

*If the notice and the manner of giving you the notice complied with the regulations, your employer is entitled to reduce your payment by the specified proportion.*

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

### **Subdivision A—Protected industrial action**

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

- (1) If an employee engaged, or engages, in protected industrial action against an employer on a day, the employer must not make a payment to an employee in relation to the total duration of the industrial action on that day.
- (2) However, this section does not apply to a partial work ban.  
Note: For payments relating to periods of partial work bans, see section 471.
- (3) A ***partial work ban*** is industrial action that is not:
  - (a) a failure or refusal by an employee to attend for work; or
  - (b) a failure or refusal by an employee who attends for work to perform any work at all; or
  - (c) an overtime ban.

#### **471 Payments relating to partial work bans**

##### *Form and content of notice*

- (6) The regulations may prescribe requirements relating to one or both of the following:
  - (a) the form of a notice given under paragraph (1)(c) or (4)(c);
  - (b) the content of such a notice.

##### *Manner of giving notice*

- (7) Without limiting paragraph (1)(c) or (4)(c), the employer is taken to have given a notice in accordance with that paragraph to the employee if the employer:
  - (a) has taken all reasonable steps to ensure that the employee, and the employee's bargaining representative (if any), receives the notice; and
  - (b) has complied with any requirements, relating to the giving of the notice, prescribed by the regulations.

### **3.21 Payments relating to partial work bans—working out proportion of reduction of employee’s payments**

For subsection 471(3) of the Act, the proportion mentioned in paragraph 471(2)(a) of the Act is worked out for an employee or a class of employees by carrying out the following steps.

- Step 1** Identify the work that an employee or a class of employees is failing or refusing to perform, or is proposing to fail or refuse to perform.
- Step 2** Estimate the usual time that the employee or the class of employees would spend performing the work during a day.
- Step 3** Work out the time estimated in Step 2 as a percentage of an employee’s usual hours of work for a day.  
  
The solution is the proportion by which the employee’s payment will be reduced for a day.