

Union membership

A union is a body that represents the interests of workers in a particular industry or occupation.

All employees and independent contractors are free to choose to join or not join a union.

It's illegal for a person to pressure another person about their choice. For example:

- an employer can't pressure an employee
- a business can't pressure an independent contractor working with them.

It's also illegal to take or threaten to take [adverse action \(www.fairwork.gov.au/Dictionary.aspx?TermID=2092\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2092) against a person for:

- being or not being a union member or
- taking part or not taking part in industrial activity.

An adverse action against a person includes:

- dismissing them
- changing their role to put them in a worse position
- changing their terms and conditions to put them in a worse position.

Source reference: [Fair Work Act 2009 s.346\(a\), 348, 350 and 772](http://www.comlaw.gov.au/Series/C2009A00028) [☞] (<http://www.comlaw.gov.au/Series/C2009A00028>)

Need help resolving general protections issues?

For employees:

If you've lost your job, contact the Fair Work Commission (the Commission) first if you think you were sacked because of:

- www.fairwork.gov.au/Employee-entitlements/Protections-at-work/protections-from-discrimination-at-work [discrimination \(www.fairwork.gov.au/Employee-entitlements/Protections-at-work/protections-from-discrimination-at-work\)](http://www.fairwork.gov.au/Employee-entitlements/Protections-at-work/protections-from-discrimination-at-work)
- a reason that is harsh, unjust or unreasonable
- another protected right.

You have 21 days starting from the day after you were dismissed to lodge an application with the Commission. Check the information at the [Commission website](https://www.fwc.gov.au/) [☞] (<https://www.fwc.gov.au/>) to find out if you can apply for:

- [unfair dismissal](https://www.fwc.gov.au/termination-of-employment/unfair-dismissal) [☞] (<https://www.fwc.gov.au/termination-of-employment/unfair-dismissal>) (not available if you lost your job because of a genuine [Redundancy \(www.fairwork.gov.au/Ending-employment/Redundancy/default\)](http://www.fairwork.gov.au/Ending-employment/Redundancy/default))
- a general protections dismissal
- unlawful termination.

For other general protections issues:

- consider whether the action taken against you was unlawful after reading the information on this page
- see our [Help resolving workplace issues \(www.fairwork.gov.au/How-we-will-help/How-we-help-you/Help-resolving-workplace-issues/default\)](http://www.fairwork.gov.au/How-we-will-help/How-we-help-you/Help-resolving-workplace-issues/default) section for practical advice on:
 - talking to your employer about fixing the problem
 - getting help from us if you still can't resolve it.

For employers:

Take general protections issues seriously. Speak with your employee to address the problem after reading the information on this page.

We have resources to help you:

- Take our [Difficult conversations in the workplace - manager course \(www.fairwork.gov.au/how-we-will-help/online-training/online-learning-centre/difficult-conversations-in-the-workplace-manager-course\)](http://www.fairwork.gov.au/how-we-will-help/online-training/online-learning-centre/difficult-conversations-in-the-workplace-manager-course) to learn how to handle the conversation well and deal with the problem.
- Download our [Managing underperformance best practice guide \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/best](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best)

[practice-guides/managing-underperformance](#)) for information about how to take reasonable management action to make sure employees are doing their job properly. Disciplinary action should be carried out by a manager in a reasonable, lawful way.

You might also be interested in

- [Protections at work \(www.fairwork.gov.au/employee-entitlements/protections-at-work/default\)](http://www.fairwork.gov.au/employee-entitlements/protections-at-work/default)
- [Industrial action \(www.fairwork.gov.au/Employee-entitlements/industrial-action-and-union-membership/Industrial-action/default\)](http://www.fairwork.gov.au/Employee-entitlements/industrial-action-and-union-membership/Industrial-action/default)
- [The role of unions \(www.fairwork.gov.au/Employee-entitlements/industrial-action-and-union-membership/The-role-of-unions/default\)](http://www.fairwork.gov.au/Employee-entitlements/industrial-action-and-union-membership/The-role-of-unions/default)
- [Unions entering the workplace \(www.fairwork.gov.au/Employee-entitlements/industrial-action-and-union-membership/The-role-of-unions/unions-entering-the-workplace\)](http://www.fairwork.gov.au/Employee-entitlements/industrial-action-and-union-membership/The-role-of-unions/unions-entering-the-workplace)
- [Unions and employer associations \(www.fairwork.gov.au/Website-information/Related-sites/unions-and-employer-associations\)](http://www.fairwork.gov.au/Website-information/Related-sites/unions-and-employer-associations)

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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.