



THE  
AUSTRALIAN  
WORKERS  
UNION

**STRONGER  
TOGETHER**

## FACT SHEET -

# PROTECTIONS AT WORK FOR AWU MEMBERS

AWU members should note that as workers and union members they have protections of certain rights including:

- workplace rights<sup>1</sup>
- belonging or not belonging to a union
- taking or not taking part in industrial activity
- being free from unlawful discrimination.

It's against the law for a person to take adverse action against another person because the other person has a workplace right; has, or has not, exercised a workplace right; or proposes or proposes not to, now or at any time, exercise a workplace right; or to prevent the exercise of a workplace right by the other person.<sup>2</sup>

It's also against the law to take adverse action against another person because the other person is or is not, or was or was not, an officer or member of a trade union; or engages, or has at any time engaged or proposed to engage, in industrial activity or does not engage, or has at any time not engaged or proposed to not engage, in industrial activity.<sup>3</sup>

Adverse action includes doing or threatening to do any of the following:

- firing an employee
- injuring an employee in their employment, e.g. not giving an employee legal entitlements such as pay or leave
- changing an employee's job to their disadvantage
- discriminating between employees
- not hiring someone

**A PERSON HAS THE RIGHT TO BELONG OR NOT BELONG TO A TRADE UNION. A PERSON ALSO HAS THE RIGHT TO TAKE PART OR NOT TAKE PART IN INDUSTRIAL ACTIVITY.**

- imposing a penalty or detriment on a member of an industrial association
- offering a potential employee different (and unfair) terms and conditions for a job, compared to other employees.<sup>4</sup>

### Industrial activities

A person has the right to belong or not belong to a trade union. A person also has the right to take part or not take part in industrial activity.

Industrial activities include doing or not doing the following:

- being involved in establishing a union
- organising, promoting, encouraging or participating in lawful activities for a union
- representing the views, claims or interests of a union
- complying with lawful requests made by a union
- take part in industrial action
- paying a fee to a union
- asking to be represented by a union.<sup>5</sup>

The AWU acknowledges and respects the rights of employees to engage or not engage in industrial activities in accordance with the Fair Work Act 2009.

**Members with any questions or concerns should contact their organiser.**

1. As defined in section 341 of the Fair Work Act 2009 (Cth)

2. Section 340 Fair Work Act 2009 (Cth)

3. Section 346 Fair Work Act 2009 (Cth)

4. Section 342 Fair Work Act 2009 (Cth)

5. Section 347 Fair Work Act 2009 (Cth)