

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



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Tuesday, 10 November 2009

prpcpas35tb

Professional Rates of Pay Campaign



**CATHOLIC SECTOR AUTHORISED PROTECTED ACTION
CHAPTER BRIEFING No. 7**

**Protected Action Stopwork Meetings – Wednesday, 11 November 2009
Determining the Next Phase of the Campaign**

Colleagues

The stopwork Chapter meetings scheduled for Wednesday, 11 November 2009 take place in the context of an apparent public sector settlement and with Catholic employing authorities yet to meet employee representatives to negotiate professional rates of pay.

Catholic employing authorities have also sought and will obtain authority to negotiate in two single interest employer groups (Diocesan plus St Patrick's College, Townsville and Religious Institute Schools).

The Chapter meetings on Wednesday are critical to the nature and character of the next phase in our campaign for professional rates of pay.

The Chapter meetings on Wednesday should consider the following issues and thence the draft resolutions which address these matters.

Employers Need to Negotiate

Catholic employing authorities now have no excuse to avoid negotiation of professional rates of pay following the announcement of a (probable) settlement in the public sector.

Their position that they could not negotiate ahead of a public sector settlement was always a nonsense.

Any further refusal to now meet with employee representatives is simply untenable.

I ask for your consideration of draft resolution # 1.

Nature of our Claim for Professional Rates of Pay

Our wage claim, set out in the Log of Claims tabled on 23 February 2009, has been in three parts:

- an interim wage increase in 2009 consistent with the core public sector offer (i.e. 4.5%);
- a commitment to minimum comparability with any public sector offer; and
- a substantive commitment to benchmark professional rates of pay.

Employers have made the interim wage payment.

Employers can be anticipated to make an offer consistent with the (probable) public sector settlement.

Our challenge is to maximise in negotiations the pursuit of our third element in our claim.

Chapters should take note of the key elements of the public sector settlement (Fact Sheet attached).

There is much to commend in their settlement, especially the establishment of the highest graduate rate (in 2011) in Australia.

We also need to recognise that the settlement introduces an element of a merit (criteria based) pay increment.

We need to factor these and other elements into our further claim.

However, in doing so, we should be very clear that our claim must maximise accessibility and maximise the professional pay levels.

The draft resolution (# 2) would authorise your employee representatives in the negotiations to pursue maximum accessibility and to maximise professional pay levels. Any proposals which might emerge would be subject to Chapter consideration.

I ask for your consideration of draft resolution # 2.

Donation of Wages Withheld 28 October 2009

Employing authorities were required to withhold payment of wages to those employees who took protected industrial action on 28 October 2009.

However, there is nothing in law which prevents your employing authority from donating the equivalent of monies held to a charity. (Employers claiming to the contrary are talking nonsense and should be referred to us for an education in industrial law.)

The rallies on 28 October 2009 authorised Chapters to determine the charity where they would like to see such monies directed.

I would ask for your consideration of draft resolution # 3 with an appropriate insertion of the named charity.

Further Stopwork and Further Protected Action Ballots

It is appropriate that a further report back to Chapters is held before the conclusion of the term.

Two 30 minute stopwork actions beginning at the commencement of the unpaid lunch break on Tuesday, 24 November 2009 is proposed.

Chapters have also indicated an interest in widening the scope of the authorised protected action including consideration of a ban on participation in co-curricular activities.

It is appropriate for the stopwork meeting on Tuesday, 24 November 2009 to give consideration to widening the bans. This will require a further protected action ballot to obtain such authorisation.

I would ask for your consideration of draft resolution # 4.

Single Interest Employer Status

Catholic employers have sought and will likely receive authorisation as single interest employers in a Diocesan group (plus St Patrick's College, Townsville) and a second group of Religious Institute Schools.

The impact of this status as a single interest employer will be assessed once the declaration is issued by Fair Work Australia.

A Fact Sheet is provided for your information.

The matter is not subject of a draft resolution at this stage.

General

The emergence of a settlement in the public sector is a further step in our campaign for professional rates of pay.

Firstly, as our next step we have to get employers back to the table for meaningful negotiations.

Fundamentally, we have to continue a campaign for accessible wage structures which maximise professional rates of pay.

If that is to be achieved it will almost certainly be in the face of employer opposition and if it is to be won it will be with member support and action.

The stopwork meetings on Wednesday, 11 November 2009 are a significant demonstration of that member support and action.

I look forward to your consideration of the draft resolutions.

Kind regards



TERRY BURKE
SECRETARY

Attach.

1. Agenda
2. Draft Resolutions
3. Fact Sheet – Public Sector Wage Settlement
4. Fact Sheet – Single Interest Employer

**Catholic Sector - Protected Action Stopwork Meetings
RIGS, RIBS and Toowoomba and Cairns Diocese
Wednesday, 11 November 2009**

AGENDA

1. Attendance and Welcome
2. Report on Developments
 - (a) Public Sector Wage Settlement
 - Background to the Settlement
 - Details of Proposed Settlement
 - (b) Single Interest Employer Declaration
 - Consideration of Fact Sheet
3. Consideration of Impact of Public Sector Settlement on Catholic Sector Negotiations
4. Consideration of Draft Resolutions
5. Discussion of any Issues
6. Scheduling of Stopwork – Tuesday, 24 November 2009
7. Close

Members Taking Stopwork Action should note the following:

- Members taking these actions should be aware that some non-payment of wages is likely.
- An employer must not pay an employee for the duration of the protected industrial action.
- Where the action is partially in the employee's own time and partially in the employer's time, the employer should not pay the employee for that part of the duration of the action which is in the employer's time.
- Because the employee would not have been paid for time which is their own time, then that part of the duration of the action which occurs in the employee's time should be disregarded by the employer.
- Therefore, regarding these two actions on Wednesday, 11 November 2009, the employee is not paid for that part of the second action which extends beyond the unpaid lunch break.



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CATHOLIC SECTOR AUTHORISED PROTECTED ACTION CHAPTER FAXBACK

**Catholic Sector - Protected Action Stopwork Meetings
RIGS, RIBS and Toowoomba and Cairns Diocese
Wednesday, 11 November 2009**

1. That the Chapter at _____ in condemning the employer position on not entering into negotiations prior to a public sector settlement again calls on employing authorities to meet immediately with employee representatives to negotiate a professional pay structure which shows respect for teachers and which recognises their work, dedication and commitment.

CARRIED/NOT CARRIED

2. That the Chapter at _____ in noting the (proposed) wage settlement in the public sector determines that:
- the public sector settlement represents a minimum benchmark for negotiations; and
 - negotiations in the Catholic sector should establish accessible wage structures which maximise professional rates of pay.

CARRIED/NOT CARRIED

3. That the Chapter at _____ reaffirms a call upon the employing authority to donate to charity the equivalent of wages withheld on the full day of action (28 October 2009) and determines that the charity should be _____.

(insert as relevant)

CARRIED/NOT CARRIED

4. That the Chapter at _____ determines to hold two further 30 minute stop work meetings on Tuesday, 24 November 2009 (timed to commence at the beginning of the scheduled unpaid lunch break) for the purpose of report back and consideration of initiating a further application for a protected action ballot to authorise additional action including a ban on participation in co-curricular activities.

CARRIED/NOT CARRIED

**PLEASE FAX BACK TO
TERRY BURKE, SECRETARY, IEUA-QNT
ON FAX NUMBER (07) 3839 7021
by 4:00 pm Friday, 13 November 2009.**