



POLICY Freedom of Association Policy

Purpose	It is the obligation of Wiley to enable fairness and representation at work and the prevention of discrimination by recognising the right to freedom of association and the right to be represented, protecting against unfair treatment and discrimination.
Scope	This policy applies to Wiley employees, subcontractors, and contractors.
Responsibility	Leaders, managers, and employees have responsibility for this policy.

METHODOLOGY AND CONSIDERATIONS

Freedom of association is protected through legislative and other requirements including the Fair Work Act 2009 and the Code for the Tendering and Performance of Building Work 2016. Wiley will ensure compliance and that persons are:

- free to become, or not become, members of building associations; and
- free to be represented, or not represented, by building associations; and
- free to participate, or not participate, in lawful industrial activities; and
- not discriminated against in respect of benefits in the workplace because they are, or are not, members of a building association.

In addition, Wiley will ensure that:

- personal information is dealt with in accordance with the Privacy Act 1988 and the Fair Work Act 2009; and
- 'no ticket, no start' signs, or similar, are not displayed and such arrangements are not implemented; and
- signs that seek to vilify or harass employees who participate, or do not participate, in industrial activities are not displayed; and
- 'show card' days do not occur; and
- there is:
 - no discrimination against elected employee representatives; and
 - no disadvantage to elected employee representatives; and



- forms are not used to require:
 - an employee to identify whether they are a member of a building association; or
 - a subcontractor to identify whether the contractor or its employees or subcontractors are a member of a building association; and
- practices that are not authorised by law which require, directly or indirectly, a person to disclose whether or not they are a member of a building association, are not engaged in; and
- individuals are not refused employment or engagement because they are, or are not, a member of a building association; and
- the employment of employees or engagement of subcontractors is not terminated because they are, or are not, a member of a building association; and
- building association logos, mottos or indicia are not applied to clothing, property or equipment supplied by, or which provision is made for by, the employer or any other conduct which implies that membership of a building association is anything other than an individual choice for each employee; and
- reasonable requests from a workplace delegate to represent an employee in relation to a grievance, a dispute or a discussion with a member of a building association are not refused; and
- requirements are not imposed, or attempted to be imposed, on Wiley or a subcontractor engaged by Wiley to:
 - employ a non-working shop steward or job delegate; or
 - hire an individual nominated by a building association
- Wiley does not employ a non-working shop steward or job delegate; and
- individuals are not required to pay a 'bargaining fee' (howsoever described) to a building association of which the individual is not a member, in respect of services provided by the association; and
- employees must be provided a freedom of choice in deciding whether to be represented in grievance or dispute procedures (whether or not pursuant to an enterprise agreement), and, if so, by whom; and
- officials, delegates, or other representatives of a building association do not undertake or administer induction processes.

Under the Fair Work Act it is unlawful for a person to take or threaten adverse action because a person is or is not:

- A member of a union
- Engaging in industrial activity
- Exercising a workplace right

Adverse action covers activities such as dismissal, terminating a contract, refusing to employ or engage a person, discrimination and organising or taking industrial action.



Actions that do not breach freedom of association

Legitimate and reasonable management actions and business processes, such as, actions taken to transfer, demote, discipline, redeploy, retrench, or dismiss an employee are not considered to be breaching freedom of association, provided these actions are conducted in a reasonable and lawful way.

Responsibilities of managers and supervisors

Managers and supervisors, including those representing contractors whilst on Wiley workplaces must ensure that employees are treated equitably and are not exposed to a breach of freedom of association. Managers and supervisors are required to personally demonstrate appropriate behaviour and treat complaints seriously. They must also ensure that people who make complaints, or are witnesses, are not victimised themselves and that all information surrounding queries and complaints is kept confidential.

Responsibilities of workers

Wiley requires all workers, including employees of contractors whilst on Wiley workplaces, to behave responsibly by complying with this policy, to not tolerate unacceptable behaviour, to maintain privacy during investigations and to immediately report incidents of potential breaches of freedom of association through the chain of authority to their direct manager or supervisor or other member of Wiley management that they feel comfortable with.

RELATED DOCUMENTS

Policy – Anti-discrimination Policy

Procedure – Delegation of Authority

Procedure – Workplace Grievance Procedure

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