



Rights and Responsibilities of Subcontractors

Building subcontractors have rights and responsibilities under the *Building and Construction Industry Improvement Act 2005 (BCII Act)* and the *Fair Work Act 2009*.

YOUR RIGHTS AS A SUBCONTRACTOR

You do not have to have an Enterprise Agreement with a union in order to work on a site.

Your employees do not have to join a union in order to work on a site.

A head contractor cannot discriminate against you because of your workplace arrangements or because your workers are not in a union.

You do not have to allow a union organiser to inspect your wages records unless the union organiser has given you 24 hours written notice specifying particulars of the suspected contravention and shows you his or her entry permit on request.

YOUR RESPONSIBILITIES AS A SUBCONTRACTOR

Freedom of association means employees and contractors have the right to choose whether or not to join a union.

You must not:

- discriminate against or victimise an employee or contractor because they are or are not members of a union
- coerce or pressure an employee or contractor to join, not to join or to cease being a member of a union
- coerce an employee to nominate a particular superannuation fund.

Employees should not be paid for any period they are on strike. The only time employees may be paid in such circumstances is if:

- the action is authorised in writing and in advance by you, or
- the action is based on a reasonable concern by employees of imminent risk to health or safety.

For more information relating to payments during periods of unlawful industrial action, please refer to the ABCC's 'Strike Pay in the Building and Construction Industry' fact sheet.

FURTHER INFORMATION

For additional information about anything contained in this fact sheet please contact the ABCC Hotline on 1800 003 338.

Please note: The Australian Government has proposed changes to the building industry legislation. The contents of this fact sheet will apply until the BCII Act is amended.



Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50