

WORKERS' RIGHTS UNIONS AND EMPLOYEE ASSOCIATIONS



You have the right to join a Union or employee association. You don't need your employer's permission to join and you don't have to tell your employer that you belong to a Union if you don't wish to.

Representation at Work and in Bargaining

Regardless of whether your terms and conditions are set by a Modern Award or an Enterprise Agreement, you have the right to be:

- Consulted about changes at your workplace
- Represented (including by a Union) in those consultations
- Represented (including by a Union) in disputes at work

The Small Business Dismissal Code also provides that employees must be given the opportunity to be represented in any discussions that might lead to dismissal.

You have the right to be represented in bargaining for an Enterprise Agreement. Your employer must recognise and bargain with bargaining representatives.

If you are a Union member, then your Union is your bargaining representative. The Union can attend meetings and negotiate directly with your employer on your behalf.

If you are not a Union member, you can nominate the Union as your bargaining representative. The Union can become involved at any stage in the agreement-making process provided the Union has at least one member at your workplace.

You have the right to invite a Union Official to your workplace to provide advice and assistance.

Union Officials can enter a workplace, even where the employer opposes their entry, provided the official has a valid entry permit and has provided sufficient notice of their intention to enter the premises.

Union Officials may visit your workplace for discussions with workers and to investigate suspected contraventions of workplace laws or occupational health and safety matters.

- You have the right to join a Union or employee association.
- You don't need your employer's permission to join and you don't have to tell your employer that you belong to a Union if you don't wish to.
- It is illegal for your employer to prevent you from joining a Union or to discriminate against you because you are a member. Equally, nobody can force you to join a Union or employee association and it is unlawful to discriminate against you because you are not a member.
- This means you cannot be sacked, refused employment, be passed over for promotion or training opportunities, or be given less access to overtime and favourable shifts, simply because you are or are not a Union member.

Unions or employee associations can help you:

- Understand exactly what you are entitled to in your job;
- Get 'back pay' if you have been underpaid;
- If you have been treated unfairly;
- Achieve pay increases and other improvements by assisting in negotiations with your employer;
- Get access to training and a career path by talking to your employer for you;
- By assisting with legal action against your employer;
- Get training on matters such as workers' compensation, health and safety and being a workplace representative or shop steward;
- Negotiate a workplace agreement.

Where can I get more help?

Your union

SA Unions
Ph: (08) 8279 2222
www.saunions.org.au

Legal Services Commission

Ph: 1300 366 424
www.lsc.sa.gov.au

82-98 Wakefield Street
Adelaide SA 5000

Young Workers Legal Service

Ph: (08) 8279 2233
www.ywls.org.au

Fair Work Ombudsman (FWO)

Ph: 13 13 94
www.fairwork.gov.au

Level 2, 148 Frome St.
Adelaide SA, 5000

Telephone Interpreter Service

Ph: 13 14 50

Legal disclaimer: The Fair Work Ombudsman (FWO) is committed to providing useful, reliable information to help you understand your rights and obligations under workplace laws. The information contained in this publication is: general in nature and may not deal with all aspects of the law that are relevant to your specific situation; and not legal advice. Therefore, you may wish to seek independent professional advice to ensure all the factors relevant to your circumstances have been properly considered. This information was published on 8 June 2011. The FWO does not accept legal liability arising from or connected to the accuracy, reliability, currency or completeness of this information. This material has been funded by the Australian Government through a Fair Work Ombudsman initiative to produce educative materials on the Fair Work Act.