



NSW ACT Independent Education Union

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JQ:107/17

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Mr Mark Morey
Secretary
Unions NSW
Level 3, 4-10 Goulburn Street
SYDNEY NSW 2000

Dear Mark

I am writing to alert Unions NSW to a serious dispute which has arisen between the IEU and Catholic employers throughout NSW and the ACT.

At the heart of the dispute is the position taken by employers to refuse access to arbitration by the Fair Work Commission without the consent of both parties. It was always the case while our members were within the NSW IR jurisdiction that access to arbitration was available and since our move to the Federal system, the Union had always believed this right continued.

During negotiations for previous agreements, Catholic employers had (although reluctantly) confirmed this to be the case in correspondence with the IEU.

Arbitration is seldom utilised by the Union when dealing with Catholic employers as we are generally able to conciliate matters successfully and we believe that the prospect of arbitration encourages settlement during conciliation.

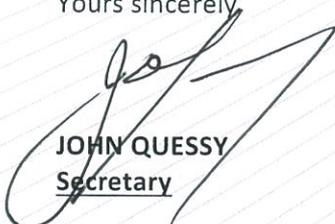
The Union was alerted to a change in the employers' position earlier this year when we sought arbitration on a dispute which we had been unable to resolve at conciliation. The Union was dismayed to hear from the employer's legal representative that consent was required for the matter to proceed.

In light of this position and the recent FWC full bench decision regarding the arbitration of disputes, the IEU has sought to put the matter beyond doubt in our current enterprise agreement.

Employers have rejected this proposal and insisted that arbitration of a dispute would require consent of both parties. With almost every other issue settled, this intransigence has delayed the finalisation of the EA; further postponed pay increases which were due in January; and forced the Union to seek Protected Action Ballot Orders across more than 500 Catholic schools.

We find it ironic that employers have created a dispute about how disputes are settled and we seek the support of Unions NSW and affiliates for IEU members in taking action to right this wrong.

Yours sincerely,



JOHN QUESSY
Secretary

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