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You Can Collectively Bargain From Today

As of 1 July 2009, a new framework for workplace relations will come into play under the *Fair Work Act 2009*.

The new legislation replaces the former Howard government's industrial legislation and provides for the right to bargain collectively, the right to be represented by a union and the provision of an employer to be compelled to bargain in good faith.

Primarily, the *Fair Work Act* promotes collective bargaining which can broaden workplace rights for employees and their representatives by developing a collective agreement.

Similarly, the new Act provides that an employee who is a member of a union can be represented by that union in collective bargaining.

Some of the aspects of your employment that may be covered under your collective agreement are:

- **Wage rates;**
- **Hours of duty;**
- **Leave entitlements;**
- **Redundancy provisions; and**
- **Access to professional development.**

Typically a collective agreement will cover only one college, allowing them to be tailored to the specific needs of a college and the employees.

ACE: Leading The Way

Australian College of English (ACE) is the first Queensland ELICOS college to begin collective bargaining negotiations, leading the way in negotiating for a union Collective Agreement ahead of other English language colleges.

QIEU members at ACE recognised the importance of collectively bargaining to improve wages and working conditions and approached management late last year about starting negotiations.

The ACE agreement currently under negotiation, will secure significant improvements for teaching staff including: paid parental leave of up to six weeks for mothers and one week for partners; fairer personal and carer's leave entitlements; and wage rates significantly higher than award conditions.

Previously the College relied on award provisions to regulate pay and conditions.

In the event an employer refuses to bargain when asked, the Act now provides for an employer to be compelled to meet and bargain in good faith if over 50 per cent of employees request negotiation of a collective agreement. This means that if you and your colleagues want to negotiate better pay and conditions, your employer must meet with staff and their representatives.

Currently, professionals across the ELICOS sector receive the lowest pay and conditions compared to other teaching professionals in the independent education sector.

The only way to close the gap and standardise wages and conditions within the independent education sector is for staff to negotiate as a collective with the representation and assistance of QIEU.

The new industrial relations laws give employees in the ELICOS industry the ability to be at the centre of the bargaining process, alongside our union, to determine pay and conditions.

By working together as a collective and keeping up to date with the bargaining process, ELICOS industry members and QIEU can ensure that you no longer need to rely on the minimum wage increases you have received in the past.

If you work together to bargain collectively towards a collective agreement alongside your colleagues with the representation of our union, it can result in better wages and conditions for all in the workplace.

QIEU member Meg Ellis said, "It has been fantastic to have a process that involves the staff and provides an opportunity for all of us to discuss our common work requirements and I hope it's the first of many such negotiations in the sector."

"It simply wouldn't have been possible to continue with it without the help of our union," she added.

The Single Bargaining Unit (SBU) which is made up of employee and employer representatives will continue to meet until all outstanding matters are resolved. ACE College management are to be commended in their commitment to the negotiation process so far.

ELICOS college employees are encouraged to attend the ELICOS Industry Network meeting (EIN) on 8 July, to discuss how to take advantage of the new collective bargaining rights under the Fair Work Act and how to foster a collective culture at their college.

What The Modern Award Will Mean For ELICOS Workers

The Australian Industrial Relations Commission (AIRC) has handed down the first draft of the modern award that will cover ELICOS colleges.

This modern award, which is likely to come into effect on 1 January 2010, is part of the new direction given to the AIRC by the federal government to reduce the number of awards and their content. The draft indicates, awards will be stripped back and will only be allowed to cover the following:

- minimum wages and classifications;
- types of employment;
- arrangements for when work is performed;
- overtime rates;
- penalty rates;
- annualised wage or salary arrangements;
- allowances;
- leave related matters;
- superannuation; and
- procedures for consultation, representation and dispute settlement.

The new award structure, which includes coverage of the ELICOS sector, is titled the *Education Services Award* and is likely to replace the *Teachers (English Colleges) Award 1999*.

This award will cover everyone in the post-secondary educational services industry excluding trades, cleaning and maintenance staff.

ELICOS colleges will retain award coverage and there is a possibility that business colleges will also come under this award, which will be a first in Queensland.

However, it is unlikely that the new award will deliver any significant improvements to entitlements.

Analysis of the draft award has revealed that the annual wage rate remains almost exactly the same with less than a four dollar a year increase on any of the current wage steps.

ANNUAL FULL TIME TEACHER RATES

Step	Current Rate	Draft Award	Difference
1	37565	Award	
2	38085	38089.50	+ .50c
3	38870	38869.40	- .60c
4	39656	39657.10	+\$1.10
5	41316	41316.00	No change
6	42422	42421.90	- .10c
7	43425	43428.75	+\$ 3.75
8	44532	44534.70	+\$ 2.70
9	45646	45645.85	+\$1.15
10	47079	47080.40	+ \$1.40
11	48413	48415.90	+\$ 2.90
12	49591	49594.85	+\$ 3.85

However, there may be slight increases for casual hourly rates due to changes in the way casual rates are calculated.

The draft indicates there are no major enhancements on the current award. While there are some improvements including consultation regarding major workplace change, hours of duty, allowances and higher duties, these are minimal.

The only way to ensure necessary improvements to wages and conditions are made is through collective bargaining. A finalised set of modern awards will be completed by the AIRC by 31 December and will commence operation on 1 January, 2010.

For more information, please come to the ELICOS Industry Network meetings, in Brisbane on 8 July, 2009 at 4:30pm at the Zen Bar, Post Office Square or the Gold Coast on 15 July at 4:30pm at the Coffee Club, Shop 2, Paradise Centre, Surfers Paradise.

Collective Bargaining Review Log of Claims

Union members at Queensland College of English have started developing a log of claims as part of the collective bargaining process.

A Log of Claims is essentially a list of issues that employees would like to discuss for inclusion in a Collective Agreement, such as wages and conditions, leave entitlements and hours of duty arrangements. Once members have endorsed a Log of Claims, it can be used as a framework for discussions about conditions.

To ensure that everyone's voice is heard during Collective Bargaining, it is important that all staff have input into the Log of Claims. Union members at QCE decided that the best way to gather their colleagues' ideas for collective bargaining was through an all-of-staff survey, which could then be used to inform a Log of Claims.

Once the Log of Claims is developed, union members will meet to endorse the document, which can then be presented to the employer. This is only a small step in the bargaining process, but staff at QCE have found it to be a very useful exercise in getting their colleagues to think about ways to improve their working rights and conditions.

Ultimately, the ability to actually effect change on issues identified in a Log of Claims relies on the collective strength of staff. Members at QCE continue to build their strength through union membership, education around issues affecting them and a willingness to work together to make improvements.

Next QBiz: How to bargain effectively.

ELICOS Members Out In Force On Labour Day

ELICOS members from the Brisbane Metropolitan area were out in force at Brisbane's Labour Day celebrations.

Members began the march at the QIEU office in Brisbane and concluded at the RNA Showgrounds.

They united with members from other non-government schools to send a strong message to their employers and the public about the need for professional rates of pay in our industry.

Members of QIEU are acutely aware that ELICOS staff receive comparatively poorer pay and conditions than other teaching professionals in the non-government education sector.

QIEU General Secretary Terry Burke said, "The strong ELICOS presence at the Labour Day March shows this industry is ready to fight for the conditions and wages they have been without for so long."

The good turn out of ELICOS members at the march not only shows the collective strength the industry is building, but also gives members an opportunity to discuss with each other the collective bargaining process.

If you missed the opportunity to speak to your colleagues during the

Labour Day march, you have the chance coming up at the next EIN meeting on 8 July, Zen Bar, Post Office Square, Brisbane at 4:30pm or on the 15 July, Coffee Club, Paradise Centre, Surfers Paradise.



ELICOS members celebrate Labour Day in Brisbane: (front left to right) Stella Metzis, Alison McMillan, Diane Duffy, (back left to right) Grace Blengini and QIEU Growth Team Organiser Danielle Randall.

Collective Strength Growing in ELICOS Sector

On 22 April over 20 members from our sector attended the first Brisbane meeting of the ELICOS Industry Network for 2009.

Members from various colleges came together to discuss issues that were occurring at their individual sites as well as across the industry. Representatives from several colleges spoke about the initiation of collective bargaining in their schools and the development of their log of claims.



Elicos members gather together at the first Brisbane meeting.

Attendees then went on to speak about recent changes to the Industrial Relations legislation via the *Fair Work Act 2009* and how this will provide greater opportunity for employees to collectively bargain to improve their pay and conditions.

Due to the large success of our first Brisbane meeting we have also decided to hold a meeting on the Gold Coast for members, or interested participants.

Coming to an ELICOS Industry Network meeting is a great opportunity to meet other ELICOS employees, find out about changes to your industry and to speak to both QIEU officials and other ELICOS workers about how to start to improve your working conditions.

The next Brisbane meeting will be held at 4.30pm on 8 July 2009 at the Zen Bar, Post Office Square.

The first Gold Coast meeting will be held at 4:30pm on 15 July 2009 at The Coffee Club, Shop 2, Paradise Centre, Cavill Ave, Surfers Paradise.

IN BRIEF

Members at Shafston College are pleased that their claim regarding the application of increases under the Teachers (English Colleges) Award has reached a satisfactory conclusion.

Kendall Warren, from the NSW - IEU will be presenting at the 2009 English Australia Conference in Melbourne on the 17-19 September. He will be discussing the benefits of collective bargaining and the changing award structure.

For more information, please contact QIEU Organiser Nick Holliday on 0439 790 819 or nholliday@qieu.asn.au

Join Your Union Today

Help build strength in order to enhance the working rights and conditions of all ELICOS teachers in Queensland.

To join QIEU, download a membership form from our website www.qieu.asn.au or call our membership department on FREECALL 1800 177 937



Name: Steven Seinor
College: Australian College of English (ACE)
Position: Teacher
QIEU Member: 11 Months

How did you get involved in the ELICOS sector?

Like a lot of teachers in the industry, I began by teaching English overseas, mainly for the experience of living and working in a foreign country. Towards the end of my contract, I began considering the possibility of continuing ESL teaching on a more permanent basis. One of the most appealing aspects of the job is that I have the freedom to work anywhere in Australia and around the world. For people with terminal wanderlust like myself, this is definitely a bonus. It's a profession where you have to give a lot of yourself but the vast majority of students are very appreciative of this effort and you do feel satisfied at the end of the day, but exhausted at the end of the week!

Why did you become a member of QIEU and why is membership of your union important to you?

Membership, not only to the QIEU, but all union membership is extremely important. Without unions we cannot have any kind of functioning democracy. The rights and working conditions we have now are a direct result of the struggles workers have gone through in the past, often at great personal costs. These rights and conditions would not have been secured without strong unions that protect the interests of workers. The old union credo 'united we stand, divided we fall' perhaps seems archaic to some people these days, but in the past it was a simple statement of fact, and the basis from which all the rights and privileges we enjoy today are built.

What would you say to colleagues who are not yet members of our union?

Our school is fortunate in that management has a progressive attitude towards union membership, so firstly I'd say that nobody is going to suffer for joining our union. I'd also point out that the reason our fellow teachers in other sectors make considerably more than us is due to their high level of union membership, a membership that is educated about the issues which affect them and how to achieve the best possible outcome and their workplaces create and foster a culture of unionism so that everyone is represented and supported. Employers know that if they threaten to strip teachers of any of the gains made through collective action they'll have a fight on their hands. The ELICOS sector unfortunately doesn't wield this kind of power yet and will continue to languish behind our colleagues in the state sector until we increase our union membership and collectively bargain to increase pay and conditions. ACE is currently going through negotiations and has been supported from the beginning by QIEU. Since our bargaining began, our membership level has increased but can always be improved so I'd encourage all my colleagues to join QIEU.

What do you enjoy most about being an ELICOS teacher?

I enjoy walking into a classroom and knowing I'm not forcing a group of people to learn a subject and that the students are studying because they sincerely want to. I know that if I'm enthusiastic and teach well, this enthusiasm will be reciprocated and makes for a really enjoyable productive day.

What are the specific challenges you face as a teacher in the ELICOS sector?

The teachers I work with at ACE are hard working, dedicated teachers with years of experience in the ELICOS sector as well as the school system. The low wages on offer to ESL teachers is the biggest challenge we face in the ELICOS sector. There is no justifiable reason why there should be such a huge income gap between school teachers and ELICOS teachers.

How has QIEU helped you and your colleagues achieve better pay and conditions?

We are currently in the process of finalising negotiations for our first union collective agreement and the agreement that is likely to emerge will be superior to our previous contracts and will include some conditions that are a first for the industry. QIEU has been working with ACE teaching staff and management consistently for the last few months and has definitely played an important role in seeing that staff receive a fair and reasonable outcome in the negotiations. QIEU officers Camille and Nick have been enthusiastic and supportive of staff in the college, often attending teaching staff meetings at 7:30am and they have always been present in any formal negotiations between management and staff. I'd like to thank Camille and Nick for all the work they have put in and QIEU for their support over the last three months of collective bargaining.

EIN MEETINGS

Wednesday July 8 2009 @ 4:30pm
ZEN BAR
 POST OFFICE SQUARE - BRISBANE

Wednesday July 15 2009 @ 4:30pm
THE COFFEE CLUB
 PARADISE CENTRE-CAVILL AVE-SUFERS PARADISE

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