

QUEENSLAND INDEPENDENT EDUCATION UNION



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ALL QUEENSLAND GRAMMAR SCHOOLS



MEMBER BRIEFING No. 4

Member action vital as working rights and conditions still at risk

Grammar school Boards can protect employees

Dear Colleagues

The working rights and conditions of Queensland Grammar school employees remain at risk with most Grammar school Boards asserting to have legal advice which places them in the federal industrial relations jurisdiction.

Continued member action across all Grammar schools remains vital to let your employer know that your working rights and conditions should not be placed at risk of the federal legislation and that your employer has the ability to protect your working rights and conditions by negotiating with QIEU to establish a Deed of Settlement.

All Grammar school employees at risk

While the various Grammar schools are at different stages of the bargaining process, all Grammar school employees are still at risk of the ugly nature of the federal jurisdiction.

For those schools having concluded or are in the midst of bargaining, the federal legislation is now a harsh reality with various prohibitions on what can be discussed and what a replacement agreement can contain.

This means that many current 'entitlements' would become unenforceable provisions, relying on the future goodwill of employers to choose to continue to provide these.

Those schools yet to commence the bargaining process remain affected by the federal legislation as the federal laws stripped employees of certain working rights and conditions from 27 March 2006.

A report as to the status of negotiations in the various Queensland Grammar schools is attached.

Employees can be protected

Significant numbers of Grammar school employees have already signed the sector-wide petition calling on their respective Grammar school Boards to maintain existing working rights and conditions, as well as further enhancements as agreed in collective bargaining, through the acceptance of a Deed of Settlement option.

This strong support for the protection of employees' working rights and conditions demonstrates the opposition of employees to the federal jurisdiction.

Any move into the federal jurisdiction is unacceptable given both the strong opposition by Grammar school employees and the fact that Grammar school Boards have the ability to avoid the question of state/federal jurisdiction by taking up the Deed of Settlement option.

Chapters are urged to ensure all employees at your school have signed the petition and all petitions should now be forwarded to QIEU for compilation.

Positive response from QLD Education Minister

Education Minister Rod Welford has now forwarded correspondence to Queensland Grammar school Boards indicating he has no objection to a Deed of Settlement as an alternative legal mechanism for Boards wishing to provide employees with a secure entitlement to the workplace rights and conditions currently provided and at levels comparable with the vast majority of the Queensland education sector.

At the QIEU member delegation meeting with the Minister, he clearly expressed the desire of the Queensland Government to protect as many employees as possible from the impact of the federal industrial relations legislation and advised that the Queensland Industrial Relations Minister, Tom Barton, was currently undertaking a review of the various semi-government agencies in these terms.

On the basis of this, QIEU has forwarded correspondence to Mr Barton asking him to specifically include the situation of Grammar school employees in his department's review.

The correspondence from the Education Minister coincides with QIEU's correspondence to each Queensland Grammar school Principal and Chairman of the Board of Trustees last month identifying the Deed of Settlement concept as a well-established legal mechanism in the civil jurisdiction for safeguarding working rights and conditions. Regrettably, no Grammar school has at this stage agreed to negotiate within a Deed of Settlement framework.

Other non-government education employers protect employees

The majority of Queensland non-government education sector employees have now achieved protection of their working rights and conditions through their employer's acceptance of a Deed of Settlement.

Catholic, Anglican, the majority of early childhood education centres and some independent schools have all agreed to a Deed of Settlement alternative ahead of a High Court decision on the constitutionality of the federal legislation.

Significantly, even EDUCANG (Forest Lake College, Springfield College, The Lakes College and Mary McConnell School) has agreed to enter into a Deed of Settlement with QIEU, despite a recent hearing in the Queensland Industrial Court which determined that they were covered by the federal industrial relations jurisdiction.

These examples further emphasise that employers *do* have a choice to set aside the issue of state/federal jurisdiction and protect their employees' working rights and conditions, even when the legal advice received is that the federal jurisdiction is applicable.

Continued member action vital

These results in other parts of the non-government education sector were only achieved following concerted efforts by members to let their employer know that their working rights and conditions should not to be placed at risk of the federal legislation.

The meeting of the Grammar School Employees Reference Group earlier this week endorsed the continued action of all Grammar school members in order to protect working rights and conditions. In particular, chapters are asked to ensure that signatures continue to be gathered for the sector-wide petition.

A sector-wide "Day of Commitment" is also foreshadowed in order for both employees and employers to confirm their commitment to the maintenance of harmonious workplace environments that best support the continued provision of quality education in Grammar schools by safeguarding the working rights and conditions of employees. Further advice regarding this will be forwarded shortly.

More information on the campaign, including chapter briefings and fact sheets are available from the QIEU website at www.qieu.asn.au

Your continued action remains vital in letting Grammar school Boards know that any decision to place their employees at risk from the federal legislation is unjust and unacceptable and that employees will not allow their working rights and conditions to be placed at risk.

Kind regards



TERRY BURKE
GENERAL SECRETARY

STATUS OF NEGOTIATIONS IN VARIOUS QUEENSLAND GRAMMAR SCHOOLS

as at 2 August 2006

School	Expiry date of current collective agreement	Current negotiation status
Ipswich Grammar School	1 July 2006	Negotiations for a replacement collective agreement had commenced; however the SBU meeting set for 28 July 2006 was postponed at management's request following the Headmaster's announcement to staff that IGS was now subject to the federal industrial relations jurisdiction on the basis of legal advice received. The employer has paid an interim 4% pay increase and will review employee issues tabled 'administratively'. The Board Chairman has written to QIEU stating that legal and other advice is being sought prior to making a definitive decision on employees' request for a Deed of Settlement.
Ipswich Girls' Grammar School	31 Jan 2007	The Board has accepted legal advice that IGGS is in the federal industrial relations jurisdiction. The Principal has committed to renegotiate a collective agreement with staff (through QIEU) under the federal jurisdiction.
Brisbane Grammar School	30 June 2007	The Headmaster has advised staff of the employer's intention to honour the current collective agreement (given that negotiations for a replacement agreement are not due until next year) and has chosen not to make any decision about the relevant industrial relations jurisdiction ahead of the High Court decision. The Headmaster has advised staff that BGS has not received legal advice regarding its industrial relations jurisdiction.
Brisbane Girls Grammar School	31 Dec 2006	The Principal has advised staff that BGGGS has not received legal advice regarding its industrial relations jurisdiction. The QIEU chapter has written to the Principal requesting positive clarification of the school's jurisdictional status and seeking assurances that employees' working rights will not be jeopardised. The Principal advises that while the industrial relations situation is being monitored, no decisions have been made due to the current uncertainty surrounding the legal position.
Toowoomba Grammar School	24 June 2006	The Board has accepted legal advice that TGS is in the federal industrial relations jurisdiction. Negotiations then stalled, as the log of claims originally submitted under the state jurisdiction was necessarily withdrawn. The Headmaster has paid an interim 4% pay increase. The Headmaster and the Chairman of the Board have been briefed on an option of a 'Deed of Settlement' raised with them by a QIEU member delegation. The employer advises that employees' request is currently being considered.
Toowoomba Grammar Junior School		
Rockhampton Grammar School	31 Dec 2005	The Board has accepted legal advice that RGS is in the federal industrial relations jurisdiction after negotiations for a replacement EBA had concluded and been endorsed by a ballot of staff. In June, the Board was asked to consider signing a Deed of Settlement / MOU. A formal response was received from the Board on 28 July stating that the employer has received legal advice from the Grammar Schools Association that the federal industrial laws were binding and must be adhered to, short of a High Court decision which may reverse that. The Board advised that a Deed of Settlement option may be reconsidered following the High Court decision.
The Girls Grammar School - Rockhampton	31 Dec 2005	The Board has accepted legal advice that RGGS is in the federal industrial relations jurisdiction after negotiations for a replacement agreement neared conclusion. The employer has paid an interim pay increase and wishes to address employee issues negotiated 'administratively'. The Board has now written to QIEU rejecting the Deed of Settlement mechanism for securing rights and conditions.
Townsville Grammar School	1 July 2006	SBU negotiations for a replacement collective agreement have commenced. The Board has received and very strongly asserted their legal advice that TGS is in the federal industrial relations jurisdiction. An interim 4% pay increase has been paid; however, the employer has commenced consideration (outside the bargaining process) of performance based pay to be determined by the Principal and formalised in secret individual contracts.
Townsville Grammar - Annandale Campus		