

Payment during industrial action

Before taking part in industrial action, make sure it's protected industrial action.

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Payment during protected industrial action

If the industrial action is protected, the employer must not pay the employee for the actual time the industrial action lasted.

An employee or bargaining representative (such as a union) must not ask to be paid during industrial action.

There are special payment provisions for partial work bans. You need to talk to your bargaining representative or the [Fair Work Commission - Contact Us](#) (<https://www.fwc.gov.au/about-us/contact-us>).

Payment during unprotected industrial action

If the industrial action is unprotected, the employer must:

- not pay the employee during the action
- withhold at least 4 hours pay, even if the action was for less than 4 hours.

Employers who don't withhold payment of wages can face legal action and penalties.

Source reference: [Fair Work Act 2009 s.470 - 476](#) <http://www.comlaw.gov.au/Series/C2009A00028>

Tools and resources

- [Fair Work Commission](#) <https://www.fwc.gov.au/disputes-at-work/industrial-action/taking-industrial-action>
- [Industrial action](#) (www.fairwork.gov.au/Employee-entitlements/industrial-action-and-union-membership/Industrial-action/default)

Related information

- [Pay during inclement weather and stand down](#) (www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down)
- [Protections at work](#) (www.fairwork.gov.au/employee-entitlements/protections-at-work/default)
- [Agreements](#) (www.fairwork.gov.au/Awards-and-agreements/Agreements/default)

Help for small business

Find tools, resources and information you might need in our [Small business showcase](https://smallbusiness.fairwork.gov.au/) (<https://smallbusiness.fairwork.gov.au/>).

Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our [Fixing a workplace problem](#) (www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can't resolve it.

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.