

Future of Work

Decent Work Agenda

Introduction

1. Congress believes that working life should be enjoyable. Work should give people the satisfaction of using their skills to the fullest measure, and making a contribution to the common good. It should provide fulfilling social interactions, freedom, dignity, economic security and equal opportunity.
2. Congress also supports decent work for workers in all nations and notes that where this does not exist, corporations will shift capital and production to take advantage of those workers.
3. This policy sets out the decent work agenda under the following objectives:
 - An inclusive workforce
 - Satisfying jobs
 - Friendly workplaces
 - Reasonable working hours
 - Fair treatment at work
 - Freedom, equality and dignity at work
 - Progressive use of technology
4. Congress adopts the following agenda for decent work.

Agenda for Decent Work

5. An inclusive workforce
 - a) Workplaces should reflect the make-up of the diverse Australian community.
 - b) Work should provide equal opportunities for all people, regardless of gender, pregnancy and breastfeeding, race, colour, ethnic or social

origin, genetic characteristics, language, religion or belief, political or other opinion, disability, age, sexual orientation or gender identity.

- c) Congress affirms its commitments to inclusive workplaces, including bargaining for flexible hours of work to accommodate workers' needs, including those of people with caring responsibilities, older workers, workers with a disability and students.

6. Satisfying jobs

- a) Job roles should be designed so that they are safe, productive and satisfying.
- b) New jobs should be designed with these principles in mind. Existing job roles should be periodically reviewed to assess whether they meet this objective. Job reviews should be conducted jointly between employers, employees and their unions.
- c) Employees should have control over job duties and employers should not be permitted to alter job roles without the employee's consent. Employees should be able to volunteer to perform different duties at the same or higher level (provided they are properly qualified, trained and paid appropriate remuneration).
- d) Jobs should encourage continuous learning: employees should be encouraged to learn new skills, and progress through career structures. Employers should support training and provide opportunity for further training during work hours and cover the expenses.

7. Worker-friendly workplaces

- a) Employers, employees and unions should work together to ensure workplaces are safe, environmentally and worker friendly.
- b) Employers, employees and unions should work together to minimise the business' impact on the environment, including greenhouse gas emissions. Each workplace should establish a joint Green Working Committee to develop policies to help achieve these goals. Union delegates should represent employees in these committees.
- c) Workplaces should be pleasant places to work. They should provide workers with adequate space, light and comfort, and satisfactory amenities. Where dangerous or dirty work cannot be avoided, efforts to mitigate employee discomfort should be taken. Where it is feasible, employees should have some choice about which space they work in, and who they work with.

- d) Employers should help facilitate employees' care for themselves, their families and their community. Unions encourage innovations such as employer provided: childcare facilities; physical exercise programs and discounted gym membership; facilities to enable employees to ride to work, including installation of secure bike racks and showers.
- e) The workplace is an important venue for social interaction. Such interactions are fulfilling for individuals, create a sense of community, and lead to more productive workplaces through greater levels of trust and co-operation. Congress calls upon governments, unions and employers to promote teamwork, co-operation and enjoyable social interaction at work.

8. Reasonable working hours

- a) Working hours should be reasonable, predictable, and within the control of the employee.
- b) Working hours should be reasonable. For full-time workers, the standard working week prescribed by awards (35 to 38 hours) is a reasonable quantity of work.
- c) Employees should not regularly work more than 48 hours per week. Congress encourages unions to prosecute employers who require employees to work unreasonably long hours of work.
- d) For part-time and casual workers, employers should endeavour to provide a quantity of work that suits the employees' needs: for example, half of young part-time and casual workers desire additional shifts.
- e) Employees should have predictable hours of work. Fixed rosters should be jointly agreed between the employer and employees. These rosters should not be able to be altered without the consent of the employees affected (except in exceptional circumstances). Where irregular hours cannot be avoided, employees should be paid an appropriate penalty to compensate for the lack of predictability.
- f) Employees should have a significant degree of control over their working hours (including start and finish times, meal breaks and shift patterns). Flexible arrangements should be available at the initiative of the employee and should not result in disadvantage to the employee. Employers should only refuse such arrangements on reasonable business grounds, with a right to appeal a refusal to an independent third party.
- g) Employees should be able to use a small amount of working time (and the employer's facilities) for personal purposes, such as making bill

payments or communicating with family members. This is especially important for employees who have no other alternative (for example those employees who cannot get to a bank or post office during working hours).

- h) Employees should only be kept at work in order to perform productive work. In cases where there is insufficient work to perform, employers should release employees from work on full pay, or allow employees to perform voluntary or community-based work of their choosing.
- i) Employees' workloads should be safe and reasonable. Employees should be given adequate time to perform complex or intense tasks. Sufficient staff should be engaged to perform the work required by the employer. Work should be distributed fairly between staff. Congress affirms its commitment to the measures contained in the *2003 Working Hours and Work Intensification Policy*.

9. Fair treatment at work

- a) Employers should treat employees fairly and in good faith.
- b) Employees and their unions should be consulted on important workplace changes before final decisions are taken.
- c) Employees should have the right to be represented by their union in any of their dealings with their employer.
- d) No worker should be dismissed unfairly.
- e) All employees should have the right to request flexible working conditions under the NES, provided it does not undermine collective bargaining. There should be internal and binding external review of an employer's refusal.

10. Freedom, dignity and equality at work

- a) Work should promote the full range of employees' freedoms and human rights.
- b) Employers should facilitate employees' freedom of association by allowing employees to meet, discuss, and receive training from their union during work time, in order to pursue issues of collective concern. They should not take any steps to discourage or undermine collective action by employees.
- c) Employers should respect employees' freedom of communication. Unless there are exceptional circumstances, employees should not be

prevented from discussing their employment with friends, family or union, or from making complaints of corrupt or inappropriate conduct by their employer.

- d) Employers should respect employees' individuality and freedom of expression. Unless there are legitimate business reasons to do so, employers should not restrict employees' choice of dress or personal appearance.
- e) Employers should respect employees' privacy. Employees' personal information should be collected and handled in accordance with the National Privacy Principles.
- f) Employers should respect the autonomy and dignity of each worker. In particular, every measure should be taken to prevent sexual or other forms of harassment.
- g) Employees performing work of equal or comparable value should be treated and remunerated equally, particularly women and younger workers. Employers should commit to eliminate all forms of direct and indirect discrimination from the workplace.
- h) Employers should ensure that all decisions about employment, promotion and career enhancing opportunities are fairly decided based on transparent and agreed criteria that are available for independent review. Decisions should not be made on the basis of unlawful discrimination, irrational prejudice or favouritism.
- i) Employers should not allow extreme income inequality to develop in the workplace. Research shows that excessive executive pay is correlated with a reduction in long-term business performance, and also with increased job dissatisfaction for other workers. In no case should the highest paid employees in a business receive more than 10 times what the lowest paid workers receive.
- j) Employers should recognise the distinct culture and rights of their Aboriginal and Torres Strait Islander employees. Employers, employees and unions should promote cultural respect and tolerance within their workplaces through training, recognition of culturally significant days, and for industrial allowances for Aboriginal and Torres Strait Islander peoples to observe and participate in cultural obligations.

11. Progressive use of technology

- a) Technology should be used to improve employees' working lives, not to erode employees' autonomy.

- b) Unions support the use of technology to enhance employee control over where and when work is performed, for instance by facilitating employee preferences for working from home, or by allowing employees to develop their own online rosters.
- c) However, there is a risk that these devices will allow work to creep into employees' personal lives, thereby increasing (unpaid) working hours. Congress encourages unions to work with employers to develop policies to encourage the appropriate use of technology and to ensure that employees' private time is respected.
- d) Some technologies bring employees' private lives into the workplace. These include internet access to personal email and social networking sites, or access to online banking sites. Unions believe that to a reasonable extent, use of these technologies in the workplace is acceptable. Employers should not automatically ban access to these sites, in the absence of any evidence of abuse. Similarly, employees should not be disciplined for making reasonable use of the internet for private purposes on work time.
- e) Some technologies allow the employer to better monitor employee whereabouts and performance. These include video cameras, GPS devices, barcode scanners, electronic sign-in machines, computer keystroke trackers and so forth. Unions support certain reasonable uses of such technologies, for instance to promote employee safety. However, unions oppose the use of such technologies where a major purpose is to spy on employees for disciplinary purposes, or intensify work.
- f) In particular, unions strongly believe that employers must not monitor employees' movements or private communications without their express, informed and genuine consent (and where the granting of such consent cannot be made a condition of employment, promotion, or pay rise). Such monitoring is illegal in Victoria, and should be made illegal elsewhere.
- g) Some technologies change the way work has traditionally been performed. Examples include automation and computerisation. In general, unions support the use of technology to improve workplace productivity, provided that employees are fully trained in the new technologies and properly remunerated for any changes to their duties. On the other hand, if technology threatens to de-skill workers, make jobs redundant or increase the pace of work to an unacceptable level, unions expect employers to carefully consider the rationale for the change, and not to proceed without pressing business justification.

- h) Whatever the technology in question, employers should not introduce any major new technologies in the workplace without first consulting employees and their unions.

Implementation

- 12. The principles for decent work are primarily to be implemented through enterprise bargaining and agreements between employers and employees and their unions.
- 13. To further this objective, Congress calls upon the ACTU to:
 - a) develop template bargaining clauses to give effect to these policies;
 - b) co-ordinate voluntary industry-wide or economy-wide bargaining in pursuit of these policies;
 - c) develop fact sheets and other informational materials explaining the decent work agenda to employees, delegates and union officials.
- 14. Congress also calls on the ACTU and/or affiliate unions to promote this decent work agenda by:
 - a) Bargaining for implementation of clauses that support decent work;
 - b) prosecuting employers who breach those aspects of the policy that are already protected by law;
 - c) lobbying governments to legislate for those policies that are not already enshrined in law (and for which legislation is appropriate);
 - d) lobbying governments to become a model employer by implementing these policies in respect of their own workforces;
 - e) seeking the co-operation of progressive employers and employer associations to implement these policies and promote them to other employers;
 - f) conducting or sponsoring research on these policies, and their role in improving job satisfaction and business productivity.

Special Measures: Discrimination

- 15. Further, Congress calls upon the ACTU and affiliates to make renewed efforts to eliminate discrimination by:
 - a) seeking the immediate implementation of the recommendations of the Senate Standing Committee on Legal and Constitutional Affairs 2008-9 parliamentary review of the Sex Discrimination Act (Cth); and
 - b) strongly advocating for a positive duty on employers to take all reasonable steps to eliminate direct and indirect discrimination at work and powers for the Australian Human Rights Commission to promulgate

legally binding standards in the Inquiry's second round of consultation in 2009.

16. Congress determines to continue to advocate for a new anti-discrimination framework to improve the capacity of unions to address systemic discrimination in the workplace, in particular:
 - a) The creation of a single Equality Act which places accountability on workplaces for the development, monitoring and implementation of practices aimed at preventing and eliminating discrimination; and
 - b) New regulatory models that actively enquire into, regulate, monitor and enforce legislative responsibilities to prevent systemic discrimination and modify behaviour.
17. Congress notes the new anti-discrimination provisions of the Fair Work Act 2009. With the assistance of the ACTU, affiliates will endeavour to identify discriminatory practices at the workplace and use the relevant anti-discrimination provisions to prevent discrimination in the workplace.