

Your Protections

Under the Act, it is an offence for an employer to discriminate against, disadvantage, hinder, or terminate an employee or prospective employee because they render defence service.

It is also mandatory that employers release their Reserve member employees when they undertake defence service.

When released, Reserve member employees must not be forced to take any form of paid or unpaid leave.

Employers are not required to pay a Reserve member employee's salaries while they are rendering defence service.

In relation to your defence service, the following actions by an employer or Australian educational institution may represent a breach of the Act:

- Refusal to release a Reserve member from civilian work to render Defence service
- Refusal or expulsion from a partnership or terminating a contract
- Terminating or otherwise disadvantaging Reserve member employees
- Coercion into using annual leave or long service leave when rendering defence service
- Exclusion from a course or unit of study
- Failure to make reasonable adjustments to a Reserve member student's course of study.



More information:

 1800 DEFENCE (1800 333 362)

 YourCustomer.Service@defence.gov.au

 www.reserveemployersupport.gov.au



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YOUR RESPONSIBILITIES AND PROTECTIONS AS A RESERVE MEMBER



1800 DEFENCE

www.reserveemployersupport.gov.au

Your Responsibilities

While your ability as a Reserve member to render service in the Australian Defence Force (ADF) is protected under law, you have responsibilities and obligations to your employer or educational institution to make your release for defence service as easy as possible.



You can do this by:

- Always considering the impact your potential time away will have on your employer's business or organisation
- Providing your employer or educational institution with as much advance notice as possible
- Where known, providing your employer with a 6–12 month plan of your intended defence service in particular any training commitments
- Written notification should be provided to your employer as early as possible before (and after) your defence service and whenever requested by your employer using form AE 380 – *Tri-Service Notice of ADF Reserve Service*

- Effectively managing long or repeated periods of defence service
- Providing your employer with information about the Employer Support Payment Scheme and other support opportunities and information.

The Australian Government and Defence does not want to impose unreasonable burdens on employers.

As a Reserve member, you are a representative of the ADF and must behave in a fair and reasonable manner towards your employer at all times.

If your employer has serious and significant concerns about releasing you for defence service, you should encourage them to speak with you and your unit Commanding Officer.

If this does not resolve the concern, you, your unit, or your employer can contact the Australian Defence Force Reserves and Employer Support (ADFRES) for guidance, information and support.



Your Protections

The *Defence Reserve Service (Protection) Act 2001* (the Act) provides a number of protections for ADF Reserve members under Commonwealth law.

The protections apply to:

- Employees
- Contractors
- Business partners
- Students at Australian educational institutions

The Act is administered by Australian Defence Force Reserves and Employer Support (ADFRES) who are tasked with resolving enquiries and supporting Reserve members and their employers to comply with the Act.

All enquiries are treated on a case-by-case basis and ADFRES will always attempt to resolve breaches of the Act at the lowest possible level.

Should issues not be resolved at that level, a formal complaint can be made through 1800 DEFENCE or by engaging with the ADFRES team.

