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Professional Rates of Pay Campaign



CATHOLIC SECTOR - CHAPTER BRIEFING No. 16

**Protected Action Ballots Ordered
Catholic Employers Clambering for Credibility
Employers Must Negotiate**

Dear Colleagues

Union members will vote in a ballot to determine if industrial action occurs in Catholic schools following the issuing of protected action ballot orders by Fair Work Australia (FWA).

Catholic employing authorities for their part are clambering for credibility in defence of a bizarre wages position.

Catholic employers are defending a state government wages position and see Catholic schools facing industrial action while the state government avoids industrial action in dragging QTU members into arbitration.

In the absence of a sensible wages position, ballot authorised protected action would see union members undertaking widespread industrial action in late October.

Background

Catholic employing authorities have asserted that they now operate in the federal jurisdiction.

However, in an improbable position they also assert that they cannot resolve the member endorsed wage claim until state outcomes are known from the state public sector arbitration – with a decision unlikely until February/March 2010.

Their justification for this bizarre position is that they 'do not put [state] funding in jeopardy by agreeing to pay rates that are outside those achieved in the state sector'.

Employees thus are being asked to accept that wages will be determined by arbitration in the state jurisdiction in a process which does not involve either Catholic employers or their employees.

Catholic employers clamber for credibility

The Catholic employer wages position is clearly so untenable that they now seek to rewrite history and ignore the member log of claims and the consistent representation at negotiations of the employee claim for benchmark professional rates of pay.

The member endorsed wage claim was always in three parts:

- an interim increase in line with the known public sector offer (i.e. 4.5% or \$34 p.w. whichever was the greater)
- a commitment to pay no less than the public sector outcome
- achievement of well established benchmark professional rates of pay.

Employers are (and have been) commended for making the interim payment and committing to no less than public sector outcomes.

However, they now seek to ignore the claim for benchmark professional rates of pay in the log of claims tabled in February and the claim affirmed in each negotiating meeting since.

Employee representatives on behalf of employees have been consistent – employers have not.

Protected action ballot

Fair Work Australia has now issued orders for the conduct of secret ballots to determine if protected action is authorised in each Catholic school employing authority.

Only union members can vote in the ballot.

Ballots will close on 13 October 2009.

Our union has requested that the Australian Electoral Commission conduct a postal ballot for members in Diocesan employing authorities. Ballot papers are likely to be issued during the vacation.

An on-site ballot has been requested for the various Religious Institute schools on 13 October 2009.

An authorisation of protected action requires 50% of members to vote and a simple majority of those who vote endorsing the action.

Protected action questions

Teachers will consider one set of actions and school officers and services staff another set of actions reflecting considerations of solidarity on the log of claims as well as the degree of direct interest each group has in the issue of professional rates of pay.

In both instances we have not limited the number of actions nor specified dates because to do so would mean that if there were to be more actions or actions on a different day a further set of orders for a ballot would have to be made and a further ballot held if the orders were issued by the FWA.

Teachers thus will be asked to authorise full day stoppages, 30 minute stoppages and a ban on work beyond the specified hours of duty.

School officers and services staff will be asked to authorise 30 minute stoppages and a ban on overtime. This group of employees is rarely paid for overtime and a ban on undertaking unpaid overtime would be a double message to employers.

In all instances, members will be asked to authorise an 'unlimited' number of stoppages for reasons of flexibility outlined above. Stoppages of 30 minutes are able to be sequenced in series – e.g. 1:00 pm to 1:30 pm; 2:00 pm to 2:30 pm and so on.

Non-members are not legally protected in taking actions. However, if the ballot authorised protected action then a non-member who joins before the day of action would be legally protected in taking the action.

Next Steps

Catholic employing authorities have adopted a bizarre, improbable and indefensible wages position.

Chapters will be requested in a briefing in the new week to undertake a petition to go to their employer calling on them to negotiate a wage outcome substantially consistent with benchmark professional rates of pay.

Teachers in Catholic schools and Catholic education deserve no less.

Catholic employers can avoid industrial action in their schools; it is in their hands.

Kind regards



TERRY BURKE
SECRETARY