

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



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Thursday, 15 October 2009

Prpccpas01tb

Professional Rates of Pay Campaign



CATHOLIC SECTOR AUTHORISED PROTECTED ACTION CHAPTER BRIEFING No. 1

Authorised Protected Action Scheduled

Chapters to Meet on Actions

Dear Colleagues

Protected industrial action has been authorised for teacher members of your Chapter following the declaration of the ballot conducted by the Australian Electoral Commission (AEC).

Catholic employers have to be sent a clear message that the negotiation of benchmark professional rates of pay is now overdue.

The authorised protected industrial action has now been scheduled and formally notified to your employing authority.

Chapters should meet early in the new week to clarify arrangements for the taking of the authorised action.

Why taking action is important

Your employer has remained steadfast in a common Catholic employing authority position that it will not negotiate on the employee endorsed claim for benchmark professional rates of pay until outcomes are known in the state sector arbitration. Catholic employers apparently see their 'special relationship' with the state government as being more important than their relationship with their own employees.

Catholic employers have told their employees continually that they cannot afford to pay benchmark professional rates of pay ahead of public sector arbitration outcomes. Ironically employers will pay them if the state government does.

Taking protected industrial action is a last resort, but it is now necessary because your employer refuses to negotiate in good faith on the issue of professional rates of pay.

It is time for your employer to negotiate on professional rates of pay.

Protected Industrial Action Scheduled

Your employing authority has been notified, in accordance with the provisions of the Fair Work Act (FWA), of the action which will be undertaken.

The actions are as follows:

- 26 October Commencement of ban on attending any meeting where the attendance at such a meeting would result in the employee exceeding the designated number of hours of duty as prescribed by the relevant Notional Agreement Preserving a State Award.
- 26 October 30 minute stop work in unpaid lunch break.
- 28 October Full day stoppage.

In regard to the full day stoppage on Wednesday, 28 October 2009, the onus is on your employer to take the appropriate steps to close/manage the school for the day. You need take no further action.

Arrangements for Protected Industrial Action

Chapter members will have a number of questions regarding arrangements for the taking of protected industrial action.

Please find attached a Fact Sheet for the information of Chapter members.

Chapters should schedule a meeting early in the new week to discuss these arrangements. Your Organiser will be in contact with you to assist you with these arrangements.

Please forward the attached faxback listing the date and time of your Chapter meeting in the week beginning 19 October 2009. You may also list any specific questions or clarifications regarding the arrangements for the action.

Rallies 28 October

Member rallies are being scheduled for the morning of 28 October for members to attend.

Rallies will be held in Cairns, Townsville, Yeppoon, Toowoomba and Brisbane.

Details of the rally venues and times will be forwarded in the new week and may also be accessed at www.qieu.asn.au.

School Officer and Services Staff Support

In a number of employing authorities school officer and services staff members have authorised protected industrial action in support of their teacher colleagues' campaign for professional rates of pay.

Their support is much appreciated.

Where school officers and services staff have authorised protected industrial action separate correspondence is being forwarded to these members.

General

Protected industrial action is a serious step for members to take.

However, while your employer refuses to negotiate meaningfully on your legitimate and just claim for professional rates of pay the protected industrial action is necessary.

Please don't hesitate to contact your organiser at any time if you have any questions or concerns about this action.

Kind regards



TERRY BURKE
SECRETARY

Attach.



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**CATHOLIC SECTOR AUTHORISED PROTECTED ACTION
CHAPTER FAXBACK**

Chapter Meeting

The Chapter at _____ will be
holding a Chapter Meeting on _____

[insert date and time in the week beginning 19 October]

to discuss the forthcoming protected action.

Questions:

PLEASE FAX BACK TO
TERRY BURKE, SECRETARY, IEUA-QNT
ON FAX NUMBER (07) 3839 7021
by 4:00 pm Friday, 16 October 2009

Taking Protected Action

Prpc125pg

Thursday, 15 October 2009

KEY ISSUES

- The AEC will notify your union and employers of the ballot outcome.
- Your union will notify the employers if protected action is to occur.
- Only union members are legally protected in taking strike action.
- Student teachers on practicum or internship cannot engage in protected action nor replace teachers taking industrial action.
- Your union will advise employers when protected action is planned and advise them that members will be engaging in that action.
- In the event of protected action being taken the employer should inform parents.
- Where a whole Chapter is unable to take action on a specific date another date may be chosen and action organised through your union.
- The employer has a duty of care to students and will be given adequate notice of protected industrial action so that duty of care can be maintained.

Who is notified by the Australian Electoral Commission (AEC) in regard to the Ballot outcome?

The AEC will notify your union and the Catholic Employing Authorities of the results of the ballots. These results should also be displayed on the Staff Notice Board.

Who notifies the Employer if protected action is to be taken?

Your union will advise your employer of the decision of members to authorise protected action.

What about notification to schools?

Your union will give at least 7 working days notice to the employers prior to taking protected action.

Who can take protected action?

Only union members who are to be covered by the proposed agreement are legally protected in taking action. Unfinancial members should contact the QIEU Membership Department urgently on 1800 177 937 to address their current status. Union membership forms can also be downloaded from the QIEU website at www.qieu.asn.au.

Can students on practicum in our schools take protected action?

No. Students undertaking their practicum or internship are not able to engage in protected action. They cannot be used by the school as de-facto teachers and should not be given any responsibility above and beyond what they would normally be given. Student teachers cannot replace teachers who are taking protected industrial action.

What about notification to parents?

In the event that members determine to take protected industrial action in the form of a strike, it is the employer's responsibility to send out appropriate written notification to parents advising them of this.

Reasonable advance notice should be given to parents of the proposed industrial action to allow them sufficient time to make suitable arrangements.

However, any teachers who are not union members would also be available for duty as usual to supervise students on that day.

What happens if my Chapter cannot take action on the same day as other Chapters?

In the event that a major school or community activity (eg. Show Holiday) is planned to occur on the designated day, an alternative day could be nominated by the Chapter. However, your union must be promptly advised of this development in writing to enable the appropriate notice of a new date to be provided to the employer. It is imperative that action taken is *protected* action and this requires your union to give at least seven (7) working days notice of the action to your employer.

In special circumstances only (such as Boarding schools), key staff may need to seek permission from the school Chapter to be excused from participating in the action to fulfil duty of care responsibilities to resident students on that day. A donation of the pay received to a nominated charity would be appropriate as an expression of solidarity with your colleagues.

What if I am on a school camp or some other away-from-school activity?

If your Chapter is involved in action on this day and you are away at a camp or some other similar activity it may be necessary to maintain that commitment to the school activity. Members who find themselves in this situation may consider making a donation (equivalent to a day's pay) to a nominated charity to demonstrate solidarity with the actions taken by their colleagues.

- If students seek an explanation as to your involvement in protected action an honest, succinct answer should be supplied.
- Employers have no right to ask you before the date of protected action if you will or will not be engaging in such action.
- If a strike is called mass rallies will be held at various locations and members are requested to attend where possible.
- Employers will deduct wages from an employee who engages in strike action which occurs during normal working hours.

What do I say to my students if they ask me about strike/industrial action?

You should not initiate discussion with your students in regard to protected industrial action or the issue of interstate wages benchmark/s. However, if a student initiates discussion or questions you it is acceptable to succinctly explain that you are undertaking protected industrial action, as is your right under federal legislation, in an attempt to advance negotiations around wages for your current collective negotiations.

Can the employer demand that individual members identify their intention to take protected industrial action before the day?

No. Your Union will advise the employer if employees have decided to take protected action, and the form and duration of that action. If the protected action is in the form of a full day strike the employers will be encouraged to close the school for the duration of that action.

An employer may ask “*Who will be in attendance?*” but cannot ask who will be taking protected action.

In the case of a full day strike the employer will need to keep a record of the employees who attend for work on the day of the protected action for payment purposes. An employer cannot demand and should not request that employees identify their intention to take protected action before the day.

When members engage in strike action should they “phone in” on the day?

No. If strike action is authorised by members your union will inform your employer that union members will be engaging in strike action on a designated day.

DAY OF ACTION ACTIVITIES

What do we do on the day of action?

All members should attend their nearest mass meeting. Where a mass meeting is not being held within a reasonable distance Chapters should give consideration to engaging in a solidarity building exercise.

Mass meetings will be conducted in a number of regions including Cairns, Townsville, Yeppoon, Toowoomba and Brisbane. Details of mass meetings will be available from your union Organiser, advised in an upcoming chapter briefing and will also be placed on the QIEU website.

What is the impact on members who take protected action?

The right to take protected action is enshrined in Federal industrial legislation. It is against the law for any employer to disadvantage an employee because they exercised their basic legal right to take protected industrial action. The employer will deduct wages from an employee who takes the protected action for the duration of any strike action in which they engage during normal working hours.

ABOUT MEDIA AND COMMUNITY SUPPORT

What is the advantage of gaining media coverage of protected action?

Your union will adopt a media campaign around this issue as part of the taking of the protected action.

Media coverage is important so that parents and the public at large are aware that the action taken by employees in Catholic schools has occurred to support a just and fair wage claim and that it is action that has not been taken lightly but as a last resort.

Industrial action undertaken by teaching and non-teaching staff will result in significant media coverage. Protected action will also be supported by various media designed to demonstrate the reasonableness of teachers’ salary claim and campaign. It is important that all members engaged in protected industrial action behave in a lawful, considered and sensible manner.

CONTACTS

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