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QUEENSLAND & NORTHERN TERRITORY BRANCH



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Friday, 28 August 2009

Prpc107tb

Professional Rates of Pay Campaign



CATHOLIC SECTOR - CHAPTER BRIEFING No. 15

**Protected Action Ballot Orders Approved
Members to Vote to Determine Protected Action**

Dear Colleagues

The Fair Work Authority (FWA) yesterday approved the various applications for protected action ballots.

Union members employed by each of the Catholic employing authorities will now vote in a ballot to determine if protected action occurs from a date from mid-October in support of the campaign for benchmark professional rates of pay.

It is regrettable that employees should be forced to consider protected action in support of a just wage claim.

However, Catholic employing authorities have adopted a position that they will only negotiate a wage outcome once the arbitration is concluded in the public sector. The arbitrated outcome would not be expected before February/March 2010.

The employers at the same time have asserted that they operate in the federal jurisdiction.

Members are understandably frustrated by the collective employer position which would deny meaningful negotiation of professional rates of pay and substitute a decision from a third party (Education Queensland and QIU) arbitrated dispute in a matter and a jurisdiction in which they have no say.

Ballots to be held

On the basis of Chapter resolutions your union made application to FWA for protected action ballots earlier this week.

In a Hearing yesterday the FWA approved these applications despite employer objections.

The secret ballots to be conducted by the Australian Electoral Commission will involve union members only. Non-members who wish to participate in the ballot will need to join before orders are formally issued. This could be as early as Monday. A membership form is available from Staff Reps or by phoning the union office on 07 3839 7020 or 1800 177 937.

Two separate ballots will be held for each employing authority.

Teachers will consider one set of actions and school officers and services staff another set of actions reflecting considerations of solidarity on the log of claims as well as the degree of direct interest each group has in the issue of teacher professional rates of pay.

To be valid the ballot must have 50% of the electorate voting and of those who vote 50% plus one must endorse the proposed actions if these are to be 'protected actions' where members are legally protected in taking the action.

The proposed actions are deliberately phrased in language which enables maximum flexibility in determining what action members take.

We have, for example, not limited the number of actions nor specified dates because to do so would mean that if there were to be more actions or actions on a different day a further set of orders for a ballot would have to be made and a further ballot held if the orders were issued by the FWA.

If endorsed by members voting in a ballot, protected actions would occur from mid-October.

Non members are not legally protected in taking the actions. However, if they join by the date of action they would be legally protected in taking the action.

Next steps

Chapters should be brought up-to-date with these developments at the Chapter meetings which have been requested to be scheduled early in the new week.

Further briefings will be forwarded to ensure members are kept up-to-date on developments.

The legislative provisions around protected action ballots are elaborate and the conduct of the ballot takes time.

Your continued engagement in this process is appreciated and valued.

Kind regards



TERRY BURKE
BRANCH SECRETARY