

UNION MOVEMENT PLANS CAMPAIGN OF PROTEST

The Australian Council of Trade Unions and various unions have planned a protest campaign against the Federal Government's recent changes to workplace law. The campaign will occur during the period from Saturday 25 June to Saturday 1 July 2006.

Rallies and other activities are planned to take place in capital cities and regional areas in each State and Territory during that week. Most rallies are planned for **Wednesday 28 June**.

Employees of your company may propose to participate in this campaign by absenting themselves from work. Such action is likely to disrupt your businesses. If you are concerned by your company's employees becoming involved in the union campaign, there are steps that can be taken now:

- Remind employees about their general obligation to attend for work and to perform work in the usual manner. The campaign does not relieve employees of their obligation to attend for work in the normal manner. Their participation in the union campaign, during time when they should be at work, is unlawful action by them.
- Check the rules regarding sick leave and other forms of leave as these apply to your company. For instance, many sick leave provisions in awards and agreements require a medical certificate in support of any claim for sick leave. Your company is entitled to insist upon compliance. Where it is consistent with your awards or agreements, let employees know that you will insist upon compliance for any claim for sick leave which occurs on a rally day.

- It is unlikely that any industrial action against your company in support of the campaign will be protected industrial action. If you are concerned that your business operations will be interrupted, get advice about an approach to the relevant industrial tribunal, most likely the Australian Industrial Relations Commission ("AIRC"). The AIRC has the power to grant orders to prevent or stop unlawful industrial action, including threatened action.
- Some activities performed outside the workplace may still have a necessary connection with employment for the purposes of workers' compensation law. If you are willing to permit employees to attend a rally during working hours, check your compensation insurance arrangements before giving that permission. At least make it clear that attendance is not a requirement of the employment.

If you would like further information about the matters raised in this note, or about Work Choices issues more generally, please contact your usual Australian Business Lawyers contact. Alternatively, please contact our Managing Partner, Tim Capelin on 9458 7497.