

Dr Neil McGoran
Director
Catholic Education South Australia
Catholic Church Endowment Society Incorporated
116 George Street
Thebarton SA 5031

16 April 2020

AND TO

The Principals of the schools named in Schedule 1 to this letter

By email only: Neil.McGoran@cesa.catholic.edu.au

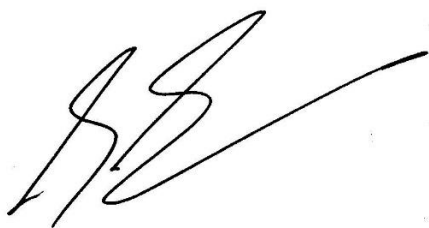
Dear Dr McGoran

Employer enterprise agreement contraventions

1. As the IEU has previously informed you, the IEU considers that the employer has contravened clauses 11 and 13.3 of the South Australian Catholic Schools Enterprise Agreement 2017 (**the agreement**) in relation to standing down its employees without pay.
2. The IEU acknowledges but does not accept the employer's contention that the obligations in those clauses do not apply to stand-down decisions.
3. We do not set out the entirety of the IEU's basis for contending that clauses 11 and 13.3 apply to stand-down decisions in this letter.
4. However, please note that the IEU considers that:
 - 4.1. the stand-down decisions are major changes within the meaning of clause 11.1.1;
 - 4.2. the stand-down decisions are likely to and do have a significant effect on employees within the meaning of clause 11.2;
 - 4.3. the stand-down decisions are changes to regular rosters or ordinary hours of work within the meaning of clause 11.1.2;
 - 4.4. any meeting at which an employee is informed of a stand-down is a meeting where the subject of the meeting or the meeting itself could reasonably be expected to materially impact in a negative way upon the employee's employment or employment conditions within the meaning of clause 13.3.1.
5. The IEU intends to commence proceedings for the imposition of civil penalties for the employer's failure to comply with its obligations under clauses 11 and 13.3.

6. Should the employer consider taking further steps which affect employees in relation to the coronavirus we urge the employer to comply with its obligations under clauses 11 and 13.3.
7. Given the number of employees affected and the employer's response to the IEU's concerns about the employer's failure to comply with clauses 11 and 13.3 thus far, it seems likely that these contraventions would be regarded as *serious contraventions* under the FW Act.
8. Were there to be further contraventions in these circumstances, the gravity of such contraventions would be further heightened.
9. We therefore respectfully request that the employer reconsider its position and provide us with its written commitment that it will comply with clauses 11 and 13.3 of the agreement in relation to any further steps it takes in relation to the coronavirus which affect employees.
10. Please provide us with your written response to this letter by 4pm on Monday, 20 April 2020.
11. This letter is not a settlement communication and may be tendered in proceedings in relation to the appropriate quantum of penalties to be imposed.

Yours sincerely

A handwritten signature in black ink, appearing to be 'G. Seidel', with a long horizontal stroke extending to the right.

Glen Seidel
Branch Secretary

Schedule I

All Saints Catholic Primary School

Antonio Catholic School

Blackfriars Priory School

Blackfriars Priory School ELC

Cabra Dominican College

Cardijn College

Caritas College

Catherine McAuley School

Christ the King School

Christian Brothers College

Christian Brothers College Community Children's Centre
ELC

Christian Brothers College Junior School

Dominican School

Dominican School OSHC

Edmund Rice Education Australia

Emmaus Catholic Primary School

Galilee Catholic School

Gleeson College

Holy Family Catholic School

Immaculate Heart of Mary School

Kildare College

Loreto College

Loreto ELC

Loreto Junior College

Marcellin Technical College

Mary MacKillop College

Mary MacKillop Memorial School

McAuley Community School

Mercedes College

Mount Carmel College

Nazareth Catholic College Primary Campus

Nazareth Catholic College Secondary Campus

Nazareth Childhood Centre

Our Lady of Grace School

Our Lady of Hope School

Our Lady of La Vang School

Our Lady of Mount Carmel Parish School

Our Lady of the River School

Our Lady of the Sacred Heart College

Our Lady of the Visitation School

Our Lady Queen of Peace School

Rosary School

Rostrevor College

Rostrevor College - Junior Campus
Sacred Heart College (Champagnat Campus)
Sacred Heart College (Marymount Campus)
Sacred Heart College Senior School
Saint David's Parish School
Saint Ignatius' College - Early Years
Saint Ignatius' College - Junior Campus
Saint Ignatius' College - Senior Campus
Samaritan College OLHC Campus
Samaritan College Saint John's Campus
Samaritan College St Teresa's Campus
School of the Nativity
St Albert's Catholic School
St Aloysius College
St Anthony's Catholic Primary School
St Anthony's School Edwardstown
St Augustine's Parish School
St Barbara's Parish School
St Bernadette's School
St Brigid's Catholic School
St Brigid's School
St Catherine's Parish School
St Columba College
St Columba College Junior School
St Columba's Memorial School
St Dominic's Priory College
St Dominic's Priory Junior School
St Francis De Sales College
St Francis of Assisi School
St Francis School
St Francis Xavier's Regional Catholic School
St Gabriel's School
St James' School
St John Bosco School
St John the Apostle Catholic School
St John the Baptist Catholic School
St Joseph's Education Centre
St Joseph's Memorial Junior School
St Joseph's Memorial School
St Joseph's Parish School Gladstone
St Joseph's School - Barmera
St Joseph's School - Clare
St Joseph's School - Hectorville
St Joseph's School - Hindmarsh
St Joseph's School - Kingswood
St Joseph's School - Murray Bridge

St Joseph's School - Ottoway
St Joseph's School - Payneham
St Joseph's School - Peterborough
St Joseph's School - Port Lincoln
St Joseph's School - Renmark
St Joseph's School - Tranmere
St Margaret Mary's School
St Mark's College - Benedict Campus
St Mark's College - Bosco Campus
St Martin de Porres School
St Martin's Catholic Primary School
St Mary Mackillop School
St Mary Magdalene's School
St Mary's College
St Mary's Memorial School
St Michael's College
St Michael's College - Primary School
St Monica's Parish School
St Patrick's School
St Patrick's Special School
St Patrick's Technical College - Northern Adelaide
St Paul's College
St Pius X School
St Raphael's School
St Therese Primary School
St Thomas More School
St Thomas' School and Pre-School
Star of the Sea School
Stella Maris Parish School
Tenison Woods Catholic Primary School
Tenison Woods College
Tenison Woods College Early Learning Centre
Thomas More College
Whitefriars School
Xavier College