

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



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Friday, 12 February 2010

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**Professional Rates of Pay Campaign**

**your rights at work**  
worth fighting for

**CATHOLIC SECTOR BALLOT  
CHAPTER BRIEFING No. 16**

**Voting Sends a Strong Message to Employers**

**Employers Try to Thwart Employees' Working Rights - Again**

**Townsville and Rockhampton CEO's Refuse to Retract**

**Ballot Outcomes Determine Next Steps in Wage Campaign**

Dear Colleagues

Voting in the current ballot sends a strong message to Catholic employing authorities that the current wage offer is unacceptable.

Catholic employers continue to pursue legal strategies in their attempt to frustrate their employees' industrial rights.

In their latest attempt to try to avoid the pressure, Catholic employing authorities have made application to Fair Work Australia (FWA) to set aside the current ballot orders.

**Ballots Close Tuesday, 16 February**

Members eligible to vote in the current protected action ballots must post their ballots in time to be received by the returning officer by first mail on Tuesday, 16 February 2010.

Voting in the current ballot sends a strong message to Catholic employing authorities that the current wage offer is unacceptable.

**Catholic Employers Pursue Legal Strategies**

Catholic employing authorities have yet again sought to thwart employees in the exercise of their working rights.

Applications have now been made by Catholic employing authorities to FWA in an attempt to set aside the orders for the current ballots underway.

These applications will be vigorously opposed by your union to defend the rights you have under the *Fair Work Act*.

Your legal rights are protected under the Fair Work Act.

In particular, members can be assured that the Fair Work Act provides explicit legal protection for taking authorised protected action.

If protected industrial action has been authorised then it is protected action and members taking that action will be protected in doing so.

## **Townsville and Rockhampton Diocesan Employing Authorities Breach *Fair Work Act***

In briefings to employees last week the Townsville and Rockhampton Diocesan employing authorities egregiously breached a provision of the *Fair Work Act* in encouraging employees to refrain from voting.

The two employing authorities were reported to the Australian Electoral Commission (AEC) and both employing authorities issued a further briefing this week.

The purported 'retraction' failed to address the evident breach of the Act.

Our union authorised Macrossans Lawyers to write to the two employing authorities seeking an appropriate retraction.

At the time and date of the requested response (4:00 pm Thursday, 11 February 2010) the reply received from the employers explicitly refused to 'provide a retraction in the proposed terms'.

We will take further legal advice on the matter. If found guilty of a breach of this section of the Act the employing authority is subject to monetary penalty.

## **Ballot Outcomes – What Next?**

The future of negotiations for benchmark professional rates of pay in Catholic schools is in the hands of the members.

The ballot outcome on authorisation of protected industrial action will determine where members wish to go with their claim.

Employers have made it clear that as circumstances stand the mirror public sector offer is 'the offer'.

Members in these ballots will make a clear statement about the terms under which they wish to continue their campaign.

Advice will be issued following the declaration of the ballots on the next steps in the campaign.

I look forward to your support in this just campaign.

Kind regards



**TERRY BURKE**  
**SECRETARY**

**POST YOUR BALLOT TODAY**