

Independent Education Union and St Peter's College settle underpayment case

The Independent Education Union (IEU) and St Peter's College have reached an agreement to settle a claim relating to the period December 2017 to October 2022.

The claim included the alleged underpayment of one former staff member and a breach of the St Peter's College 2020 Enterprise Agreement regarding consultation with staff about their position descriptions between 2020 and 2022.

Approximately 60 employees may not have been formally consulted during this period; however there was no suggestion this resulted in underpayment of those staff members.

St Peter's College states that any failures relating to the breaches of the 2020 Enterprise Agreement were inadvertent. This occurred during the COVID-19 pandemic, a period when the School's primary focus was the health and wellbeing of its community and ensuring employment security of all staff.

The School has since strengthened its internal processes and remains committed to compliance with the Enterprise Agreement and its obligations under the Fair Work Act.

Background

St Peter's College employed Bernhard Juckers as a sports centre services manager from 2004 to 2022.

After Mr Juckers resigned he raised concerns that he had been underpaid.

The IEU also raised concerns that:

- Mr Juckers had not been advised of his classification in accordance with the St Peter's College Enterprise Agreement 2015
- St Peter's College had not agreed and reviewed Mr Jucker's position description in accordance with the St Peter's College Enterprise Agreement 2015
- St Peter's College did not consult Mr Juckers regarding his position description in accordance with the St Peter's College Enterprise Agreement 2020
- Mr Juckers was not provided meal breaks in accordance with both Enterprise Agreements

The IEU took the case to the South Australian Employment Tribunal, claiming Mr Juckers was entitled to underpayment amounts associated with alleged contraventions of the Enterprise Agreements.

The Tribunal is authorised to fine employers for contravening the *Fair Work Act 2009* including for contravening the terms of an enterprise agreement.

The IEU sought that St Peter's College pay fines in relation to the alleged contraventions of the Enterprise Agreements.

During the course of proceedings, the IEU discovered that there may have been other St Peter's College employees who had not been consulted about their duty statement between 2020 and 2022, in contravention of the St Peter's College Enterprise Agreement 2020.

The IEU sought to incorporate these further alleged contraventions into the proceedings, and requested documents in respect of the same. The Tribunal allowed the further alleged contraventions to be incorporated into the proceedings – see *Independent Education Union of Australia v The Anglican Church of Australia Collegiate School of St Peter* [2025] SAET 53.

The documents provided by St Peter's College suggested that there may have been around 60 other St Peter's employees who may not have been consulted with about their duty statement between 2020 and 2022.

St Peter's College has denied all allegations in the IEU's claim to the Tribunal.

The period between 2020 and 2022 was a difficult period of time given the COVID-19 pandemic. During this time, St Peter's College was focused on pressing considerations of supporting students, families and its employees, while managing complex work from home arrangements.

St Peter's understands its obligations to meet requirements under its Enterprise Agreement and it acknowledges that at the time, the obligations to consult on position descriptions may have been overlooked for employees.

St Peter's College and the IEU have reached an agreement to settle the claim for a confidential amount paid to Mr Juckers and the IEU.