

Is there an explicit “Right to Work” in Australia? Did the response to the Covid-19 pandemic impact this right?

Abstract

The emergence of the covid pandemic began knocking on Australia’s doors in early 2020, with the Australian Government deciding to shut down borders, restrict movement, close down businesses and lockdown its citizens in their homes for substantial periods of time in the name of public health. A by-product of the covid pandemic was the rapid production of a vaccine that was offered as the solution for Australians who were sitting in their second lock-down in mid-late 2021. The Australian Government stated that choosing to get vaccinated against covid should remain voluntary and free, with the Prime Minister at the time (Scott Morrison) emphasising that employers need consider whether they were to adopt such policies in the workplace. As there is no enshrined right to work in Australia, this research will work to formulate a response to this gap in Australia’s legislature. This will be achieved by analysing common law and legislation surrounding work rights during the covid pandemic in an attempt to formulate what the right to work could look like in Australia. The research will address methods that could help ensure that Australian citizens have their rights to work maintained and protected when future emergencies arise. This research will attempt to define the right to work in Australia and provide commentary on how this right was impacted during the covid pandemic with the intention to determine how it could be protected in future emergencies.