
QUEENSLAND INDEPENDENT EDUCATION UNION
INDEPENDENT EDUCATION UNION OF AUSTRALIA –
QUEENSLAND & NORTHERN TERRITORY BRANCH



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Thursday, 30 July 2009

Prpc091tb.

Professional Rates of Pay Campaign



CATHOLIC SECTOR - CHAPTER BRIEFING No. 10

**Employers Fail To Get Message
Members to Campaign In Federal Jurisdiction
Employers Put On Notice**

Dear Colleagues

Late last week, Catholic employing authorities advised that they were in the federal jurisdiction.

In meetings held in the days since, employing authorities have further entrenched the Queensland government's position on wage outcomes as their position.

Both employer positions have significant implications for employees and require a considered and structured response from members if we are to achieve benchmark professional rates of pay.

Members have repeatedly endorsed the long standing claim for benchmark professional rates of pay and called on their employer to deliver those rates.

Employing authorities have yet to get that message. Now that employers have determined negotiations are in the federal jurisdiction, members must conduct their campaign using those laws.

Whilst a legal challenge could be considered to the federal jurisdiction, such an exercise would be long and costly, and divert the focus away from the key goal of achieving professional rates of pay.

Catholic Employers Hide Behind Public Sector

Catholic employing authorities would want their employees to be satisfied with a public sector outcome even if that falls short of benchmark professional rates of pay.

Employers will no doubt assure employees that they will honour comparable outcomes in the public sector. Those outcomes look increasingly likely to be settled by lengthy arbitration.

There will be some employer utterances of support for professional rates of pay but effectively Catholic employing authorities are wanting to make the state government your 'employer.'

No matter what else they say, Catholic employers want employees to accept lower rates of pay rather than publically and stridently protest the state government's wage position and argue the imperative of professional rates of pay.

Attempts will also be made by employers to assert that your claim for professional rates of pay was only ever about Queensland public sector comparability and this was effectively all that was being claimed in negotiations.

Nothing could be further from the truth.

At the commencement of negotiations in February, Catholic employers were told and have been retold in successive meetings in March, April, May (and now July) that benchmark professional rates of pay are at the core of the employees' wage claim and must be achieved.

So there can be no doubt employers now have a detailed wage schedule with wage rates to be achieved within the life of this agreement.

These rates parallel the best interstate benchmark professional rates which have been determined and are currently enjoyed by the majority of Catholic sector employees in NSW.

A copy of the detailed claim is attached for your information. A position on AST1/Leading Teacher is reserved.

Significant Implications of the Federal Industrial Jurisdiction

In claiming federal jurisdiction, employers notified that collective bargaining should result in the registration of a multi-enterprise agreement (MEA) of groups of employing authorities.

Under the Federal *Fair Work Act 2009* employers can seek a multi-employer agreement but a MEA can only be reached if agreed to by employee representatives.

However, if we agreed to negotiate for a multi-employer agreement, employees cannot take protected action in support of a claim.

Therefore, employing authorities have been specifically told that we are not seeking a MEA. Rather we have advised we seek a single enterprise agreement with each of the employing authorities.

The individual employing authorities (all 24) now have been invited to negotiate a separate agreement and respond to the claim for professional rates of pay. A response has been requested by 19 August (this date coincides with a scheduled meeting with employers). Each employing authority will also be asked to respond to the list of other matters under negotiation over recent months.

Negotiating a separate agreement with each employing authority will ensure members are not placed in a legal situation where protected action cannot be taken.

A fact sheet on the implications of the federal jurisdiction is attached.

Next Steps

The onus is now on employers to commit to professional rates of pay that are commensurate with those interstate.

In the absence of that commitment, it is appropriate for members to consider protected action in support of this claim. Members have already made it overwhelmingly clear in recent Chapter resolutions that they wish to give consideration to taking authorised protected action.

The employers have made the decision to be in the federal jurisdiction.

Unlike the state jurisdiction, the processes under federal law to authorise protected action are ponderous, time consuming and require a secret ballot conducted by the Australian Electoral Commission (AEC).

Therefore, it is appropriate for Chapters to consider a resolution which would enable an expeditious application for a secret ballot on protected action in the event employers do not commit in substance to benchmark professional rates of pay.

Chapter Action

Members have consistently endorsed a claim for professional rates of pay.

Catholic employing authorities have the opportunity to do what is best for their teachers and that is to endorse national wage benchmarks.

For them now is decision time

We will continue, as we must, to explore all available avenues open under industrial law to pursue the achievement of professional rates of pay in the interests of quality education in our schools. The wages of Queensland teachers must not be institutionalised among the lowest in the nation for the next decade

Chapters are asked to consider the endorsement of an application to Fair Work Australia (FWA) to hold a secret ballot through the Australian Electoral Commission (AEC) for protected industrial action if employing authorities fail to endorse in substance professional rates of pay.

Kind regards



TERRY BURKE
BRANCH SECRETARY

Note: The use of the IEUA-QNT logo on this and future briefings reflects the reality we now operate in the federal jurisdiction following the employers' decision on jurisdiction. The IEUA-QNT is our branch of our federal union - the Independent Education Union of Australia.



QUEENSLAND INDEPENDENT EDUCATION UNION
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QUEENSLAND & NORTHERN TERRITORY BRANCH



CATHOLIC SECTOR CHAPTER FAX BACK

Thursday July 30 2009

School Name:

Town / Suburb:.....

RESOLUTION

The Chapter at _____ authorises an application to Fair Work Australia to hold a secret ballot to determine appropriate protected industrial action if our employing authority fails by 19 August 2009 to endorse in substance professional rates of pay.

CARRIED / NOT CARRIED

PLEASE FAX BACK TO
TERRY BURKE, BRANCH SECRETARY
ON FAX NUMBER (07) 3839 7021
BY 4:00 PM Thursday 6 August 2009



PROFESSIONAL RATES OF PAY CAMPAIGN

FACT SHEET 4

Catholic Wage Claim

prpc091tb

30 July 2009

KEY ISSUES

- Professional rates of pay are at the core of employees' wage claim
- Employers have a detailed wage schedule with rates to be achieved within the life of this agreement

At the commencement of negotiations in February, Catholic employers were told and have been retold in successive meetings in March, April, May (and now July) that benchmark professional rates of pay are at the core of the employees' wage claim and must be achieved.

So there can be no doubt employers now have a detailed wage schedule with wage rates to be achieved within the life of this agreement.

These rates parallel the best interstate benchmark professional rates which have been determined and are currently enjoyed by the majority of Catholic sector employees in NSW.

The table below provides details of NSW wages.

ACTION

- Be vigilant
- Read your chapter briefings to keep informed
- Be ready to consider what needs to be done to achieve professional rates of pay
- Be active in your union chapter

A position on AST1/Leading Teacher is reserved.

Years of Experience	Catholic Wage Rates			NSW Wage Rates		
	Catholic wage rates are based on the application of the core Queensland public sector offer of 12.5% over three years (4.5%, 4% and 4%).			Catholic Systemic and Government Sectors		
	2009	2010	2011	2009	2010	2011
1 (Graduate Entry) *	\$ 51,025	\$ 53,066	\$ 55,189	\$ 52,745	\$ 54,749	\$ 56,829
2 **	\$ 53,856	\$ 56,010	\$ 58,250	\$ 55,428	\$ 57,534	\$ 59,720
3 **	\$ 56,674	\$ 58,941	\$ 61,299	\$ 58,178	\$ 60,389	\$ 62,684
4 **	\$ 59,499	\$ 61,879	\$ 64,354	\$ 60,898	\$ 63,212	\$ 65,614
5 **	\$ 62,338	\$ 64,832	\$ 67,425	\$ 63,614	\$ 66,031	\$ 68,540
6 **	\$ 64,701	\$ 67,829	\$ 69,981	\$ 66,332	\$ 68,853	\$ 71,469
7 **	\$ 67,076	\$ 69,759	\$ 72,549	\$ 69,047	\$ 71,671	\$ 74,394
8 *	\$ 69,437	\$ 72,214	\$ 75,103	\$ 71,769	\$ 74,496	\$ 77,327
9 (Band 3, Step 4) ***	\$ 71,936	\$ 74,813	\$ 77,806	\$ 78,667	\$ 81,656	\$ 84,759

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Notes:

* At Band Step 1 and Band 3 Step 3 Catholic employers will only need to apply a total of an additional 3% (approximately) over the life of a three year agreement to meet the benchmark professional rates of pay (above).

** From Band 2 Step 2 through to Band 3 Step 2 Catholic employers will need to apply a total of an additional 3%, and in some instances under 2%, (approximately) over the life of a three year agreement to meet the benchmark professional rates of pay (above).

*** For Band 3 Step 4 Catholic employers will need to apply a total of an additional 9% (approximately) over the life of a three year agreement to meet the benchmark professional rates of pay (above).



PROFESSIONAL RATES OF PAY CAMPAIGN

FACT SHEET 5

Agreement-making in the Federal Jurisdiction

prpc091tb

30 July 2009

KEY ISSUES

- *Employers have chosen to operate within the Federal jurisdiction – under the Fair Work Act.*
- *MEA's = no protected action*
- *SEA's = complex process to take protected action*

ACTION

- *Be vigilant*
- *Read your chapter briefings to keep informed*
- *Be ready to consider what needs to be done to achieve professional rates of pay*
- *Be active in your union chapter*

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Employers have chosen to operate within the Federal jurisdiction. This decision has significant implications for employees in this sector.

Types of Agreements under the Fair Work Act

There are two types of agreements that can be made between employers and employees. There are agreements based around a single workplace, called Single-Enterprise Agreements (SEA) and agreements covering a number of employers, called Multi-Enterprise Agreements (MEA). The Fair Work Act sets out different rules for these different agreements.

Significantly, the Fair Work Act places a number of restrictions on bargaining for MEAs.

If the parties wish to bargain for an MEA, there can be no protected industrial action taken in support of claims whatsoever. It is also not an option to seek assistance from Fair Work Australia if the employer is refusing to behave reasonably or bargain in good faith.

The Fair Work Act also prohibits 'pattern bargaining', which means that asking a number of employers for agreements with identical terms is not allowed.

Catholic employers have indicated that they want to bargain for an MEA. This will make bargaining in schools in the Catholic Sector unnecessarily difficult.

Restrictions on Protected Action

The Fair Work Act retains the provisions which were introduced by John Howard's Work Choices legislation in order to limit the ability of employees to take protected industrial action.

It is only possible to take protected industrial if you are bargaining for an SEA.

Even then, industrial action must first be approved by a complex secret ballot process. Further, there cannot have been any 'pattern bargaining' otherwise there can be no protected action.

There are a number of time-consuming requirements which must be complied with before protected industrial action can be taken:

1. IEUA - QNT must first apply to Fair Work Australia (FWA) for a "protected action ballot order"
2. FWA must be satisfied that IEUA has "genuinely tried to reach agreement" with the employer before the order will be given.
3. A "protected action ballot" is conducted to determine whether or not employees wish to take industrial action in support of a proposed agreement.
4. A majority of the employees eligible to vote must vote, and a majority of those who vote must approve the taking of protected industrial action. This is a very onerous requirement.

In summary, the provisions of the *Fair Work Act 2009* make it impossible to take protected industrial action in support of a Multi-Enterprise (Multi-Employer) Agreement and very difficult to take it in support of a Single-Enterprise Agreement.