



Freedom of Association Policy

Engineering Building & Infrastructure (Pty) Ltd (“the Company”) recognises that freedom of association is a fundamental right. Article 22 of the ICCPR affirms that “everyone shall have the right to freedom of association... including the right to form and join trade unions”. In Australia, the [Fair Work Act 2009](#) implements this right in the workplace. The Act “protects freedom of association by ensuring that persons are free to become, or not become, members of industrial associations, [and] are free to be represented, or not represented, by industrial associations, and are free to participate, or not participate, in lawful industrial activities”. The Company fully endorses these principles and will comply with the Fair Work Act 2009 (Cth) and all relevant laws. All employees and contractors are free to join or not join any union or employer/industry association without fear of reprisals.

Scope: This policy applies to all persons engaged by the Company – including full-time, part-time and casual employees, subcontractors and independent contractors. Consistent with section 346 of the Fair Work Act, the Company treats the FOA rights of employees and contractors equally. All individuals may exercise their association rights (or choose not to) at their own discretion.

Statement of Intent and Purpose

The Company is committed to a workplace free from discrimination or prejudice based on union or association membership. In line with this commitment:

- **No adverse action:** The Company will **not take, threaten or permit any adverse action** against any employee or contractor for exercising FOA rights. This means no one will be dismissed, demoted, refused employment, or have their hours/pay or any terms changed to their detriment because they are (or are not) a member of a union or industrial association. For example, it is unlawful to penalize someone for “being or not being a union member,” “taking part or not taking part in industrial activity,” or “choosing to be represented, or not to be represented, by a union”.
- **No coercion or pressure:** Managers, supervisors and colleagues **must not pressure** anyone about joining or quitting a union or any association. The Company will not interrogate employees about their union status or force them to sign union (or anti-union) documentation. Employers cannot coerce a worker’s choice in these matters.
- **Representation rights:** Employees have the right to be represented by any union or association if they choose, or to decline representation. The Company will not interfere with an employee’s choice of representative (for example, a union delegate) in negotiations, grievances or disciplinary procedures. Anyone may seek representation at work without penalty.
- **Equal treatment:** Union members, non-members and those involved in any lawful industrial activity will be treated equally. The Company will not show favoritism or discrimination on the basis of association status. All employees and contractors must be treated the same in terms of promotions, transfers, benefits and other employment conditions, regardless of whether they are union members.

- **Employer association rights:** The Company also respects the parallel right of employers. Senior staff and management are free to join (or not join) any employer or industry association without pressure.

These commitments are consistent with international and domestic law. For context, Australia is a party to ILO Convention No.87 (Freedom of Association) and the Fair Work Act reflects these obligations by safeguarding FOA. In pursuit of the above objectives, the Company will abide by the Fair Work Act 2009 (and related regulations) at all times.

Objectives

The key objectives of this policy are to:

- Ensure that **no employee or contractor suffers any adverse action** for lawful union or association activities. In particular, the Company prohibits adverse actions like dismissal, demotion, refusal to hire, or any detrimental change to terms and conditions on the basis of FOA factors.
- Protect the **right of all workers** to freely join, form or refrain from joining any union or association, and to engage in peaceful, lawful industrial action without penalty.
- Promote a **fair and inclusive workplace culture** where union membership status cannot be used to discriminate against or advantage any individual.
- Ensure full **compliance with legal requirements**. The Company will keep this policy aligned with the Fair Work Act 2009 and will update practices if laws change.

Roles and Responsibilities

- **Managers and Supervisors:** All management personnel must uphold this policy by example. They must not inquire about, record, or comment on an employee's union membership or activities. They must never threaten or take action against anyone for their FOA choices^f. Managers will receive training on these legal obligations and will be responsible for promptly addressing any concerns or violations.
- **Human Resources:** HR will distribute this policy and ensure that information about FOA rights is readily available to all staff. HR will also handle any internal complaints relating to FOA, investigate promptly and impartially, and ensure remediation if a breach is found.
- **Employees and Contractors:** Every worker must respect the FOA rights of coworkers. No one should pressure or harass others regarding union membership. Employees and contractors are encouraged to report any suspected violation of this policy to HR or through the Company's grievance channels. Employees must cooperate in investigations and maintain confidentiality.
- **Union Delegates (if any):** The Company will honour any lawful rights of union delegates or association representatives under applicable awards or agreements (for example, reasonable access to members and agreed paid time off for training). Delegates must provide notice of their appointment to management and may use facilities (such as meeting rooms or noticeboards) in

accordance with enterprise agreements and workplace rules.

Violations of this policy (such as discriminating against someone for FOA reasons) will be treated as serious misconduct. Anyone found in breach may face disciplinary action, up to and including termination.

Seeking Assistance and Enforcement

The Fair Work Act provides remedies for workers whose FOA rights have been contravened. Employees or contractors who believe they have experienced a breach of this policy may raise the issue internally or seek advice from the Fair Work Commission or Ombudsman. The Company will not discourage anyone from pursuing legal advice or lodging a general protections claim if warranted.

The Company will periodically review this policy and provide refresher training on FOA rights. Maintaining freedom of association is a shared responsibility. By strictly adhering to this policy and applicable laws, Engineering Building & Infrastructure (Pty) Ltd reaffirms its commitment to a fair and lawful workplace where every person's right to join – or not join – a union or association is fully respected.

This policy will be reviewed at least annually or whenever there is a significant change in our operations or legal requirements. Any updates will be approved by the Board. The next review date 11/07/2026.