

FACT SHEET

Taking Protected Action

– Advice for 8-14 March 2010

Withdrawal From Co-Curricular Activities

Prpcpas50tb

Thursday, 25 February 2010

KEY ISSUES

- Your union will notify the employers if protected action is to occur.
- Only union members are legally protected in taking action.
- Your union will advise employers when protected action is planned and advise them that members will be engaging in that action.
- In the event of protected action being taken the employer should inform parents.
- The employer has a duty of care to students and will be given adequate notice of protected industrial action so that duty of care can be maintained.
- If students seek an explanation as to your involvement in protected action an honest, succinct answer should be supplied.
- Employers have no right to ask you before the date of protected action if you will or will not be engaging in such action.
- Co-curricular means any activity which is not part of a QSA approved curriculum and occurs outside the scheduled start and finish of the delivery of that curriculum.

What is the protected action definition in regards to the withdrawal of co – curricular activities?

A co-curricular activity is any activity provided for students which is not part of a Queensland Studies Authority (QSA) approved curriculum and which occurs outside the scheduled commencement and conclusion of the delivery of that curriculum.

Who notifies the employer if protected action is to be taken?

Your union has advised your employer of the decision of members to authorise protected action.

What about notification to schools?

Your union has given the required 7 working days notice to the employers prior to taking protected action.

Who can take protected action?

Only union members who are to be covered by the proposed agreement are legally protected in taking action. Unfinancial members should contact the IEUA-QNT Membership Department urgently on 1800 177 937 to address their current status. Union membership forms can also be downloaded from the IEUA-QNT website at www.qieu.asn.au.

What about notification to parents?

It is the employer's responsibility to send out appropriate written notification to parents advising them of the protected action.

Reasonable advance notice should be given to parents of the proposed industrial action to allow them sufficient time to make suitable arrangements.

What do I say to my students if they ask me about protected industrial action?

You should not initiate discussion with your students in regard to protected industrial action or the issue of interstate Catholic wages benchmark/s. However, if a student initiates discussion or questions you it is acceptable to succinctly explain that you are undertaking protected industrial action, as is your right under federal legislation, in an attempt to advance negotiations around wages for your current collective negotiations.

Can the employer demand that individual members identify their intention to take protected action?

No. Your Union will advise the employer if employees have decided to take protected action, and the form and duration of that action. You do not have to indicate to your employer that you are undertaking the action.

- Your legal rights are protected under the Fair Work Act.
- Protected action HAS been authorised; therefore members taking this action are protected.

WITHDRAWAL FROM CO-CURRICULAR ACTIVITIES

What is the definition of a co-curricular activity?

The notice issued to your employer indicates that the ban is imposed on any activity provided for students which is not part of a Queensland Studies Authority (QSA) approved curriculum and which occurs outside the scheduled commencement and conclusion of the delivery of that curriculum is considered a 'co-curricular activity.'

What do we do during this week of protected industrial action?

Members should withdraw from co-curricular activities they may do outside their normal hours of school duty. This may include any activity taken by members outside their designated hours of duty which is not part of a QSA approved curriculum.

What is the impact on members who take protected action?

The right to take protected action is enshrined in Federal industrial legislation. It is against the law for any employer to disadvantage an employee because they exercised their basic legal right to take protected industrial action.

AUTHORISED PROTECTED ACTION MEANS PROTECTED ACTION

Your legal rights are protected under the Fair Work Act. In particular, members can be assured that the Fair Work Act provides explicit legal protection for taking authorised protected action.

If protected industrial action has been authorised then it is protected action and members taking that action will be protected in doing so.

Claims to the contrary by employers are false.

ABOUT MEDIA AND COMMUNITY SUPPORT

Will there be media coverage of protected action?

Your union will adopt a media campaign around this issue as part of the taking of the protected action.

Media coverage is important so that parents and the public at large are aware that the action taken by employees in Catholic schools has occurred to support a just and fair wage claim and that it is action that has not been taken lightly but as a last resort.

Industrial action undertaken by members will attract media coverage. Protected action will also be supported by various media designed to demonstrate the reasonableness of teachers' salary claim and campaign. It is important that all members engaged in protected industrial action behave in a lawful, considered and sensible manner.

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