

96D. Refusal to employ and discriminatory and injurious acts against persons performing work for employers because of membership or non-membership of employee organisation

- (1) A person must not refuse to employ another person on any ground that is forbidden for the purposes of this section.
- (2) A person, including an organisation of employees, must not on any ground that is forbidden for the purposes of this section —
 - (a) intimidate, prejudice, or threaten to prejudice, or attempt to induce another person to intimidate or prejudice, a person who performs work for an employer;
 - (b) intimidate or induce, whether by threats or promises or otherwise, an employer to prejudice a person who performs or wishes to perform work for the employer; or
 - (c) directly or indirectly hinder or prevent the employment of a person or the promotion of an employee.

- (3) A person must not conspire with another person to commit an offence against subsection (1) or (2).

Penalty applicable to subsections (1), (2) and (3):

- (a) in the case of an individual, not less than \$400 nor more than \$5 000;
 - (b) in any other case, not less than \$1 000 nor more than \$10 000; and a daily penalty of \$500.
- (4) The grounds that are forbidden for the purposes of this section are —
 - (a) that the person is or is intending to become a member or officer of an organisation of employees; or
 - (b) that the person is not, or is intending to not remain, a member or officer of an organisation of employees.
 - (5) For the purposes of subsection (2) a person is prejudiced if —
 - (a) the person is dismissed from employment; or
 - (b) the person is demoted or fails to get a promotion that the person could have reasonably expected; or
 - (c) the person's employment position is detrimentally altered; or
 - (d) the person's pay or other terms and conditions of employment are detrimentally altered.

[Section 96D inserted by No. 15 of 1993 s. 28.]