MEGA RALLIES: A MEGA DRIVE. COMING TO A CITY NEAR YOU!

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Australia Labour, Employment and Workplace Safety Alert

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NO, IT'S NOT AN EXCITING VIDEO GAME…

Over the last few weeks, the unions have been ramping up their "Change the Rules" campaign with television ads and pamphlets at train stations. Now, the unions are *leveling-up* with nation-wide "Mega Rallies" planned for the coming months, commencing in Perth's Solidarity Park tomorrow at 11.00 am.

The series of "Mega Rallies" will be held over the course of the next month in a number of locations nationally including:

- 18 October in Perth

- 23 October in Melbourne, Sydney, Wollongong, Gladstone, Cairns, Mackay, Darwin, Rockhampton, and Townsville

- 24 October in Hobart, Launceston, Burnie, Devonport, and Shepparton

- 25 October in Adelaide and Woodland

- 26 October in Bendigo

- 30 October in Newcastle

- 20 November in Brisbane and Canberra

The rallies are not limited to any particular unions or industries and have been organised by the ACTU to campaign across the country for wage increases and more security in employment among other matters.

Many employees may wish to participate in the rallies and may approach you to seek your permission to do so.

To avoid a rolling attack, here are our top tips to manage the industrial action:

1. read the manual - Prior to the rally, you may wish to talk to your employees about their rights and responsibilities. You cannot pay them for any time they spend participating in the rally (unless you give them permission). Employees should be aware that they cannot take time off to participate without your permission. Doing so may result in disciplinary action but could also leave the employee exposed to a maximum penalty for participating in unlawful industrial action of up to AUD12,600 for contraventions of the Fair Work Act and up to AUD42,000 for contraventions of the Building and Construction Industry (Improving Productivity) Act 2016.

2. select players - Employees who are rostered to work on the day of the rally will need to get your permission to take the time off. They may ask to swap shifts or take a period of annual or unpaid leave for example. You can choose whether or not to allow this remembering that if an employee has requested to take annual leave, you must not unreasonably refuse the request.

3. save at the checkpoints - If an employee requests time off to participate in the rally, and you agree, record the agreement in writing. You should also keep a record of anyone who took time off without permission to participate. This will mean you have an accurate record of which employees are lawfully participating. If you're in the construction industry, this is a requirement of the Building Code.

4. collecting coins - Employee's who participate in industrial action without permission should not be paid for the time they participate, or a minimum of 4 hours, whichever is greater.

5. dodge the baddies- Employees should not be victimised or disadvantaged for lawfully participating in the rally or indeed for choosing not to participate. Ensure you do not treat employees adversely for their lawful participation, where you have given them permission to be absent from work. Likewise, employees should not treat their colleagues adversely if they decide not to participate.

6. maintain your rank on the leader - board - Employers in the construction industry should also bear in mind that there are obligations to report industrial action to the ABCC as soon as practicable or no later than 24 hours after becoming aware of the threat or action.

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