

# IEU REPS UPDATE

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## ACT term dates dispute off to arbitration

As reported in February, the IEU is in dispute with Catholic Education Archdiocese of Canberra and Goulburn (CE) over its insistence that members in ACT Catholic schools work on Monday 24 April 2017, which is part of the school vacation period in ACT government schools.

Following a series of meetings and exchanges of correspondence between CE, the Catholic Commission for Employment Relations (CCER) and the Union, on 9 December 2016, the IEU made an application to the Fair Work Commission (FWC) for it to deal with the dispute. In early February, a conciliation process was run under the auspices of the Fair Work Commission. This process failed to resolve the matter.

Following the conciliation process, the Archdiocese proposed an alternative arrangement that Term 4 would be reduced by one teaching day (at the end of Term 4) in exchange for members teaching on 24 April.

In late February, IEU Chapters across the ACT considered their response. The overwhelming response by members to the CE's proposal was one of opposition.

The strongly supported motion read:

"We are strongly opposed to teaching on 24 April and do not wish to negotiate alternate teaching days and request the Union pursue this issue before the Fair Work Commission."

On 9 March, the matter returned to the Fair Work Commission. At that hearing, the CCER, representing CE, indicated that it would challenge the power of the Fair Work Commission to arbitrate the dispute, unless it agreed to such an arbitration.

The impact of the Archdiocese's position is profound for all IEU members in systemic schools across the ACT and NSW. Essentially CCER argued that there is no role for the independent umpire (the Fair Work Commission) in settling any dispute unless the employer agrees to it undertaking such a role. They assert that where they don't want their decisions to be subject to independent scrutiny, they simply say no to arbitration and as they are attempting in this dispute.

The Union will be in the Fair Work Commission on 12 & 13 April to argue for our right to arbitration and for members to get their entitlement – namely 24 April to be treated as non-term time.

For more details, contact your IEU Organiser on 02 6120 1500.

