

13 June 2017

JQ:76/17

The Most Reverend Bill Wright
Bishop of the Diocese of Maitland-Newcastle
841 Hunter St
NEWCASTLE WEST NSW 2302
by email: Elizabeth.Doyle@mn.catholic.org.au

Dear Bishop Wright

I am writing on behalf of members employed at the Catholic Schools Office, Diocese of Maitland-Newcastle, in response to the letters sent on your behalf to employees on Friday 9 June and 25 May 2017.

Firstly, I note that various industrial instruments identify the employer of employees in schools and the Catholic Schools Office in your Diocese as the Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle.

However as stated on the CSO website, schools are conducted by the CSO:

The Catholic Schools Office (CSO), is responsible for the leadership, operation and management of systemic schools which educate more than 18,000 students in 45 Primary schools, 10 Secondary schools and one K-12 school in the Catholic Diocese of Maitland-Newcastle.

It has been the experience of the Union that the Director of Schools for the Diocese acts on behalf of the employer in a day to day sense. However, your letter implies this role is now being performed by you or members of your Office.

The Union seeks clarification on this issue. The Union also seeks clarification in relation to the following issues:

- Is there proposed a change of employer (or delegate of the employer) in relation to employees in schools or the CSO office?
- Who will be in day to day charge of decision-making within the Diocese in relation to schools? Now or in the future?
- If a change is proposed, when will it occur?
- Will there be elimination or diminution of job opportunities, promotion opportunities or job tenure?
- Is it proposed that there will be the need for retraining or transfer of employees to other work or locations or the restructuring of jobs?
- Are redundancies proposed? If so, which areas of employment will be affected and when? Will redeployment options be considered for staff in the CSO – for example to a school?
- Are changes in relation to employment conditions proposed?

Various industrial instruments applying to the Trustees of the Diocese impose an obligation on the employer to consult with representatives of employees, in relation to significant changes. Although this is expressed slightly differently in different instruments, the wording below is typical:

Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer must notify the employees who may be affected by the proposed changes and their representatives, if any.

Significant effects include termination of employment; major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations; and the restructuring of jobs. Provided that where this award makes provision for alteration of any of these matters, an alteration is deemed not to have significant effect.

It appears to the Union that such changes are being contemplated by you. We therefore, as a representative of employees, seek an urgent discussion about these matters. I also note the usual requirement as set out below:

The employer must discuss with the employees affected and their representatives, if any, the introduction of the changes referred to in [clause], the effects the changes are likely to have on employees and measures to avert or mitigate the adverse effects of such changes on employees and must give prompt consideration to matters raised by the employees and/or their representatives in relation to the changes.

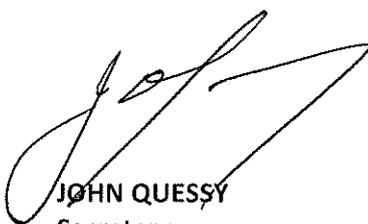
The discussions must commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in [clause].

For the purposes of such discussion, the employer must provide in writing to the employees concerned and their representatives, if any, all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on employees and any other matters likely to affect employees.

I note that the Fair Work Commission normally requires that the person who is making the decision for the employer engage in consultation with the employees and their representatives.

If you are not the decision-maker on behalf of the employer in relation to this matter, please advise my office of who is the decision-maker. If you are the relevant person, I look forward to your response and request that you contact my assistant Helen Gregory, (helen@ieu.asn.au) to make arrangements for a meeting. I look forward to a response midday by Friday 16 June 2017. If no response has been received by then, we will have no alternative than to notify a dispute to the Fair Work Commission.

Yours sincerely



JOHN QUESSY
Secretary