



Industrial Action Fact Sheet

- ***What is industrial action?***

Industrial action refers to a variety of activities, most commonly strikes (refusal to attend or perform work) or work bans (refusal to perform all normal duties or performing duties in a restricted manner in a way that hinders the performance of those duties). In higher education, such activities could include strikes and stop work meetings.

- ***Does notice need to be given before taking industrial action?***

Before taking industrial action the NTEU must provide written notice to university management. This is a collective notice for the Branch that will be submitted by NTEU staff. Notice is generally 3 full working days of the planned action. The notice must specify the nature of the action being taken, as well as the day it will start. The union staff will take care of the notice.

It does not require that we notify management of which individuals will be participating in the industrial action. You do not need to notify the university yourself before you take part in the industrial action.

- ***Will I be paid when taking industrial action?***

Management is not permitted to pay staff who are on strike (that is, where staff are *refusing to perform any work at all*), and staff cannot ask for or accept such payment, and the union cannot request payment on your behalf.

- ***Do I have to tell management if I am going to take protected action?***

No, and there is no need to. It would be illegal for the employer to threaten or disadvantage you for not advising them in advance. If you are pressed, the best thing to say is “please contact my Union.”

You could also tell management that you haven’t decided yet and will likely only decide just prior to the action taking place, unless you are actively involved in the planning of that industrial action.

If management tells you that you must tell them whether you intend to take industrial action, this may be a breach of the law. You should report it to the union immediately.

- ***Do I need to tell management after I take protected action?***

Yes, you need to tell management if you have taken part in a strike (i.e. a full stoppage of work). This is because it is unlawful for management to pay you for the time you are engaged in a strike, and it is illegal for you to accept payment for this time.

Generally, University employers will set up a mechanism for NTEU members reporting if they have participated in a strike. If you are asked directly whether you have taken industrial action or are presently imposing a ban, you should answer the question honestly and accurately. You can use the below statement:

I proudly joined NTEU members and took strike action on Thursday 23 October for a half day strike between 1pm and 4.30pm.

- ***Am I protected if I take part in industrial action?***

The *Fair Work Act 2009* prohibits management, including line managers, from taking any adverse action against you because you take part in, or propose to take part in, protected industrial action. Any suggestion that you would be disadvantaged – other than by the loss of pay - is a very serious matter and should be reported to the Union immediately.

- ***Role of managers***

Union members should not be critical of other union members who are managers and are involved in finding out who has taken industrial action. The Union generally has not banned the collection of such information, and therefore if managers refused to do this part of their job, they would themselves be taking “unprotected” industrial action and could be subject to disciplinary proceedings.

- ***What if I have annual or personal leave booked for that day?***

You cannot participate in industrial action if you are on leave of any sort. You are advised to cancel the leave request and participate in the strike action.

See you at the strike rally at 1pm!