

# Your rights when taking protected industrial action

We've heard there might be some misinformation out there about your rights if you take protected industrial action – to make sure there is no confusion, here are the facts.

EBA Bulletin # 19  
4 July 2016

## Pay during periods of 'stop-work'

If you engage in a 'stop-work' meeting or strike, Maurice Blackburn can only deduct wages for the length of time you are not performing your usual duties.

This means that if you employees engage in a 30 minute stop work meeting, Maurice Blackburn can only deduct pay from you for 30 minutes. Maurice Blackburn cannot deduct any pay for time which you are working and performing your usual duties

## Pay during partial work bans or limitations

A partial work ban is where you perform most of your work, except for particular specified tasks. For example, refusing to answer the phone for a period of time (but performing all of your other work) is a partial work ban. If you engage in a work ban, Maurice Blackburn has a choice – it can choose to:

1. Continue to pay you your full salary (because you are still performing the rest of your work);
2. Reduce your pay by a fair proportion, commensurate with the work ban; or
3. Stop paying you. You are then entitled to stop work altogether. For this reason, this is highly unlikely to occur, as Maurice Blackburn will need employees to continue working.

If Maurice Blackburn decides to reduce your pay during a work ban, it has to be reasonable and commensurate with the work ban. If you are performing most of your work, any reduction would have to be small. If employees disagreed with the proportion of the reduction, the ASU could make an application to the Fair Work Commission to determine what is fair in the circumstances.

## Adverse action

Maurice Blackburn cannot take any adverse action against you because you engage in protected industrial action. This means you cannot be disciplined for participating, and it cannot affect your performance review. You can't have your job altered or lose any benefits like annual leave. You also cannot be threatened with any adverse action.

No one is allowed to coerce you to not take part in the protected industrial action, and no one is allowed to misrepresent your rights if you take protected industrial action.

## Bargaining negotiations

It was the firm who walked away from our negotiations on 21<sup>st</sup> June and despite their communications to staff about expecting to resume negotiations we have not



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heard anything from their negotiators. We have not even received a response to the issues we raised at the last meeting.

We remain ready and willing to talk about the EBA and await some communication.

In the meantime make sure you fill out our protected industrial action survey so that your ASU delegates can plan our next steps.

## Want to join the ASU?

To vote in a protected action ballot or take protected industrial action you **MUST** be a member of the ASU. If you are not a member you cannot take action.

Now more than ever it is time to join the ASU – you can join the ASU on line at [www.asu.asn.au/asujoin](http://www.asu.asn.au/asujoin).

## Need more information?

If you have queries contact your local ASU delegate/NNT member or organisers.

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