
QUEENSLAND INDEPENDENT EDUCATION UNION



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Friday, 24 July 2009

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Professional Rates of Pay Campaign



CATHOLIC SECTOR - CHAPTER BRIEFING No. 9

Employing authorities claim federal jurisdiction

Protected action ballot suspended

Protection of employee rights essential

Dear Colleagues

Catholic employing authorities very late yesterday advised that they are in the federal jurisdiction.

This determination has significant legal implications for employees and it is appropriate therefore to suspend the protected action ballot.

Catholic employing authorities in claiming the federal jurisdiction have set in place a series of industrial provisions which members will now need to follow in their pursuit of the benchmark professional rates of pay.

Background

QIEU Chapters in the past week overwhelming advised that a ballot was appropriate to determine if protected action on 5 August 2009 should be held in support of the benchmark professional rates of pay.

This action would have taken place within the protections of state industrial legislation which enables members to exercise their basic right to take action in support of a claim.

Catholic employers have for the moment denied employees an opportunity to exercise a basic industrial right.

Action which might have been taken within the state jurisdiction is now problematic.

QIEU will not place its members in a legally vulnerable position and will ensure all legal requirements are met.

Accordingly, the Chapter ballot scheduled for Monday, 27 July 2009 is now suspended and Chapters should not conduct the proposed ballot on that day.

Onus on employers to endorse benchmark professional rates of pay

The onus is now very clearly on Catholic employing authorities to endorse benchmark professional rates of pay.

Claiming federal jurisdiction is merely a side show in the main game of achieving benchmark professional rates of pay.

Catholic employing authorities at negotiation meetings today and next week have the opportunity to endorse benchmark rates of pay.

Next steps

QIEU members have consistently endorsed in resolution after resolution the need for benchmark professional rates of pay to be achieved.

For employing authorities now is decision time.

In the absence of an employer endorsement of benchmark professional rates of pay at the meetings today and next week members will be requested in a formal Chapter level ballot to determine if steps should be taken under the federal legislation in support of those rates of pay.

The federal legislation does provide mechanisms for employees to undertake action in support of a claim.

The federal provisions are more ponderous and elaborate but at the end employees can determine to take action in support of their claim and they will be legally protected in doing so.

Further advice will be provided in the new week.

General

Catholic employing authorities, in claiming federal jurisdiction, have served only to frustrate and delay the fact that they must provide endorsement to the benchmark professional rates of pay.

Agreement can be reached on those rates of pay.

In the absence of that agreement members will continue to explore all avenues open to them under industrial law to pursue the achievement of what is necessary, fair, just and in the interests of promoting high quality education in our schools.

Kind regards



TERRY BURKE
GENERAL SECRETARY