

Industrial action: Frequently asked questions

Follow this list of frequently asked questions to find out what you need to know about taking industrial action.

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), which are taken to support or advance claims during enterprise bargaining. In higher education, such activities could include strikes, pickets, stop work meetings and various work bans.

What is protected industrial action?

Protected industrial action is industrial action that has been approved by a ballot of NTEU members in accordance with the requirements of the Fair Work Act, and has been taken within thirty days of that approval.

Protected means that you are protected from legal liability for taking the action and management cannot take action against you in response to you taking industrial action. There are significant penalties for employers who adversely treat workers taking protected industrial action, including by becoming a member of the NTEU. There are exceptions if the action involves or is likely to involve personal injury or damage to or taking of property.

Who can take protected industrial action?

Anyone who is a member of the UQ Branch of the NTEU and is employed by the University of Queensland, can take protected industrial action.

What if I didn't vote in the ballot? Can I still take action?

Any NTEU member at UQ, whether they voted or not, whether they voted yes or not, or even if they joined NTEU after the vote was held can participate in protected industrial action.

Can UQ staff who aren't a member of a union take protected industrial action?

No. In order to take action they would have to join the NTEU.

Can I take any kind of action I want?

No. The action must be one of the actions approved by the ballot, and management must have been notified in writing by NTEU that the action will be commencing.

Check the industrial action calendar (<https://bit.ly/UQACTION>) to see what industrial action has been notified and for when. If you and your colleagues want to take any of the actions that haven't been notified university-wide – please get in touch with us and we can notify the action for you and your colleagues (we will need at least 4 days' notice).

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Who notifies management that we are taking action?

NTEU officials will notify management three clear working days prior to any action commencing.

Do I need to let my supervisor know I will be taking action before I take it?

No, there is no need. If your supervisor asks you if you intend to take action, you may decline to answer. If 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 an email is sent out asking people to say whether they will take action, you may choose not to inform management that you are taking action. It would be illegal for an employer to threaten or disadvantage you for not advising them in advance or requiring you to tell them of your intentions to take industrial action.

Do I need to report to management after I have participated in industrial action?

If you are asked directly whether you have taken industrial action, or are presently taking industrial action, you should answer the question honestly and accurately.

If you take strike action, or if you apply a ban that results in you working less than your ordinary hours, you will need to report to management that you have taken protected industrial action. You can do this through WorkDay.

If you're unsure what you need to do, seek advice from the NTEU.

If I am cancelling classes as part of a work stoppage, do I need to tell my students?

Technically, no. However many academics advise their students prior to the class so that they are not unduly inconvenienced. The students are not the target of our industrial action, management is.

Do I have to participate in industrial action?

No. The NTEU does not force or coerce its members into taking action. Our actions are determined democratically and are clearly more effective when all our members take action. Solidarity is the core principle of unionism, because it works!

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Will I be docked pay if I participate in protected industrial action?

Management will not generally be permitted to pay staff engaged in protected industrial action. Furthermore, staff cannot ask for or accept payment. Nevertheless, where the protected industrial action is a partial work ban (not a strike), the employer has three choices:

- Ignore the action and keep paying in full. This option is common.
- Give a notice that no payment at all will be made during ban. The notice must state management will also not accept any work from you until you resume normal duties. Your pay cannot be stopped until after you have received this notice.
- Pay a proportional amount, reflecting the proportion of your job that you are still doing. Particular rules apply to this option and you must be given a notice with the details of the proportion of the reduction to your pay. If you believe that the amount that is to be deducted is unreasonable or disproportionate, you should contact us, as this could be contested in the Fair Work Commission.

What If I Experience Hardship

Taking industrial action with your fellow union members is one of the greatest demonstrations of solidarity that we can do. However, no one can be compelled or coerced to take part, or not take part, in industrial action.

If you do take action and you lose pay and face financial hardship, you may apply for access to the NTEU Industrial Defence Fund. The rules of the fund are contained in NTEU's Policy Manual. Generally, industrial action must be for longer than 2 consecutive days, or more than 5 non-consecutive days, and are only for cases of demonstrated financial hardship. There are reduced qualifying rules for casual staff and for low-paid staff who experience financial hardship. Please contact the Branch at uq@nteu.org.au for more information.

How long is action likely to last?

That depends entirely on what response we get from management. If management makes genuine concessions and engages with our key claims in a genuine attempt to reach an agreement, we will lift our action.

Can members of other unions take protected action?

Unfortunately, no. No other union has applied for and held a ballot for protected industrial action. In order to take action they would have to join the NTEU.

What should I do if I have any questions?

Please contact the Branch at uq@nteu.org.au if you have any further questions.