

*The rules governing your pay for any day when you failed or refused to work:*

## **Division 9—Payments relating to periods of industrial action**

### **Subdivision B—Industrial action that is not protected industrial action**

#### **474 Payments not to be made relating to certain periods of industrial action**

- (1) If an employee engaged, or engages, in industrial action that is not protected industrial action against an employer on a day, the employer must not make a payment to an employee in relation to:
  - (a) if the total duration of the industrial action on that day is at least 4 hours—the total duration of the industrial action on that day; or
  - (b) otherwise—4 hours of that day.

Note: This subsection is a civil remedy provision (see Part 4-1).

- (2) However, if the industrial action is, or includes, an overtime ban, this section does not apply, in relation to a period of overtime to which the ban applies, unless:
  - (a) the employer requested or required the employee to work the period of overtime; and
  - (b) the employee refused to work the period of overtime; and
  - (c) the refusal was a contravention of the employee's obligations under a modern award, enterprise agreement or contract of employment.

Note: An employee is able to refuse to work additional hours if they are unreasonable (see subsection 62(2)). There may be other circumstances in which an employee can lawfully refuse to work additional hours.

- (2A) If:
  - (a) the industrial action is, or includes, an overtime ban; and
  - (b) this section applies in relation to a period of overtime to which the ban applies;then, for the purposes of this section:
  - (c) the total duration of the industrial action is, or includes, the period of overtime to which the ban applies; and
  - (d) if paragraph (1)(b) applies—the period of 4 hours mentioned in that paragraph includes the period of overtime to which the ban applies.

#### **475 Accepting or seeking payments relating to periods of industrial action**

- (1) An employee must not:
  - (a) accept a payment from an employer if the employer would contravene section 474 by making the payment; or
  - (b) ask the employer to make such a payment.

	<p>Note 1: This subsection is a civil remedy provision (see Part 4-1).</p> <p>Note 2: Acts of coercion, or misrepresentations, relating to such payments may also contravene section 348 or 349.</p>
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