

Adverse Action



What is Adverse Action?

Under the Fair Work Act, “Adverse Action” may occur if an employer detrimentally alters the position of, discriminates against, injures or dismisses an employee on the basis of:

- an attribute (listed in the Fair Work Act 2009) such as race, colour, sex, sexual preference, age, physical or mental disability, marital status, religion, family or carer’s responsibilities, pregnancy, political opinion, absence during maternity leave or parental leave or absence from work due to voluntary emergency management e.g. SES / jury duty?
- exercising or planning to exercise workplace right e.g. asking about your award wage or making a complaint or enquiry in relation to your employment?
- Participating or not participating in industrial activity?

Actions that are authorised by law are not adverse action.

If you ticked yes to any of these, you may have been unlawfully terminated and could be eligible to lodge a General Protections dispute.

What can I do?

If you wish to make a complaint about a breach of the General Protections legislation there are several avenues available to you. Young people in Queensland can contact Young Workers Advisory Service for information. The websites for Fair Work Australia and Fair Work Ombudsman provide further information about how to lodge a complaint.

- Fair Work Australia; There are different processes and time limits involved depending on whether the action involved a dismissal (60 day time limit).
- Fair Work Ombudsman; may investigate your complaint on your behalf and may bring a matter before the Federal Court to seek a penalty or compensation.

The Queensland Anti-Discrimination Commission or the Australian Human Rights Commission can also accept complaints about discrimination in the workplace .

Where can I go for more information and advice?

Young Workers Advisory Service	1800 232 000	www.ywas.org
Fair Work Australia	13 13 94	www.fwa.gov.au
Fair Work Ombudsmen	1300 369 915	www.fairwork.gov.au
Anti-Discrimination Commission Queensland	1300 130 670	www.adcq.qld.gov.au
Australian Human Rights Commission	1300 656 419	www.ahrc.gov.au
Queensland Council of Unions	3846 2468	www.qcu.asn.au

