



Employees are encouraged to join their union under the new Working with Union Guidelines

Encouraging activity

There is no place to hide in the public sector for bosses who discourage union membership and activity, writes Jarvis Ryan

Numerous legal protections exist for employees to become union members and active in their union. Under the *Fair Work Act*, so-called “general protections” are intended to protect workplace rights and freedom of association.

They make it illegal for an employer to take “adverse action” against a person for exercising a workplace right, such as being a member of a union and taking part in lawful activity such as attending union gatherings.

Despite this, in some cases we find teachers and other eligible staff who are reluctant to join the AEU, or become active, because they fear reprisals from management. Many staff don’t want to rock the boat, especially if they are looking for a new contract or hoping to be promoted.

The adverse action that might occur is often subtle and difficult to prove. It might involve overlooking someone for an opportunity or excluding them in some way.

In some cases, a culture is created within the workplace of discouraging union membership and activity. Those who ask questions are branded as troublemakers, even though they’re within their right to do so.

Such attitudes are quite rare in public education. We have only a small minority of principals and managers who see unions as a nuisance or a threat and try to exclude union influence.

A new policy adopted by the NT Government makes life harder for those individuals. The policy is contained in the Commissioner’s Guidelines on Working with Unions, an important document that is not as widely known as it should be.

The guide contains numerous principles regarding union activity within the NT public sector, including recognising the legitimate right of union officials and workplace reps to represent members. The guide has been updated to include a “union encouragement” clause.

I’ve quoted it in full below, because I think it marks a big shift in thinking: instead of tolerating or even undermining unions, the onus is now on

managers to be proactive in encouraging union membership:

“The Northern Territory Government is committed to encouraging union membership among its employees in NTPS. Unions play an important role in representing employees. NTPS enterprise agreements contain many provisions aimed at facilitating the role of unions and their representatives.

“While recognising that the decision to join a union remains the discretion of individuals, the NT Government encourages and supports this right.

“Information on relevant unions is to be made available to employees at the point of engagement, including up-to-date membership material, application forms, details of fees and general information about the union.

“Union officials or authorised representatives are to be given the opportunity to discuss union membership with new employees and provide employees with relevant union material, including membership forms. These discussions may be held during working hours, provided that work is not unreasonably disrupted. Where inductions are held in person, unions will be invited to address new employees as an integral part of those inductions.

“All executives, managers and supervisors should cooperate to ensure the NTPS continues to encourage union membership. Encouragement requires executives, managers and supervisors to adopt a positive and supportive role, not simply passively accept membership recruitment and representative activity by unions.

“The personal views of executives, managers and supervisors are not to be used to discourage employees from union membership or neglect to facilitate union membership in the ways provided for in this policy or enterprise agreements.

Executives, managers and supervisors are not to directly or indirectly impede legal union activity.

“Executives, managers and supervisors will ensure that this policy is accessible to all current employees. New employees are also to be informed of the NT Government’s commitment.”

- *The Commissioner’s Guideline on Working with Unions is available online or on request.*

