

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.

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

- (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.

- (4) 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.

- (5) 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, the total duration of the industrial action is, or includes, the period of overtime to which the ban applies.