uses Observations/Direct Requests from the ILO Committee of Experts on Application of Conventions and Recommendations (CEACR), the US Department of State's Country Reports on Human Rights Practices (USDOS CRHRP) and the country's legal profiles under the ITUC Global Rights Index 2024 to measure a country's compliance with the right to freedom of association and collective bargaining. A country's score on the LRI's Freedom of Association indicator must also be read together with the 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 FACH rights) and 10 the worst (indicating lower levels of compliance with FACH rights). The score for Australia on the latest available data of the SDG 8.8.2 is "0.69" (2022). Other than SDG 8.8.2, we suggest considering the country's score on ITUC's latest Global Rights Index. The score for Australia in 2024 is "3". As explained by the ITUC, "Countries are rated in clusters from 1-5+ depending on their compliance with collective labour rights, with 1 being the best rating and 5+ the worst rating a country could get. A high-rated cluster means that workers in the country have no right to their collective voice due to government failure to guarantee rights".

<sup>12</sup> In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2022), the legislative table indicates improvement or worsening of de-jure labour rights in country through the following colours.

● Score improved due to a positive legislative reform

● Score worsened due to a negative legislative reform

● Score is adjusted for the country due to a minor revision in the methodology for the Social Security indicator

● Score is adjusted for the country due to better access to the country's legal sources, or where the score for the Freedom of Association indicator is adjusted based on the latest reports from ILO, USDOS & ITUC Global Rights Index 2024

○ No change