

*Your responses suggest that the statutory General Protection against adverse action does not apply in your circumstances.*

(Fair Work Act 2009)

## **Division 3—Workplace rights**

### **340 Protection**

- (1) A person must not take adverse action against another person:
  - (a) because the other person:
    - (i) has a workplace right; or
    - (ii) has, or has not, exercised a workplace right; or
    - (iii) proposes or proposes not to, or has at any time proposed or proposed not to, exercise a workplace right; or
  - (b) to prevent the exercise of a workplace right by the other person.

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

- (2) A person must not take adverse action against another person (the *second person*) because a third person has exercised, or proposes or has at any time proposed to exercise, a workplace right for the second person's benefit, or for the benefit of a class of persons to which the second person belongs.

### **343 Coercion**

- (1) A person must not organise or take, or threaten to organise or take, any action against another person with intent to coerce the other person, or a third person, to:
  - (a) exercise or not exercise, or propose to exercise or not exercise, a workplace right; or
  - (b) exercise, or propose to exercise, a workplace right in a particular way.

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

- (2) Subsection (1) does not apply to protected industrial action.

### **345 Misrepresentations**

- (1) A person must not knowingly or recklessly make a false or misleading representation about:
  - (a) the workplace rights of another person; or
  - (b) the exercise, or the effect of the exercise, of a workplace right by another person.

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

- (2) Subsection (1) does not apply if the person to whom the representation is made would not be expected to rely on it.