
QUEENSLAND INDEPENDENT EDUCATION UNION



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ALL QUEENSLAND GRAMMAR SCHOOL EMPLOYEES



Member Briefing No. 1

Move to federal jurisdiction threatens workplace rights and conditions Collective response vital

Dear Colleague

Your working rights and conditions as a Queensland Grammar school employee have been placed at risk with the decision by your school to move into the federal industrial relations jurisdiction.

Your employer's decision follows legal advice sought by the Grammar schools in regard to whether they were caught by the federal legislation on the basis that they are "trading corporations".

The decision by the Grammar schools to go federal means all your awards and agreements are now subject to the federal Act. Such a move means that despite any assurances from employers, the legal protection for many of your existing working rights and conditions is lost.

Even the best employer will find their capacity to act fairly and properly towards their employees severely restricted.

A Fact Sheet on some of the implications of the federal legislation is attached for further reference.

Federal jurisdiction advice highly contestable

Grammar school employers indicated that their decision to move into the federal arena was on the basis of legal advice which gave them "no choice". The legal advice was obtained by the Grammar Schools Association on behalf of the Grammar schools as a group.

However, the reality is that short of a High Court decision, such legal advice is untested and therefore highly contestable.

Indeed justices of the High Court, in hearings on this matter at the moment, are struggling with the idea that statutory and educational authorities are trading corporations.

Grammar school boards have taken a unilateral decision to declare Queensland Grammar schools bound by the federal industrial laws in the absence of any consultation or discussion with employees through their union representatives as to the terms of reference and legal advice received.

Grammar schools volunteering into the federal arena have been requested to provide their written legal advice to QIEU, so its scope and competency may be assessed. This request has so far been declined.

Given the significant risks to your workplace rights and conditions, this is clearly inappropriate.

QIEU on behalf of members has met with the Queensland Education Minister and this was his first information that Grammar schools had taken the decision to move into the federal jurisdiction. Grammar school boards have not seen the need to speak with the Minister but QIEU members do and members are now being sought to take part in a member delegation to explain our concerns directly to the Minister.

The collective strength of employees in Grammar schools will be critical in telling our employers that we do not want our working rights and conditions put at risk.

Grammar schools should be adopting a cautious approach and it is not necessary nor appropriate for them to rush into the federal arena. Indeed Ipswich Grammar School was adopting this cautious approach until the collective pressure of the other Grammar school employers has forced it to rethink its position.

Employees face uncertain working climate

Grammar school boards have made the wrong decision by choosing to rush headlong into the federal jurisdiction. Careful consideration of their legal advice in consultation with employees and their union representatives should occur.

In making the decision to move into the federal arena, employers are asking employees to blindly “trust them” on all matters underpinning the protection of current rights, conditions and practices. While employers may disavow any will to use this anti-worker legislation against employees at this point in time, the fact remains that the legislation creates a climate where the employer is all powerful.

Employee collective action vital

The various Grammar schools throughout the State are at different stages of the bargaining process. However, all Grammar school employees are affected. In the federal arena all the awards and agreements that cover your working rights and conditions are at risk.

Coordinated member action is necessary to protect current working rights and conditions.

Members are asked to convene an urgent chapter meeting in order to consider the following actions and attached resolutions which will be vital in undertaking the coordinated collective employee response to this unacceptable and unjustified decision by Grammar school employers.

A request has gone to your Chapter Executive to convene this chapter meeting.

Through your school chapter, QIEU members are asked to:

- Discuss the implications of the employers’ decision and consider a number of relevant resolutions;
- Nominate and authorise two (2) chapter members to take part in a member delegation to the Queensland Education Minister to convey employee concerns regarding the negative impact of the federal legislation on Grammar school staff; and
- Nominate and authorise two (2) chapter members to be part of the Queensland Grammar Schools Reference Group to enable QIEU members in Grammar schools across the state to develop and share campaign strategies across our sector.

It is crucial we take urgent collective action to resist any moves by Grammar school employers to join the federal government’s industrial relations legislation as it places your working rights and conditions at risk.

Kind regards



TERRY BURKE
GENERAL SECRETARY



QUEENSLAND INDEPENDENT EDUCATION UNION

FACT SHEET 1

Implications of federal industrial legislation for employees

Grammar schools

Fact Sheet No. 1

KEY ISSUES

The federal government's industrial relations legislation means:

- No safety net, 5 conditions only and AWAs at anytime
- No protection from unfair dismissal
- Severe fines for asking for rights at work
- Restricting your access and assistance from your union

ACTION

Action in Grammar schools is needed immediately to publicly demonstrate your strong opposition to Grammar school employers' move to the federal jurisdiction.

- Urgent chapter meeting to be held to consider resolutions including member education and action campaign and member delegations to Education Minister.

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1. No award safety net, 5 minimum conditions apply and AWAs at anytime

The federal legislation severely restricts the working rights and conditions of employees:

- You can no longer rely on the safety net of awards to ensure your rights to annual leave loading, classification based pay structures, redundancy provisions and protection from unfair dismissal.
- An employer can legally offer only the following conditions: a minimum wage of \$484 per week; a 38 hour week; 4 weeks annual leave; 52 weeks unpaid parental leave; and personal leave of a maximum of 10 days per year including sick leave.
- You can be offered an individual AWA contract at anytime even if a collective agreement is in place and it only has to include the five minimum conditions. An AWA is a secret document with penalties for even discussing it with anyone.
- At the end of a collective agreement an employer can bargain on the basis of these five minimum conditions and offer a "take it or leave it" replacement agreement or you could be forced to accept the five minimum conditions.

2. No one protected from unfair dismissal

No matter the size of your workplace, under the federal legislation all employees can now face unfair dismissal:

- If you work in a workplace of fewer than 100 staff you can be dismissed with no reason and cannot lodge an unfair dismissal claim.
- If you work in a workplace of over 100 staff you can still be dismissed at anytime due to "operational reasons" - any economic, technological, structural or similar reason relating to the employers business. You cannot claim unfair dismissal if dismissed for any "operational reason".
- You can still claim for unlawful dismissal on the basis of race, religion, gender, pregnancy and union or political affiliation; however, you would have to fight this in the civil courts and face fees of up to \$30,000.

3. You will be fined just for asking

Under the legislation fines of up to \$33,000 can be levied for even asking for the following to be included in an agreement:

- Trade union training leave (including workplace health and safety training).
- Any remedy for unfair dismissal.
- Any provision for future agreements to be union collective agreements.
- Mandatory union involvement in dispute resolution procedures.
- Restrictions on/or the prohibition of individual contracts (AWAs).

There are many more prohibitions and the federal minister can add to the list at any time without any reference to parliament.

4. Limiting the protection of your union in your workplace

The legislation threatens your workplace rights and conditions by restricting your access to union advice and assistance:

- Restricting where you can meet with your union organiser – your employer can dictate where your union organiser can and cannot go in your workplace;
- Removing the right of your union organiser to visit workplaces where employees are covered by AWAs;
- Requiring your union representatives to notify your employer of any alleged breaches of your rights and the name and details of those involved before they can visit your school; and
- Prohibiting union access provisions in a collective agreement.