

GETTING THE FACTS

ON NEW DELEGATES RIGHTS

An AWU delegate is an employee who is appointed or elected under the AWU's Rules, and who represents members in the workplace. The AWU's Rules say that delegates will either be elected by members at a meeting called for that purpose, or they can be appointed by the Branch Secretary, Branch Assistant Secretary or an Organiser.

AWU delegates have specific rights and protections to ensure they can effectively perform their duties without fear of discrimination or retaliation. Awards, agreements and workplace determinations from 1 July 2024 must contain a delegates' rights clause. Key rights for delegates include:

The right to representation.

Delegates have the right to represent the industrial interests of workers in matters such as enterprise bargaining, major workplace change, changes to rosters and hours of work, and disciplinary processes.

The right to communicate.

Delegates have the right to communicate with members and eligible employees for the purpose of representing the industrial interests of workers.

This includes discussing membership of the AWU and consulting with workers about representing them.

Delegates can communicate with workers either individually or collectively, during working hours or work breaks, or before the start or after the end of work.

Reasonable access to workplace facilities.

The employer must provide a workplace delegate with access to or use of a room or area to hold discussions which is fit for purpose, private and accessible, a physical or electronic noticeboard; electronic means of communication that are ordinarily used by the employer to communicate with eligible employees in the workplace including access to WiFi; a secure document storage area; and office facilities and equipment including printers.

Reasonable access to workplace delegate training.

Delegates employed by non-small businesses (businesses with more than 15 employees) are entitled to have reasonable access to paid time during normal working hours for workplace delegate training.

Reasonable access to paid time for workplace delegate training includes five days in the first year of being a delegate, and one day for each year after that, and is limited to one delegate per every 50 employees.

Unless a shorter period of notice is agreed, delegates must provide the employer with not less than 5 weeks' notice of the dates of the training, the subject matter, the daily start and finish times of the training, and the name of the training provider.

The employer has until 2 weeks prior to commencement of the training to advise whether the delegate's access to the training has been approved, and approval will not be unreasonably withheld.

Protections for delegates.

The Fair Work Act contains protections for workplace delegates when carrying out their role at a workplace, including preventing an employer from unreasonably refusing to deal with them, misleading them, or hindering and obstructing the exercise of their rights as delegates. These protections are mentioned in the model award term.

AWU delegates should contact their organiser if they require support and assistance to exercise any of their delegate rights.