

The new laws will introduce strong consumer law protections for workers to prevent them from being misrepresented by organisations or entities that are not legally recognised to do so in the workplace.

Workers who join organisations who falsely claim to be a union currently miss out on key protections including:

- the right to be represented in workplace agreement negotiations.
- the right to be represented in individual workplace disputes.
- the right to be protected against discrimination or adverse action because you are a union member.
- the right for their union to enter the workplace to meet with employees and investigate breaches of workplace and industrial laws.

To ensure employees are protected from misrepresentation, the new laws will clarify that only registered unions and those bodies seeking to be registered under the Act are entitled to represent employee's industrial interests.

Bodies that are not registered under the Act are not subject to the same rigorous accountability and governance requirements, including requirements to have rules, keep membership records, have internal elections, or for members to have access to membership lists or financial records.

### **Freedom of association protected for members and delegates of legitimate unions**

The new laws clarify that employees who are members of an industrial organisation registered under the Act or of a body that is seeking registration under the Act are protected by the general and freedom of association protections, including protected from being dismissed or discriminated against by their employer.

These protections extend to employees who are members, delegates or officers of industrial organisations who provide or distribute information, or who organise or encourage discussion about wages and employment conditions or workplace rights on behalf of their union [s 290].

### **Misrepresentation**

The new laws contain a new offence of misrepresentation – where it will be an offence to misrepresent a person that they have the right to industrially represent them [s 293A].

A misrepresentation is where a person (including a body or organisation) makes a false or misleading statement to another person, that the person has the right to represent the industrial interests of a person or a particular group of persons. This is regardless of what an entity's rules might otherwise state.

A union or an employer may make an application to the Queensland Industrial Relations Commission that a person has misrepresented a person or a group of persons. The Commission can issue an order, including an injunction to prevent further misrepresentation and also impose a civil penalty such as a fine [90 penalty units].

### **Ineligibility Orders**

A union or an employer will also be able to apply to the Queensland Industrial Relations Commission for an order declaring that an organisation is not eligible to be registered under the Act because it cannot meet the requirements of being a union.

The order could determine that this organisation is not eligible for registration under the Act, or that registration would be inconsistent with the Act.

Other orders the commission could make include prohibiting:

- an officer or employee of an entity from representing a person in a matter;
- an entity from arranging for an agent to represent a person in an industrial dispute;
- the entity from holding out membership on the basis of being able to provide representation in stated matters; and
- another entity associated with the entity, or an officer or employee of another entity associated with the entity, from engaging in conduct as above.

These reforms introduce stronger consumer law protections to ensure that employees are not misled into joining organisations or bodies that have no legal rights to represent them in their workplace.