

*Your responses suggest that you may apply to the Fair Work Commissioner to deal with the matter.*

### **342 Meaning of *adverse action***

(1) The following table sets out circumstances in which a person takes *adverse action* against another person.

<b>Meaning of <i>adverse action</i></b>		
<b>Item</b>	<b>Column 1 <i>Adverse action</i> is taken by ...</b>	<b>Column 2 if ...</b>
7	an industrial association, or an officer or member of an industrial association, against a person	the industrial association, or the officer or member of the industrial association: (a) organises or takes industrial action against the person; or (b) takes action that has the effect, directly or indirectly, of prejudicing the person in the person's employment or prospective employment; or (c) if the person is an independent contractor—takes action that has the effect, directly or indirectly, of prejudicing the independent contractor in relation to a contract for services; or (d) if the person is a member of the association—imposes a penalty, forfeiture or disability of any kind on the member (other than in relation to money legally owed to the association by the member).

### **Subdivision B—Other contraventions**

#### **372 Application for the FWC to deal with a non-dismissal dispute**

If:

- (a) a person alleges a contravention of this Part; and
- (b) the person is not entitled to apply to the FWC under section 365 for the FWC to deal with the dispute;

the person may apply to the FWC under this section for the FWC to deal with the dispute.