

Union membership

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

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Membership of a union

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](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)

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:

- [discrimination](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/) to find out if you can apply for:

- [unfair dismissal](https://www.fwc.gov.au/termination-of-employment/unfair-dismissal) (not available if you lost your job because of a genuine [Redundancy](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 [Fixing a workplace problem](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/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](http://www.fairwork.gov.au/tools-and-resources/online-learning-centre/difficult-conversations-in-the-workplace-manager-course) (www.fairwork.gov.au/tools-and-resources/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](http://www.fairwork.gov.au/tools-and-resources/best-practice-guides/managing-underperformance) (www.fairwork.gov.au/tools-and-resources/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.


Boosting Apprenticeship Commencements wage subsidy

If an employee has agreed to start an apprenticeship or traineeship with an employer, it's important the employee is aware of their general protections at work. These rules still apply for the Boosting Apprenticeship Commencements (BAC) wage subsidy, which provides employers with wage subsidies for new apprentices and trainees.

For example, the following rules continue to apply under the BAC wage subsidy:

- an employer can't force or misrepresent to an employee that they need to start an apprenticeship or traineeship in order to stay employed
- an employer can't adversely act against an employee (including terminating employment) if they refuse to start an apprenticeship or traineeship.

You can find more information on termination on our [Unfair dismissal](http://www.fairwork.gov.au/ending-employment/unfair-dismissal) (www.fairwork.gov.au/ending-employment/unfair-dismissal) page.

For more information about the BAC wage subsidy, including eligibility and payment amounts, go to [Boosting Apprenticeship Commencements](https://www.employment.gov.au/boosting-apprenticeship-commencements)  (<https://www.employment.gov.au/boosting-apprenticeship-commencements>) on the Department of Education, Skills and Employment website.

Related information

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

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