



Australian Capital Territory

Human Rights (Workers Rights) Amendment Act 2020

A2020-13

An Act to amend the *Human Rights Act 2004*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

J2019-1082

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

This Act is the *Human Rights (Workers Rights) Amendment Act 2020*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Human Rights Act 2004*.

4 New section 27B

in part 3A, insert

27B Right to work and other work-related rights

- (1) Everyone has the right to work, including the right to choose their occupation or profession freely. The practice of a trade, occupation or profession may be regulated by law.
- (2) Everyone has the right to the enjoyment of just and favourable conditions of work.
- (3) Everyone has the right to form or join a work-related organisation, including a trade union, with the objective of promoting or protecting their economic or other social interests.
- (4) Everyone has the right to protection against acts of anti-union discrimination in relation to their employment.

- (5) Everyone is entitled to enjoy these rights without discrimination.

Examples—discrimination

discrimination because of race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, disability or other status

Note 1 Section 28 sets out what must be considered in deciding whether a limit on rights is reasonable.

Note 2 Aspects of rights under this section are considered at international law to be subject to an obligation of progressive realisation.

Note 3 An international law relevant to interpreting progressively realisable rights is Article 8 (4) of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. That article provides for consideration of the reasonableness of steps taken to progressively realise rights and notes that a range of possible policy measures for the implementation of rights may be adopted.

**5 ICESCR source of human rights
Schedule 2, new item 2**

insert

2	27B	right to work and other work-related rights	2 (2), 6 (1), 7, 8
---	-----	---	--------------------

Note The primary source of the right in s 27B (4) is the International Labour Organisation Right to Organise and Collective Bargaining Convention, art 1.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 27 November 2019.

2 Notification

Notified under the [Legislation Act](#) on 13 May 2020.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Human Rights (Workers Rights) Amendment Bill 2020, which originated in the Legislative Assembly as the Human Rights (Workers Rights) Amendment Bill 2019 and was passed by the Assembly on 7 May 2020.

Clerk of the Legislative Assembly

© Australian Capital Territory 2020