



DEFENCE RESERVES SUPPORT

YOUR RESPONSIBILITIES AND PROTECTIONS AS A RESERVIST



Your Responsibilities

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

You can do this by:

- Considering the impact your potential absence will have on your employer's business or organisation
- Consulting with and providing your employer with a 6–12 month plan of your intended Defence service including any training commitments
- Providing your employer or educational institution with as much advance notice as possible when you are required to render Defence service



- Providing written notification (Form AE 380 – Tri-Service Notice of ADF Reserve Service) before and after your service, and whenever requested by your employer
- Effectively manage long or repeated periods of service
- Providing your employer with information about the **Employer Support Payment Scheme (ESPS)** and other support opportunities

Be aware that the Australian Government and the ADF does not want to impose unreasonable burdens on employers.

As a Reservist, 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 significant and legitimate concerns about releasing you for 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 **Employer Support and Service Protection (ESSP)** for guidance, information, and support.

1800 DEFENCE
www.defencereservessupport.gov.au

Your Protections

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

The protections apply to:

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



Under **The Act**, it is an offence for an employer to discriminate against, disadvantage, hinder, or terminate an employee or prospective applicant because they undertake Defence service.

It is also mandatory that employers release their Reservist employees when they are required to undertake training, deployments, or other appointments associated with Defence service.

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

Employers are not required to pay Reservists' 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 Reservists from work to render Defence service
- Refusal or expulsion from a partnership or terminating a contract
- Terminating or otherwise disadvantaging Reservist 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 student's course of study

The Act is administered by **Employer Support and Service Protection** who are tasked with resolving enquiring and supporting Reservists and their employers to comply with **The Act**.

All enquiries are treated on a case-by-case basis and **ESSP** 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 your unit using **Form AD217 – Reserve Service Complaint**.

More information:

Call: 1800 DEFENCE (1800 333 362)

Visit: www.defencereservessupport.gov.au

