

What is a Delegate? A Union Delegate is a worker who is elected to represent the interests of Union members in the workplace. Delegates stand up for workers' rights, engage with management during disputes, and ensure workers are informed about their rights at work.

Workplace delegate rights and protections



See Fair Work Act s. 350C
for more information

In December 2023, the Fair Work Act was changed to introduce new rights and protections for Workplace Delegates. The Act now says that Workplace Delegates are entitled to:

- reasonable communication
- reasonable access to the workplace and workplace facilities
- reasonable access to paid time during normal working hours to attend related training.

Then, on 1 July 2024 Modern Awards were varied to include new clauses which clarify these rights. New Enterprise Agreements made need to be better off overall when compared with these Modern Award Workplace Delegate terms.

***"More women means
more representation
means more women."***

***Representation also
means more support
behind advocacy
and breaking down
stereotypes. A trade
is a rewarding and
interesting career path
that shouldn't be gate
kept by one gender."***

- Electrical Fitter

What has changed?

All Modern Awards now include a “Workplace Delegates’ Rights” clause which provides 5 new workplace rights.

1. Paid training

All Workplace Delegates (in organisations with 15 or more employees) now have a right to 5 days of paid leave for Union training, with a further 1 day of paid leave for every subsequent year in the Delegate role.

To access paid training leave, you need to:

- give your employer 5 weeks’ notice
- include the date, start and finish times of the training
- if requested, provide a brief outline of the training content, subject matter and the training provider.

Your employer must let you know if your application is approved at least 2 weeks before training is scheduled and they must not unreasonably withhold approval.

If requested, you need to provide evidence of training attendance.

2. Right to represent

The changes reinforce what we already know!

Workplace Delegates have the right to represent the industrial interests of your co-workers in: bargaining, disputes, consultation about workplace change, grievance and disciplinary procedures, or any other process in which there is an employee entitlement to representation.

4. Right to use workplace facilities

The new Award clauses include a right to use workplace facilities for Union business. This includes using: a noticeboard, a private accessible room for discussions, office equipment such as printers and photocopiers, secure storage and email systems.

3. Right to communicate

The changes now mean that Workplace Delegates have a protected workplace right to communicate with workers (members and potential members) about industrial matters and about union membership.

The Modern Awards now say that Workplace Delegates can communicate with workers during “working hours or work breaks, or before or after work.”

Employers can no longer harass or target Delegates for emailing and engaging with workers about Union business during the working day.

5. Workplace protections

The changes also introduce a general protection for Workplace Delegates.

Employers must not unreasonably fail or refuse to deal with you, knowingly or recklessly mislead you, or hinder you in your role as a Delegate.

Targeting or treating a Workplace Delegate differently for representing co-workers is called “adverse action” and it is against the law.



“My advice for other women? I would tell them to know their rights, know their HSR, know they can contact WorkSafe and join a Union. I would also give them my contact details.”

- Horticulture Technician

What about enterprise agreements?

Changes to the Fair Work Act apply to all workers now. If you are covered by an Enterprise Agreement, hold tight. When your next Agreement is re-negotiated, it will need to include a Workplace Delegates term that provides similar entitlements or is *"better off overall"* when compared to the one in the Modern Award.

Why is it important more women are delegates?

Nothing about us without us.

Women and gender diverse people experience issues differently in the workplace (including gender pay inequity, discrimination, gender-based violence and sexual harassment, unequal access to basic amenities and gender inappropriate clothing). Women delegates help make sure that bargaining, disputes and workplace change don't overlook or disadvantage women.

A diverse and inclusive delegate structure makes the union stronger, more representative, and more trusted by members.

"Women need to see more representation."

- Female Truck Driver

"Because the more of us that get into the workplace, the better it will be for us all. Workplaces and cultures will only change if we can get more women to help us change."

- Trades Assistant

"Guys making vomiting noises at the bare mention of my period when I've tried to explain why I'm moving slower that day."

- Apprentice Electrician

Join us!

Women make up 48% of the Australian workforce, but much fewer join male dominated industries. The Workplaces for Women Project is promoting and advancing equality in gender segregated industries and is helping to create workplaces where women are safe, respected, included and equal.



Rights at work
resources here

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- Trades Assistant

"I just think women thrive in this industry and we're bloody good at it!"

- Bus Operator



**Workplaces
FOR Women**
EQUALITY RESOURCES

This project received grant funding
from the Australian Government.

weareunion.org.au/w4w



Australian Government

