

Your say at work – delegate rights

Working people deserve a say about their work. Strong, effective and representative unions are essential to securing our rights at work. Unions give working people a voice in their workplace, and union delegates, as representatives of the members in their workplace, have a key role. That is why the rights of delegates and workplace representatives matter to every worker.

Union delegates are workplace leaders. They need to have access to training and education to know their rights and responsibilities, and resources to assist workers to stand up for their rights.

Australian unions want better legislation and commitments from employers about organising rights, delegate protections and workplace education. These arrangements are essential to ensuring Australian workers have a genuinely free choice to join, participate in their union, and to work together with colleagues to make their workplace better.

They need respect and recognition, protection from discrimination, and access to the facilities and training they need to represent their work colleagues effectively.

The Fair Work Act

The *Fair Work Act* already includes important provisions that protect workers' rights, including the right to join and participate in your union. It is unlawful for an employer to take action against a worker because they have or exercise a workplace right. The following workplace rights are established in the law:

- The right to perform a role or responsibility under industrial law (eg OHS rep).
- The right to engage in lawful industrial activity (including joining, participating in and being represented by a union).
- The right to make a complaint or inquiry about your treatment at work.
- The right to receive your entitlements under a collective agreement, award or the *Fair Work Act*.

Importantly, an employer cannot dismiss an employee because they're a union member or involved in union activities.

It is also unlawful to discriminate, amongst other things, against a worker because of age, gender, race, sexual preference, pregnancy, family responsibilities or political opinion.

There is more to do

The rights in the *Fair Work Act* are vitally important, and can protect workers and their delegates against employers who don't respect the right of their workers to have a say at work. Workers need stronger protections for their right to join and be represented by their union.

Better protections should be provided for delegates and workplace representatives so they can do their job. The better protections needed are to: recognise the role of delegates in the workplace, to establish an obligation on management to consult, and to give delegates the facilities and training they need to represent members effectively.

That's why the ACTU Congress has endorsed a Charter of Delegates Rights, a summary of which is set out below.

Charter of Delegates Rights

Delegates are the volunteers who are crucial to ensuring we all have rights at work.

Delegates are the voice of the members in their workplace. They are committed people who take their obligations as a representative seriously. Their work helps create and sustain cooperative and fair workplaces.

To perform their important role Delegates are entitled to receive:

SUPPORT	<i>from their fellow members</i>
RESPECT	<i>and recognition from their employer</i>
PROTECTION	<i>against discrimination at work</i>

All Delegates should have the right to:

GREET	<i>new employees</i>
MEET	<i>with workers individually or as a group</i>
RECRUIT	<i>workers to be union members</i>
REPRESENT	<i>workers in discussions with management</i>
CONSULT	<i>with management on change and other issues</i>
REPORT	<i>back to union members</i>

To facilitate these rights, Delegates should be entitled to:

INVITE	<i>union organisers to visit and assist</i>
EDUCATION	<i>about their role and responsibilities</i>
TIME	<i>and resources necessary to perform their role</i>