Information for Parents

Order to Stop Unprotected Industrial Action by the Independent Education Union of Australia

The Catholic Education Commission of Victoria Ltd (CECV) is the authorised representative of all employers of staff in Catholic schools regarding industrial relations matters.

The CECV is negotiating a new multi-enterprise agreement with the Independent Education Union of Australia (IEUA).

The IEUA announced on 1 August 2012 that their members would be stopping work for a full day on 5 September 2012, which is the same day that the Australian Education Union (AEU) is taking industrial action in support of their wages and conditions claim. The IEUA has labelled this stopwork as a day of protest against the Baillieu Government.

The CECV regards industrial action by the IEUA during the current enterprise bargaining negotiations as unreasonable and unwarranted. Apart from the fact that negotiations between the IEUA and CECV had been progressing well, the State Government (against whom the IEUA is taking action) is not the employer of staff in Catholic schools. It is difficult to interpret the proposed action as anything but support for and endorsement of the AEU, a union that has been vigorously campaigning for a reduction in funding to non-government schools, including Catholic schools.

In general, for industrial action to be lawful it must be protected industrial action. The Fair Work Act 2009 (Cth) (FW Act) clearly sets out when industrial action is protected industrial action. The IEUA action is not protected industrial action as the requirements of the FW Act have not been satisfied.

The CECV decided to obtain an order from the nation’s industrial umpire, Fair Work Australia (FWA) to prevent the IEUA action:

- to minimise the disruption to schools and student learning
- to demonstrate to the community that every effort has been made to minimise the impact of industrial action on parents who have paid school fees in good faith
- to avoid the impact on parents who bear the cost and inconvenience caused by unprotected industrial action in schools, including the need to take paid or unpaid leave from their employment to care for their children or pay for additional childcare.

On 24 August 2012, FWA agreed with the CECV that the proposed IEUA directed stopwork on 5 September 2012 would be unprotected industrial action and was not a political protest. FWA subsequently issued an Order which required the IEUA to stop organising and engaging in industrial action involving Catholic school employees. Any action taken by the IEUA in defiance of this order is not lawful.

The CECV expects that the IEUA and employees in Catholic schools to agree with the industrial umpire’s decision and comply with the order.

The CECV remains committed to negotiating a fair outcome for all staff in Catholic schools.