

TAKING PROTECTED ACTION FAQS

WHAT IS PROTECTED INDUSTRIAL ACTION?

Protected industrial action is action that has been approved by a ballot of members in accordance with the requirements of the Fair Work Act, and has been taken within thirty days of that approval

WHAT DOES PROTECTED MEAN?

Protected means that your employer can take absolutely no action against you, other than docking your pay in some circumstances, in response to you taking protected industrial action. There are significant penalties for employers who adversely treat workers taking industrial action

Q: WHO CAN TAKE ACTION?

Any member of the CPSU NSW at the NSW Aboriginal Land Council

WHAT IF I DIDN'T VOTE IN THE BALLOT

A: Any CPSU NSW member, whether they voted or not, regardless of how they voted, or even if they joined the union after the vote was taken, can participate in industrial action and be protected.

CAN I TAKE ANY KIND OF ACTION I WANT?

No. The action must be one of the actions approved by the ballot and the employer must have been notified by the Union that the action will be commencing

WHO NOTIFIES MANAGEMENT THAT WE ARE TAKING ACTION?

The Union Officials will notify management

DO I NEED TO LET MY SUPERVISOR KNOW I WILL BE TAKING ACTION?

A: No. The notification to NSWALC by the union is all that is required under the Act. If your supervisor asks you whether you intend to take action, you may politely decline to answer the question. If an email is sent out asking people to identify themselves as taking action, you can ignore it.

WHAT DO I NEED TO DO AFTER I TAKE ACTION?

If you stop work, your employer will require you to advise them after the fact of how long you stopped work so that they can dock your pay. It is a requirement of the Act that your employer not pay you when you have stopped work.

WILL I BE DOCKED PAY IF I PARTICIPATE IN BANS?

A: The employer may seek to dock your pay or a portion of your pay if you participate in bans that don't include completely stopping work. If the employer docks part of your pay for participating in a ban, we can challenge the amount of pay that is docked if it is unreasonable

DO I HAVE TO PARTICIPATE IN INDUSTRIAL ACTION?

No. The CPSU NSW does not force or coerce its members into taking action. Our actions are determined democratically and are clearly more effective when all our members take action. Solidarity is the core principle of unionism, because it works!

Please turn over >



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HOW LONG IS THE ACTION LIKELY TO LAST?

That depends entirely on what response we get from management. The Membership will determine whether a particular action seems to be effective in convincing management to genuinely engage with our key claims in a genuine attempt to reach an agreement

WHAT SHOULD I DO IF I HAVE ANY QUESTIONS?

Contact Union organiser Kirra Jackson on 0438 416 615 (Mon-Wed) or call the CPSU MSC 1300 772 679, or email kjackson@psa.asn.au

WHAT ARE 'INDEFINITE STOPPAGES'?

A: An indefinite stoppage means that when you stop work you do not have to indicate how long you intend to be off work, and you return to work at a time of your choosing. We suggest making this decision as a group to show solidarity with your coworkers

I'M ON LEAVE. SHOULD I CHANGE MY LEAVE TO LEAVE WITHOUT PAY?

If you're on leave, that means you're not working, so it's not possible to stop work, so there's not much point. If you are on leave, you can still participate in non-work related actions

IF I STOP WORK, MANAGEMENT HAVE REQUESTED THAT WE ADVISE THEM OF WHEN I STOPPED WORK AND FOR HOW LONG ETC. DO I HAVE TO DO THIS? ARE THERE ANY LEGAL ISSUES?

Yes, there may be legal issues. The employer will ask staff to notify them that they have taken industrial action in order to fulfil their obligations under the FWA. They will provide staff with a mechanism for reporting their action to ensure that they don't breach the FWA

IF I IMPOSE A BAN, DO MANAGEMENT HAVE TO DOCK MY PAY?

A: No. However, if you impose a ban, or partial ban, management may argue that this is a significant part of your role and dock you part of your pay or ask you not to come to work and not pay you at all.

DO I NEED TO TELL MY SUPERVISOR IN ADVANCE WHEN I WILL BE TAKING ACTION OR WHAT ACTION I WILL BE TAKING?

We will formally notified management that members will be taking industrial action. You can notify them when you commence action. If you want to advise them in advance for whatever reason, that is okay, but it's up to you.

**The CPSU NSW is your union at NSWALC.
We are here to support you through all of bargaining, so join now.
Join here: cpsunsw.org.au/join**



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