

NEWS EXTRA

June 2020

EA UPDATE

Catholic Independent Schools (Model B and C)

The Catholic Commission for Employment Relations (CCER) wrote to the union on 1 June with their position on new enterprise agreements (EAs) for teachers and support staff in approximately 30 Catholic independent schools covered by Model B and Model C multi-enterprise agreements. As you would be aware, the current EAs expired at the end of 2019.

Employer proposal

The proposal included the following key commitments:

- ✓ a two-year agreement with pay increases of 2.5% in 2020 and 2.28% in 2021 (the precise dates of the increases have not been specified)
- ✓ recognition as teaching service of overseas teaching, and teaching in early education centres (limited to service after 2020)
- ✓ introduction of a Proficient Pending classification, that will assist experienced teachers moving from interstate or overseas.

Schools have also flagged:

- ? allowing employees to choose their own superannuation fund, "subject to any final agreement as may be required" – it is not clear whether this will in fact be more restrictive than the current EA clause.

CCER also previously advised that Oakhill College will seek to make it harder for teachers to transfer long service leave to another Catholic school on resignation from the school.

What they left out?

CCER did not agree to:

- ✗ additional pay increases for support staff, to reflect increases awarded in government schools. This matter was formally raised with employers in October 2019. The only response the union has received to this claim is a total rejection.
- ✗ Improvements in long service leave entitlements for support staff – rejected without discussion.
- ✗ measures to address teacher workload, including guaranteed release for early career teachers and their mentors or supervisors – rejected as CCER says that teacher workload is not a problem.
- ✗ other changes to teacher classifications to match provisions in government schools for recognition of unpaid parental leave as service (also agreed in principle in Catholic systemic schools) – rejected.

X emergency disaster leave of five days per annum for employees unable to attend work because of natural disasters, such as floods and bush fires (agreed in principle in Catholic systemic schools) – rejected on the assertion that schools already provide this leave.

X A disputes procedure clause in the EA permitting the Fair Work Commission to arbitrate a dispute when the dispute is unable to be resolved at school level or by mediation – rejected (already in the existing Catholic Systemic Schools EA).

Why isn't this good enough?

The union would like to achieve some progress on all the issues listed above and we are disappointed about the failure of schools to engage with our claim. Notwithstanding this, we acknowledge that the proposed EAs would expire at the end of 2021 and some matters could be deferred until the next round of bargaining in 2021. However, a key outstanding issue that must be addressed now is the disputes procedure.

Arbitration of disputes

Up until 2017, the right of employees and the union to refer disputes to a tribunal for arbitration (or a binding resolution) had been assumed to apply to all of our enterprise agreements. This changed in 2017 because of a Fair Work Commission decision based on a technical argument that overturned the long-standing interpretation of disputes procedure clauses in enterprise agreements and awards. The current Catholic Independent School MEAs were made in early 2017 before CCER challenged the existence of the right to arbitration under another of our EAs.

The union had a major dispute in late 2017 with CCER about the proposed Catholic Systemic Schools EA because of this issue. Members in systemic schools across the state took protected action in support of the union's claim and voted by over 90% to reject an enterprise agreement that did not give this right. At the end of 2017, CCER ultimately agreed with the IEU to restore this fundamental workplace right for employees in Catholic systemic schools.

Similar dispute provisions explicitly providing for arbitration by the Fair Work Commission were agreed for Catholic independent schools in the ACT in 2018. Catholic independent schools, including Edmund Rice and Marist Brothers schools, in Victoria, Queensland, South Australia and Tasmania also have similar provisions in their agreements. CatholicCare and hundreds of Catholic private hospitals and aged care facilities are covered by agreements that facilitate arbitration.

This is not just an academic issue - with arbitration we can more easily resolve disputes for members about the EA in the Fair Work Commission rather than in a court. As well as pay and leave, other entitlements are the right to request flexible working arrangements (for example the right to request part time work after parental leave or to care for elderly parents), the right to fair procedures for the investigation of allegations of reportable conduct, payment for supervising student teachers or the right to payment of allowances.

Why do Catholic employers oppose this right in NSW when the same employers have agreed in other states to what we want?

What about the pay freeze?

Members will be aware that the NSW government is trying to block future pay rises for NSW public servants. They have been unable to legislate for this and will now argue for this before the NSW Industrial Relations Commission in late June. The government has however recently made clear that it is not attempting to take away pay rises already awarded for teachers and support staff in public schools in 2020 and 2021.

The increases offered by Catholic independent schools are therefore in line with those received by teachers in government schools and the increases we expect to be agreed for Catholic systemic schools, over 2020 and 2021, the period of these EAs. The pay offer by Catholic independent schools is therefore not so extraordinary that it should be immediately accepted.

Next Steps

CCER has stated that they intend there will be a vote on the EAs early in Term 3. At this stage, no draft enterprise agreements have been provided to the union for comment and we think this timetable is ambitious.

Please attend a Chapter meeting at your school to vote on the Motion calling on employers to resolve all outstanding issues. The Motion has been sent to the Chapter Rep in your school for members to consider and return to the union no later than Wednesday 24 June.



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