

11 November 2022

Senator David Pocock,  
Senator for ACT,  
PO Box 6100,  
Senate,  
Parliament House,  
Canberra ACT 2600

By email: [Senator.David.Pocock@aph.gov.au](mailto:Senator.David.Pocock@aph.gov.au)

Dear Senator,

**Re: Bargaining Provisions in Secure Jobs Better Pay Bill**

I write to you on behalf of Independent Education Union (IEU) members in South Australia and the members of the Branch's Executive Committee, who are concerned that the current public discourse related to multi-employer bargaining has become too focused on the minutiae at the expense of a consideration of the fundamental benefits of multi-employer bargaining as demonstrated by decades of lived experience in South Australian Catholic and Lutheran schools.

The IEU nationally is the biggest user of the current system of bargaining with multiple employers in the one agreement. Nationally the IEU represents some 75,000 teaching and non-teaching staff in non-government schools and other educational institutions.

In SA the IEU represents 3,500 members employed in the state's 200 non-government schools. The SA Executive Committee consists of 13 elected members drawn from a broad range of schools. They are listed at the end of this letter.

In SA there are approximately 200 non-government schools, the vast majority of which are covered by registered collective agreements of some type. There are 103 Catholic schools run by 16 separate employing authorities. The Lutheran sector consists of 30 schools and 5 kindergartens all conducted by separate employers. Schools in the rest of the Independent sector are run by unrelated entities and most have Single Enterprise agreements. The range of schools is very broad from the high fee to low fee, from advantaged to disadvantaged, from a variety of Protestant traditions as well as Islamic, Montessori and Steiner schools, Special schools and more. The full breadth of society is reflected in the breadth of our sector's schools.

Traditionally, even predating the Fair Work Act and the transfer to the federal jurisdiction, we have negotiated one agreement to cover all Catholic schools and a different agreement to cover all Lutheran schools. The ability for these like schools to negotiate collectively has been beneficial for both employers and employees.

The Union and the schools would have had difficulty resourcing 140 separate agreement negotiations. Smaller employers arguably stand to gain more than the larger employers by being able to contribute to the employer collective position without having to devote their limited human resources to negotiating full individual site agreements containing much duplication of issues with possibly diverse outcomes. To have provisions in the Bill to carve out “small employers” (however defined) totally ignores the efficiencies and benefits for small employers.

Having to cover a variety of schools in the one agreement means that the detail needed becomes greater and the documents tend to be longer, but the Union and the employer can resource the thousands of hours required to negotiate and draft a sector wide agreement. Efficiency and full expert attention to drafting is a result.

The advantage of sector wide agreements has been the ability to develop employment continuity between covered employers. The retention of long service leave, incremental progression and personal leave when moving from one covered employer to another, creates a sense of community of purpose and belonging that is beneficial all round.

In SA the IEU has gained the employers’ agreement to apply for Single Interest Agreements (rather than the more restrictive Multi Enterprise Agreements). Regrettably not all state branches of the IEU have been able to gain employer cooperation in this regard.

The IEU believes it is a basic human right for a worker to be able to with-hold their labour. To legislate otherwise would align more closely with the concept of slavery than dignified employment. The downside of the current Multi Enterprise Agreement model is the limited recourse to various enforcement mechanisms and to protected industrial action.

This is a problem with the current system that is in dire need of fixing. It is disempowering to have to gain the employer’s approval to enter into Single Interest Agreement negotiations with the associated ability to undertake protected industrial action. The process of applying for and undertaking industrial action is onerous enough. It should not be made more difficult under the proposed legislation.

The experience of the IEU in SA is that, even though industrial action has been continuously available under the Fair Work Act, this has not led to an outbreak of rampant industrial action as some employer hyperbole would suggest.

Yes, from time to time there are some serious differences of position at the table during negotiations, but there is only one instance of limited industrial actions being taken during the negotiation for one Catholic agreement in SA. The flood gates were always open, but barely a trickle flowed. The sky will not fall if workers are allowed their human right to with-hold their labour.

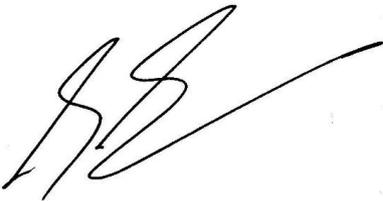
Access to a system of bargaining that allows for agreements over a range of employers must be encouraged. This must be an entitlement rather than something to beg for. And with that would come the right to with-hold labour. The current system entrenches the power imbalance between employers and employees. Balance must be restored in the new legislation and Unions are an essential part of that balance.

On behalf of our members and the broader Australian workforce the IEU Executive Committee beseechs you to consider the underlying principles of good industrial legislation and to take note of our lived experience over decades.

Please do not let the noise crowd out the basic purpose of industrial legislation – to create a level playing field in order to attain dignified working conditions and fair industrial outcomes.

Workers need access to a full range of bargaining models which are not reliant on employer largesse and which do not unfairly limit how they and their Unions engage as equal partners in the process.

Yours faithfully,



Glen Seidel  
Secretary

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**The current IEU(SA) Branch Executive Committee membership**

- **President, Britta Jureckson**, Teacher at Mercedes College (Catholic)
- **Vice President, Anthony Haskell**, Teacher at Saint Ignatius’ College (Catholic)
- **Vice President, Noel Karcher**, Teacher at Christian Brothers College (Catholic)
- **Treasurer, Michael Francis**, Teacher at Mercedes College (Catholic)
- **Secretary, Glen Seidel**, Union Official, previously teacher in Catholic school
- **Deputy Secretary, Tim Oosterbaan**, Union Official, previously teacher in Catholic schools
- **Sue Bailey**, Education Support at Tyndale Christian School (Christian)
- **John Coop**, Teacher at Rostrevor College (Catholic)
- **Ally Cunningham**, Teacher at School of the Nativity (Catholic)
- **David Freeman**, Teacher at various cross sector schools
- **Sheryl Hoffmann**, Laboratory Manager at Concordia College (Lutheran)
- **Jenny Johnson**, Teacher at Dara School (gifted & talented)
- **Kathleen Johnson**, Teacher at Blackfriars College (Catholic)

