

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



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Wednesday, 3 February 2010

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**Professional Rates of Pay Campaign**

**your rights at work**  
worth fighting for

**CATHOLIC SECTOR BALLOT  
CHAPTER BRIEFING No. 14**

**Employers Get it Wrong – Again**

**Authorised Protected Action Will Be Protected**

**Employer Incompetence Misleads Employees**

Dear Colleagues

Catholic employing authorities clearly have much to fear from employee protected industrial action with their latest attempt to threaten the working rights of employees.

Employer claims that any future industrial action will not be protected show little understanding of the industrial law and every consideration of how employers might hinder what they fear most – employees taking action in support of their just wage claim.

The employer desperation has even reached such depths that in two instances employers have directly breached the *Fair Work Act* by encouraging members not to vote in the current ballot.

Chapters are asked to convene an urgent Chapter meeting to ensure members are fully briefed on the truth and the reality behind the employer attempts at this mischief.

**Employers Try to Frustrate Employee Claim**

Catholic employing authorities are desperate to try to frustrate members taking protected industrial action.

They know their current wage offer is unacceptable to employees but don't want to be exposed to employee pressure with authorised protected action in their schools.

Claims by employers that a recent decision of Fair Work Australia (FWA) calls into question the status of protected industrial action is disingenuous and frankly nonsense.

Section 460 of the *Fair Work Act* ensures that employees who take action consistent with the outcome of a Protected Action Ballot are protected, notwithstanding that the Protected Action Ballot Order may subsequently be “quashed or varied on appeal or review by FWA”.

Employers can threaten all they like but the Act ensures that if members authorise protected industrial action in a ballot ordered by FWA then that protected industrial action **will be protected.**

## **Employers Contravene FWA provisions**

The level of employer desperation to frustrate protected industrial action in their schools is so great that two employing authorities have even sunk to the level of contravening the provisions of the *Fair Work Act*.

The Townsville and Rockhampton Catholic Employing Authorities have breached the provisions of the *Fair Work Act* by encouraging employees via their Employee Bulletins, not to vote in the upcoming ballot.

Section 462e of the *Fair Work Act* prohibits any person from advising an employee to refrain from voting.

Your union has lodged a formal complaint with the AEC regarding this breach and we wait on these employers to retract their statements with the same degree of prominence that they gave to their breaching of the law.

## **Member Action**

Employers are to be condemned for using scaremongering tactics and for further trying to frustrate members pursuing their claim for benchmark professional rates of pay.

Instead of using these tactics to further hinder our good faith bargaining, employers need to come to the negotiating table with a revised wages offer.

Chapters are asked to meet and consider the attached resolutions condemning the behaviour of employers and calling on them to negotiate a just wage claim.

Kind regards



**TERRY BURKE**  
**SECRETARY**



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## *Professional Rates of Pay Campaign*



## CATHOLIC SECTOR PROTECTED ACTION BALLOT CHAPTER FAXBACK

### Chapter Meeting

The Chapter at \_\_\_\_\_ notes that the *Fair Work Act* provides that industrial action authorised by members in a ballot ordered by FWA remains protected action and condemns the Catholic employers for misleading employees on this significant industrial principle.

Carried/Not Carried

The Chapter at \_\_\_\_\_ calls on our employing authority to return to the negotiating table with a revised wage offer which addresses the endorsed claim tabled in February 2009 and since consistently reconfirmed by members.

Carried/Not Carried

**PLEASE FAX BACK TO**

**TERRY BURKE, SECRETARY, IEUA-QNT**

**ON FAX NUMBER (07) 3839 7021**

**by Tuesday, 9 February 2010**