

Changes to general protections

Workplace delegates' rights


From 15 December 2023, there are **new protections** for **workplace delegates** when they are carrying out that role. These laws cover most employees and businesses in Australia.

A **workplace delegate** is a person appointed or elected by an employee organisation (eg a union) to be a delegate or representative for members working in a particular enterprise.

Workplace delegates have the right to represent the industrial interests of members and persons eligible to be members.

Workplace delegates are entitled to reasonable communication with current members and persons eligible to be members about their industrial interests. To represent those interests, they are also entitled to reasonable:

- access to the workplace and workplace facilities
- access to paid time during normal working hours, for the purposes of related training (unless the employer is a small business).


 See section 12 definitions of 'employee organisation' and 'organisation of employees', and section 350C(1)–(3) of the [Fair Work Act 2009](#).

Protection for workplace delegates

An employer of a workplace delegate must not:

- unreasonably fail or refuse to deal with the workplace delegate
- knowingly or recklessly make a false or misleading representation to the workplace delegate

- unreasonably hinder, obstruct or prevent the exercise of the workplace delegate's rights under the Fair Work Act or a fair work instrument (such as an award or enterprise agreement).

 See section 350A of the [Fair Work Act 2009](#)

Adverse action and workplace delegates rights

The Fair Work Act prohibits a person from taking **adverse action** against another person because they have a **workplace right**. From 15 December 2023, this includes workplace delegates rights. These laws cover most employees and businesses.


Examples of adverse action include:

- dismissing an employee
- treating them differently
- demoting them to a lower job
- cutting their shifts or hours
- offering a potential employee different (unfair) terms and conditions compared to other employees

 Visit our website to learn more about [adverse action](#) and [prohibited reasons in general protections](#).

How we can help

You may be able to apply to start a case at the Commission if you think that an employer took adverse action against you because of your workplace delegates rights, or that an employer contravened the protection for workplace delegates.

 Visit our website to learn more about starting a case:

- if you have been dismissed – [dismissal under general protections](#)
- if you have not been dismissed – [disputes about general protections](#)

Find out more

About the general protections

Visit our website to learn more [about the general protections](#) including [who the general protections laws cover](#).

Where to get help

You can ask your union or employer organisation, or seek independent legal advice, about the new protection.

You can find out [where to find legal help](#) on our website.