

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.