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INDEPENDENT EDUCATION UNION OF AUSTRALIA –
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Wednesday, 18 November 2009

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Professional Rates of Pay Campaign



**CATHOLIC SECTOR PROTECTED ACTION BALLOT
CHAPTER BRIEFING No. 7**

**Catholic Employers Finally Agree to
Negotiate Professional Rates of Pay**

SBU Meetings Scheduled for Monday, 23 November 2009

Colleagues

After almost 10 months of trying to get good faith negotiations on the issue of professional rates of pay, Catholic employers have now finally agreed to meet with Diocesan and Religious Institute (RI) employee representatives on Monday, 23 November 2009.

Throughout negotiations, Catholic employers have continually tried to hide behind the excuse that they could not negotiate the issue of wages before state sector outcomes.

The IEUA-QNT wrote to employers recently (Thursday 29 October 2009), requesting negotiations resume on professional rates of pay. Employers refused to meet at that time.

The recent developments in relation to the public sector wage dispute removed the last questionable impediment to employers negotiating professional rates of pay.

Single Interest Employer Status (SIEA)

As outlined in previous chapter briefings, Catholic employing authorities have yet again changed the ground rules underpinning the negotiation of a collective agreement.

Catholic employers have been granted Single Interest Employer Authorisation status (SIEA) by Fair Work Australia (FWA); a Diocesan group (plus St Patrick's College, Townsville) and a second group of RI Schools.

The creation of these 'group negotiation' forums may have brought into question the status of the protected industrial action authorisations in place in 18 employing authorities.

However, on Tuesday 10 November 2009, Senior Deputy President (SDP) Richards of FWA, issued a Decision which made it clear that the Fair Work Act imposes no requirement on employee representatives to recognise the employer SIEA. Employees can thus continue to negotiate with each of the 23 employing authorities for separate collective agreements.

Importantly, continuing to negotiate for separate agreements means the relevant protected action authorisations that are already in place continue to have validity.

In issuing the SIEA for the RI schools SDP Richards excluded Iona, Downlands and St Ursula's Toowoomba because employing authorities failed to identify the correct entity in their original application to Federal Minister Gillard.

Agreements with these employers would have to be negotiated separately in any event.

Negotiation Meetings Scheduled

We wrote to the 23 employing authorities on Wednesday, 11 November 2009 to ask for negotiations to recommence on the 23 November.

Explicitly, the IEUA-QNT explained that it did not intend to negotiate for a Single Interest Employer agreement.

Negotiation of separate agreements with each employer means the relevant protected action authorisations that are already in place continue to have validity and members will maintain their industrial rights.

Curiously in light of our earlier correspondence, employers then wrote later in the week to request for their part that the Single Bargaining Unit (SBU) negotiations resume on the 23 November. At least there wasn't a clash of dates!

Employers have expressed that negotiations should be with a view to negotiating an agreement as SIEAs.

This will not be agreed to so that members' industrial rights are maintained under the existing protected action authorisations.

Nature of our Claim for Professional Rates of Pay

Our wage claim, set out in the Log of Claims tabled on 23 February 2009, has always been in three parts:

- an interim wage increase in 2009 consistent with the core public sector offer (i.e. 4.5%);
- a commitment to minimum comparability with any public sector offer; and
- a substantive commitment to benchmark professional rates of pay.

Employers have made the interim wage payment and appear committed to a form of comparability with the public sector.

Our challenge is to maximise in negotiations the pursuit of our third element in our claim and maximise accessibility to professional rates of pay.

General

The campaign for accessible wage structures which maximise professional rates of pay continues.

If professional rates of pay are to be achieved it will almost certainly be in the face of employer opposition and if it is to be won it will be with continued member support and action.

A further briefing will be issued following the meetings with employer representatives on Monday 23 November.

Kind regards

A handwritten signature in black ink, appearing to read 'T. A. Burke', written in a cursive style.

TERRY BURKE
SECRETARY