



# PARTICIPATION IN IR SYSTEM

## What is freedom of association?

By law, employees and independent contractors, as well as employers, are free to join or not to join industrial organisations of their choice. 'Industrial organisations' means trade unions (employee organisations) and employer associations.

## Freedom from Victimisation?

Both state and federal laws state that an employer or industrial organisation cannot discriminate against or victimise someone because they are, or are not, a member of a trade union or employer association. Victimisation on the basis of the following is prohibited:

- being a union official or elected representative
- engaging in or refusing to engage in industrial action
- claiming a lawful benefit or entitlement
- providing information about an employer's breach of the law
- engaging in or proposing to engage in a public or political activity unless it interferes with the person's work).

## Right of Entry

The right of entry provisions of the NSW Industrial Relations Act 1996 provide rights for union officers to enter employers' premises, in some circumstances without the consent of the employer.

A union officer can enter premises where there are employees who are members of that union, members of that union, for the purposes of holding discussions in any lunch time or non-working time or investigating any suspected of industrial relations legislation or of an award or enterprise agreement.

The authorized union officer may require the employer to produce, any employees' records or other documents kept by the employer that are related to the suspected breach.

It is also an offence for any person to fail to comply, without legal excuse, with a requirement of an authorized union officer under the right of entry provisions.

## EMPLOYEE'S RIGHTS

What should I do when I am offered a job?

When offered a job, you should ask your employer to explain:

- what will be required in the job
- what pay rate and employment conditions you will receive
- whether you are employed on a permanent, part-time, temporary or casual basis
- the number of hours you will be required to work each day and week.

**Ask for these details in writing, in case you need to refer to them later.**

You may be offered a job for a trial or probationary period. If you accept, you must be paid for any work you do.