

## Factsheet Nine

### General Protections

A 'General Protection' application under the Fair Work Act is a way to seek help if you believe your workplace rights have been breached or violated. This could include discrimination, coercion, unfair treatment or dismissal because you exercised a workplace right at work. 'Exercising a workplace right' might be asking for a pay rise, taking parental leave or requesting a different shift and/or flexible work arrangement to accommodate your family's needs for example.

#### Who is covered?

All employees are covered including part-time, full-time, casual and independent contractors and other individuals working in Australia. It also applies to all sizes of businesses or organisations big or small. So, regardless of the size of your workplace, you can still seek help and protection under general protections.

#### What is Adverse Action?

Adverse action is when you are treated badly or unlawfully by your workplace because you did something like speaking up for yourself or exercising your rights such as asking for parental leave or a pay rise. Some more examples of this include:

- An employer dismissing an employee, injuring them in their employment, altering their position to their detriment, or discriminating between them and other employees;
- An employer refusing to employ a prospective employee or discriminating against them in the terms and conditions the employer offers;
- A principal terminating a contract with an independent contractor, injuring them or altering their position to their detriment, refusing to use their services or to supply

goods and services to them, or discriminating against them in the terms and conditions the principal offers to engage them on;

- An employee or independent contractor taking industrial action against their employer or principal;
- An industrial association, or an officer or member of an industrial association, organizing or taking industrial action against a person, or taking action that is detrimental to an employee or independent contractor;
- An industrial association imposing a penalty of any kind on a member.

### Is there a time limit?

There are two types of applications you can lodge under the General Protections with different time limits.

#### General Protection – Non Dismissal

If your claim is about unlawful treatment or an incident under general protections law and *not* about dismissal you can apply to the Fair Work Commission **within 6 years** of the date that the adverse action was taken by your workplace against you.

#### General Protection - Dismissals

If you are dismissed by your workplace because of an adverse action, you have **twenty-one (21) calendar days** after the dismissal takes effect to apply.

### Where can I get more help?

NT Working Women's Centre Ph: 1800 817 055 <a href="http://www.ntwwc.com.au">www.ntwwc.com.au</a>	Your Union Unions NT Ph: 8941 0001 <a href="http://www.unionsnt.com.au">www.unionsnt.com.au</a>	NT Anti-Discrimination Commission Ph: 1800 813 846 <a href="http://adc.nt.gov.au">adc.nt.gov.au</a>
Australian Human Rights Commission Ph: 1300 656 419 <a href="http://www.humanrights.gov.au">www.humanrights.gov.au</a>	Fair Work Ombudsman Ph: 13 13 94 <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a>	Fair Work Commission Ph: 1300 799 675 <a href="http://fwc.gov.au">fwc.gov.au</a>

NT Police Ph: (emergency) 000 If calling from a mobile: 112	Office of the Commissioner of Public Employment (OCPE) Ph: 8999 4129 <a href="http://www.ocpe.nt.gov.au">www.ocpe.nt.gov.au</a>	NT WorkSafe Ph: 1800 019 115 <a href="http://www.worksafe.nt.gov.au">www.worksafe.nt.gov.au</a>
Your HR Department	Aboriginal Interpreter Service Ph: 1800 334 944 <a href="http://www.ais.nt.gov.au">www.ais.nt.gov.au</a>	To access an interpreter Interpreting and Translating Service NT Ph: 1800 676 254 <a href="http://www.itsnt.nt.gov.au/">www.itsnt.nt.gov.au/</a>

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