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PMSA SCHOOLS



CHAPTER BRIEFING

PMSA Caught Seeking to Further Undermine Employee Working Rights and Conditions

Dear Colleagues

It is disappointing to have to write to you to report that your employer continues to use the now discredited John Howard's anti-employee WorkChoices Legislation to seek to undermine employee collective strength in PMSA schools.

Recent History

The PMSA has a notable record of using anti-worker legislation.

You will recall that your employer rejected employee requests for a common law deed of agreement and entered into a State Registered Certified Agreement in 2007. Within weeks of signing the Agreement the PMSA chose to challenge the validity of that Agreement when faced with an unfair dismissal claim from an employee at Brisbane Boys College and sought a ruling that PMSA were covered under the federal coalition WorkChoices legislation.

In mid 2007 the PMSA sought to impose a federal agreement on employees at Sunshine Coast Grammar School without the protections of the Award or the Queensland Industrial Relations Act. It was only through collective strength that employees rejected that proposal and currently are operating under a "trust me" agreement which has no legal status.

Restricting Right of Entry to Schools

Frustrated by employee strength in their schools, the PMSA have now sought to restrict employee access to QIEU officials by the application of Howard's anti-worker legislation.

In a letter to QIEU, Michael Willis the PMSA Executive Director, stated that, due to a complaint from one principal, QIEU officials would be subject to draconian restrictions which would include:

- Notifying the principal if an official wishes to speak to a member so that the principal can determine a suitable place for the interview to take place (and of course monitor who is speaking to your union organiser)

- The union organiser being accompanied to and from the place of the meeting by a chaperone appointed by the principal
- Where the union organiser is speaking to a member about a breach of legislation (Industrial or Workplace Health and Safety) or the School Industrial Agreement, the principal will appoint a representative to sit in on any meeting with members thus denying them their right to privacy and forcing confidential meetings to occur off-site.

At one level the purpose of seeking to restrict employee access to a QIEU organiser is a testament to the strength and purpose shown by members in seeking to bring some common sense and justice to the employee/employer relation in PMSA schools. However, these restrictions are an attack on employees' reasonable right to meet and confer with their union representative.

PMSA True Colours or the Tail Wagging the Dog

Employees in PMSA schools where the administration is working to rebuild trust with their staff must be wondering why they are constantly undermined by poor judgement, poor industrial advice and a determination by a few in the PMSA hierarchy to alienate their hardworking staff at every possible opportunity.

No one requires the PMSA to work narrowly within the Howard legislation and right-minded employers work with their employees and their union to develop mature relationships on such matters as right of entry.

The Australian people made a clear decision last November about the Howard anti-employee legislation but there are those advising the PMSA and those in the PMSA listening to this poor advice that clearly wish to continue to disadvantage employees in PMSA schools.

Under pressure from QIEU the PMSA have agreed to a meeting to respond to the telling critique made by your union. At that meeting, it would be critical for your representatives to be able to table a clear rejection of the PMSA's use of the now thoroughly discredited Howard legislation.

Next Steps

The Fact Sheet accompanying this briefing sets out the attitude of the PMSA, based on the industrial advice it receives, to its employees over a range of matters and contrasts that with other Queensland non-government sectors such as the Catholics, Anglicans and Lutherans.

Chapters should convene a meeting to consider this latest attack on employees' working rights and conditions, review the Fact Sheet and consider the motions on the Fax Back form. Where members are unable to attend the meeting, Chapters should use their networks to promote consideration of the issues and encourage members to endorse the motions.

Fax Back

Please seek to complete the "Fax Back" sheet and return to jrymer@qieu.asn.au or by facsimile to (07) 3839 7021 by close of business on **TUESDAY, 22 JULY 2008**.

Kind regards



CHRIS SEYMOUR
OFFICER SUPPORTING MEMBERS IN PMSA SCHOOLS



PMSA SCHOOLS



FACT SHEET

Issue	PMSA	Other Sectors
1. Employees covered by a legally binding industrial document which identifies their employment conditions	No PMSA had the Queensland Certified Agreement struck out in 2007.	Yes Anglican, Lutheran and Catholic sectors – Common law Deed of Agreement
2. Employees working rights and conditions protected from the “Prohibited Matters” in Howard’s WorkChoices Legislation	No PMSA seeks to embrace them.	Yes Anglican, Lutheran and Catholic sectors
3. Employer Peak Body engages with QIEU to resolve matters amicably and expeditiously	No	Yes Anglican, Lutheran and Catholic sectors
4. Employer accepts Queensland Industrial Relations Commission as a fair and just arbiter for disputes	No	Yes Anglican, Lutheran and Catholic sectors
5. Actively recognises QIEU as the legitimate representative of employees in their schools	No	Yes Anglican, Lutheran and Catholic sectors
6. Restrictions on “right of entry” for QIEU Organisers	YES	No Anglican, Lutheran and Catholic sectors



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PMSA SCHOOLS - FAXBACK Employee Feedback Required

15 July 2008

SCHOOL NAME: _____

EMAIL ADDRESS OF CONTACT PERSON: _____

1. The Chapter at _____ (school) calls upon the PMSA to reject advice based on Howard's discredited anti-employee legislation and commit to reasonable access for QIEU officials in PMSA schools consistent with previous practice.

CARRIED / NOT CARRIED

2. The Chapter at _____ (school) calls upon the PMSA to rethink its anti-employee stance and to work constructively with employees and their union to build a mature and effective relationship in PMSA schools based on mutual trust rather than hard line and narrow industrial advice.

CARRIED / NOT CARRIED

**PLEASE FAX BACK TO QIEU NO LATER THAN CLOSE OF BUSINESS
On TUESDAY, 22 JULY 2008**

Fax: 07 3839 7021 or email: jrymer@qieu.asn.au