

Human Rights and Equal Opportunity Commission

Workplace Relations Act Team
Department of Employment, Workplace Relations and Small Business
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Registered Organisations Bill, 2000– Exposure Draft for Comment

I would like to support the inclusion of provisions in the Registered Organisations Bill which prohibit discrimination in the membership rules of industrial organisations.

In 1997 the Human Rights and Equal Opportunity Commission issued a report of inquiry into a complaint of age discrimination in trade union membership rules (HREOC, Report of Inquiry into a Complaint of Discrimination in Employment and Occupation – Age Discrimination in Trade Union Membership Rules, HRC Report No.4, 1997). The complaint was made by a member of the Australian Institute of Marine and Power Engineers against the AIMPE. Under the rules of the AIMPE, members were required to retire from full membership at age sixty-five unless exempted from the Federal Executive of the union. In the inquiry I concluded that discrimination against members by trade unions is clearly inconsistent with the *International Labour Organisation Discrimination (Employment and Occupation) Convention 1958* (ILO 111), the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). I noted that the *Workplace Relations Act 1996* prohibits discrimination on the ground of membership or non-membership of a trade union in a decision to employ. However, this is not a sufficient protection of the right to non-discrimination in the exercise of the human rights to freedom of association and to join trade unions.

I recommended that the *Workplace Relations Act 1996* be amended to provide that any discriminatory rule of a registered organisation of employees or employers is invalid to the extent to which it is discriminatory on any of the grounds specified in section 3(j) of that Act, which includes race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

I welcome the insertion of a similar protection of members in section 138 of the Registered Organisations Bill 2000 and section 167 providing for members to apply to the Federal Court for an order under this section.

Yours sincerely

Chris Sidoti
Human Rights Commissioner

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