

# NewsExtra

CATHOLIC SYSTEMIC SCHOOLS | 10 AUGUST 2017

## Catholic employers oppose the right to take protected action

By 2 August 2017, over 500 schools across NSW and the ACT supported the IEU motion to commence the process for protected action ballots. Given this overwhelming response, the Union applied to the Fair Work Commission for protected action ballot orders (PABOs).

### PABOs before the Fair Work Commission

On Friday 4 August and on Wednesday 9 August before the Fair Work Commission, the Catholic Commission for Employment Relations (CCER) raised technical arguments to oppose the Union's applications for PABOs. CCER has argued that because Catholic dioceses have chosen to offer a multi-enterprise agreement (MEA), the Union is effectively locked out from taking protected industrial action. The Union's submission is that employers are part of a common enterprise and therefore cannot propose an MEA. If our argument is correct, there would be no difficulty about the right of members to take protected action.

In response to the submissions of the Union, CCER sought an adjournment of over two weeks. The PABO application is now listed for 29 August, hence creating further delays that effectively rule out protected action this term.

Catholic employers through this action have again assaulted members' long standing industrial rights.

### NO agreement has been reached by the IEU and Catholic employers

In recent days members have received communication from their employer with most stating that Catholic dioceses in NSW and the ACT "have finalised your new multi-enterprise agreement (The Agreement) covering teachers and general employees in Catholic systemic schools." The employers also indicated their intention to put the Agreement to a vote in the second last week of term.

The dioceses have also commenced consultation processes to "explain" the proposed agreement. It is important to note:

- The issue of arbitration has NOT been resolved and other issues are still in dispute;
- Catholic employers have NOT provided a comprehensive finalised agreement to the Union nor have they met recently to discuss the document. The last draft we received was dated 2 December 2016 and it contained very few changes compared to the existing agreement.
- In some dioceses, there are significant issues outstanding in relation to work practice agreements, for example in relation to meeting times, large classes and the right to RFF in primary schools.

Erroneous statements have been made by employers about the current arbitration clause in the EA and our reasons for now needing to clarify the wording. In particular, employers have not admitted that in 2010 and 2014 that the clause meant that arbitration could occur without the consent of the employer. They now say the opposite. Some employers have also claimed the Union wants to go straight to arbitration without first participating in conciliation. This is simply not possible under the Act.



### How can this dispute be resolved?

The dispute can be resolved at any time by each Diocesan Director advising the CCER that they want to resolve the dispute.

We have already written to Directors pointing out to them that the right of arbitration is one that has been long accepted for teachers in NSW Catholic schools (in fact for the whole period between 1970, the date of the first state award applying to teachers in Catholic schools in NSW, until earlier this year). The right to arbitration is also a right enjoyed by employees in Catholic schools in Victoria and Queensland.

Some dioceses have also suggested employees' pay rises (due since January 2017) may be at risk if they wish to maintain their current rights by voting "NO" to an inadequate enterprise agreement. This is moral blackmail and an attempt to force employees to agree to substandard conditions.

### What next?

Members are urged to meet in each Chapter and complete a petition which will be sent to the Union Rep in your school. Please urge members and non members (if any) to sign the petition and return it to the Union by Monday 21 August 2017. We will forward it to your Diocesan Director. You may also wish to see if the Director can meet a delegation of members from your school to discuss these issues.

**Please also ensure all members know the Union's position in relation to the so called "finalised agreement".**

**Vote NO to any proposed agreement not endorsed by your Union.**

