

3 December 2024

Ms Cathy Lovell
Associate Chief Executive: School Operations and Governance
The Association of Independent Schools NSW
Level 12, 99 York Street
SYDNEY NSW 2000

CM: 96/24

Via email

Dear Cathy

Teachers Multi-Enterprise Agreement (MEA) – IEU Request for Information

We write further to our letter of 25 November 2024 and refer to the notice of listing received from the Fair Work Commission for a conference scheduled on 12 December 2024.

In accordance with section 228 of the *Fair Work Act 2009 (Cth)* and to facilitate the progress of bargaining, the IEU formally requests the following information, which is directly relevant to the matters in dispute:

- A list of schools which already provide information to teachers about their workload, generally consistent with our claim (such as face-to-face teaching hours, extras, RFF in primary schools). Such schools presumably would have no problem meeting our claim but AISNSW has, as their bargaining agent, refused to agree or negotiate this claim.
- A list of schools offering translocation arrangements above the rates specified in the proposed MEA for current teachers;
- A list of schools offering pay rates above those in the proposed MEA for both current and new teachers.

This request goes to a concern that these schools are not bargaining in good faith, in that they have instructed their bargaining agent to reject the IEU claims while at the same time assuring staff that they will, or already do, meet our claim. We request that the information be provided to our office by no later than 10 December 2024.

Further, the union seeks reconsideration of the proposal to remove the special education allowance for new teachers coming into special schools. Such an allowance is an entitlement in government schools (see clause 5.2.4 of the *Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2022*). AISNSW has committed to maintaining a premium over NSW government school teacher salaries. Removing this allowance undermines that commitment and the pay comparisons being included in AISNSW material could be perceived as misleading to teachers who would receive the allowance if employed in a government school.

Finally, the IEU reiterates our serious concerns regarding the AISNSW's refusal to provide back pay. Significant drafting errors in the MEA drafts provided by AISNSW and unwillingness to engage with key issues make it impossible for the MEA to be finalised before the expiration of the current MEAs. There is no reasonable rationale to deny back pay, particularly as schools have accounted for salary increases in their budgets for the upcoming year. We urge schools to recognise the dedication of their staff by agreeing to back pay as part of this negotiation.

The IEU is committed to reaching a prompt resolution on these issues. We believe that involving the Fair Work Commission will help facilitate productive bargaining. As such, we strongly urge the AISNSW to consent to having the matter referred for conciliation by the Commission. Additionally, the IEU is available to meet with AISNSW should you wish to discuss these matters further.

We look forward to your prompt response and collaboration on these matters.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Carol Matthews', with a long horizontal flourish extending to the right.

CAROL MATTHEWS
Secretary