

QUEENSLAND INDEPENDENT EDUCATION UNION
INDEPENDENT EDUCATION UNION OF AUSTRALIA –
QUEENSLAND & NORTHERN TERRITORY BRANCH



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Professional Rates of Pay Campaign

your rights at work
worth fighting for

**CATHOLIC SECTOR
CHAPTER BRIEFING No. 18**

**Fair Work Australia Dismisses All Employer Appeals
Employers Now Have No More Places To Hide
Employers Must Show Leadership With A Revised Offer**

Dear Colleagues

Fair Work Australia (FWA) yesterday rejected a further attempt by Catholic education employers to deprive their employees of the basic industrial right to take action in support of their claim for interstate Catholic benchmark rates of pay.

Catholic employers had made an appeal to FWA arguing that the orders for the most recent ballots for protected action be overturned.

FWA has dismissed all appeals and in so doing the current and existing authorised protected action remains legally protected action.

The employers now have nowhere to run and nowhere to hide; they should demonstrate some leadership and return to the negotiating table with a revised wage offer for teachers.

Background to the Appeals

Catholic employing authorities have consistently tried to frustrate the industrial rights of their employees in a desperate attempt to avoid industrial action in their schools and to avoid meaningful negotiation.

In the case of the Rockhampton and Townsville Dioceses they even resorted to providing advice to employees which directly contravenes the *Fair Work Act*. That matter is now before the Federal Magistrates Court and both authorities face fines if they are convicted.

The appeals to overturn the ballots to authorise protected action were yet another attempt to frustrate negotiations.

Along the way during the appeal process the Catholic employers tried to create confusion (in the midst of the ballot) regarding the legal status of authorised action.

FWA has now made clear what Catholic employers should have understood all along – their appeal lacked substance and badly misread and misunderstood the law.

It was always an appeal of convenience and in fact was 38 days out of time.

The explanation for the delay submitted by the employers, in the words of the FWA Decision, was 'thin given the seriousness of the ballot applications and the potential for the school operations to be disrupted if the employees authorised industrial action'. (Paragraph 6 of the Decision.)

Significance of the Decision

Catholic employers have been clutching at every legal straw to try to prevent industrial action in their schools and to avoid negotiating on the employees' legitimate claim for interstate benchmark Catholic rates of pay.

The time for mischief and avoidance is over – employers must show some leadership and return to the negotiating table with a revised wage offer.

Protected Action Scheduled

If employers need any reminder of the seriousness of employees in their claim for professional rates of pay then the protected action next week in a number of Catholic schools across the state sends a strong message that the time is overdue for some leadership from the employers to put a revised wage offer on the table.

Those members taking protected action are to be commended for their resolve in seeking professional rates of pay rather than be consigned to being the lowest paid Catholic school employees in the country and the lowest paid of major Queensland non-government school sectors.

Catholic employers should show some leadership and return to the negotiating table with a revised wage offer or face the continued industrial action of their employees.

A sector wide day of solidarity action is planned for next week in conjunction with the authorised protected action in the identified schools (see below).

A further briefing will follow.

Chapters are asked to brief members on these developments.

Kind regards



TERRY BURKE
SECRETARY

Schools undertaking the protected action - Ban on Co-Curricular Activities 8 – 14 March:

St Joseph's Nudgee College
Nudgee Junior College - Indooroopilly
St Joseph's College - Gregory Terrace
St Rita's College - Clayfield
All Hallows' School - Brisbane
Mt St Michael's College - Ashgrove
Villanova College - Coorparoo
Lourdes Hill College - Hawthorne
Marist College - Ashgrove
Brigidine College - Indooroopilly
Stuartholme School - Toowong
Mt Alvernia College - Kedron
St Laurence's College - South Brisbane
St James College - Spring Hill
Padua College - Kedron
St Edmund's College - Woodend
St Ursula's College - Yeppoon
St Brendan's College - Yeppoon
Ignatius Park College - Townsville
Townsville Flexible Learning Centre
Centre Education Programme - Woodridge
Albert Park Flexi School - Milton
Deception Bay Flexible Learning Centre
Edmund Park Training & Leisure Centre - Laidley
Noosa Flexible Learning Centre

Toowoomba Diocesan Schools (8 – 9 March only)