

PICOT REFUSES TO SIGN LETTER IN SUPPORT OF EQUAL PAY - VINNIES STAFF OWED OVER \$250,000?

This Bulletin is to advise members of two important matters: a) the continued struggle for equal pay and b) a stunning discovery that Vinnies workers have most likely been incorrectly paid and are owed thousands of dollars.

1. THE FIGHT FOR EQUAL PAY - STRONGER TOGETHER

Firstly, the ASU would like to say congratulations to all those Vinnies workers who participated in the Day of Action for equal pay last Friday. Vinnies workers loudly and proudly expressed their strong support for the CARE campaign and for equal pay with our government counterparts. The day was attended by 1500 workers from all over NSW who were demanding that the whole non-government community sector be properly funded, valued and respected for the important work we do. Well done!

In contrast, Vinnies members are advised that John Picot has refused to sign a letter to the Premier calling for equal pay with Queensland. The campaign for equal pay has been supported by hundreds of employers across NSW and some of the largest employers in the community sector have come together under the banner of the CARE Alliance to advance the aims of the campaign. The CARE Alliance, of which Mr Picot is a member, recently signed a letter to the Premier calling for equal pay with Queensland, however the signature of Mr Picot was glaringly absent.

Despite numerous requests of Mr Picot to sign the letter and despite having his own representative in the room when the letter was discussed, Mr Picot refused to sign the letter. No reason was provided by Mr Picot as to why the letter could not be signed. The letter is attached for your information.

It is disappointing that one of the largest non-government employers in the sector has blatantly refused to join with other employers in the fight for better pay and conditions. The CARE campaign not only seeks to achieve pay equity for workers in the sector, but also seeks to give the sector the professional recognition enjoyed by the other caring sectors, such as teaching and nursing. It is unfortunate and somewhat contradictory that Mr Picot continues to claim to be an employer of choice and yet refuses to publicly endorse equal pay.

2. VINNIES STAFF OWED OVER \$250,000?

The ASU has become aware that during the period 1 December 2006 to 1 July 2007, it appears the St Vincent de Paul Society significantly underpaid all Special Works employees and these employees are now owed back pay.

How has this happened?

On 26 October 2006 the Australian Fair Pay Commission handed down a decision increasing the minimum wage for all workers in social and community services. This decision increased the hourly base rate by either 72 cents/hour (for Grades 1-2) or 58 cents/hour (for Grades 3-6) which equates to an increase of \$22.04 or \$27.36 a week depending on your grade. This decision became effective on 1 December 2006 and remained in force until 1 July 2007 which is when the next pay increase became effective.

These pay increases were to apply to all employees employed by a constitutional corporation. You may recall during the Collective Agreement negotiations earlier this year, the Society claimed that it was a constitutional corporation for the purposes of the negotiations. However we are now aware that the Society failed to increase the wages of workers in line with the Commission's Award increases despite claiming to be a constitutional corporation.

What about the \$30 increase we got?

You may recall that on 29th June 2007 all Special Works employees received a letter from John Picot advising that *"from 1 July 2007 there will be a \$30 increase in the gross weekly pay of all full time Award based employees. Part time and casual employees will receive pro rata increases."*

This increase was paid by the Society to all Special Works employees on 1 July 2007 and was in no way related to the Society's legal obligation to increase wages from 1st December 2006. In his letter to staff, Mr Picot's states:

"The sole purpose of the employment review and activities I have outlined above is to enhance the terms and conditions for all employees so that in the most practical way the Society demonstrates that it continually strives to be the best possible employer."

Our legal team has formed the view that the \$30 increase **does not offset or replace** the payment which should have been made to workers between 1 December 2006 and 1 July 2007.

What was the correct pay scale?

Below is the pay scale showing the SACS Award hourly rate just prior to 1 December 2006 and the hourly rate which became effective on 1 December 2006 following the Australian Fair Pay Commission decision.

	Hourly rate prior to 1 December 2006	Hourly rate effective on 1 December 2006
Community Services Worker Grade 1		
Year 1	13.79	14.51
Year 2	14.31	15.03
Year 3	14.84	15.56
Community Services Worker Grade 2		
Year 1	15.78	16.50
Year 2	16.46	17.18
Year 3	17.13	17.85
Year 4	17.87	18.59
Community Services Worker Grade 3		
Year 1	18.50	19.08
Year 2	19.20	19.78
Year 3	19.90	20.48
Year 4	20.60	21.18
Year 5	20.63	21.93
Community Services Worker Grade 4		
Year 1	21.94	22.52
Year 2	22.59	23.17
Year 3	23.23	23.81
Year 4	23.88	24.46
Community Services Worker Grade 5		
Year 1	24.53	25.11
Year 2	25.60	26.18
Community Services Worker Grade 6		
Year 1	27.75	28.33
Year 2	29.37	29.95

How much am I owed?

The amount owed to individual workers will vary depending on a variety of factors including:

- The grade and year level you were on at the time of the Commission decision
- The date of your anniversary of service
- Whether you attract shift penalties/overtime

For Example:

If on 1 December 2006, you were a full time employee (not a shift worker) working 38 hours a week on Grade 3, Year 3, your base hourly rate went up from \$19.90 to \$20.48, a difference of 58 cents. Accordingly, you are owed the following:

$$58 \text{ cents} \times 38 \text{ hours} = \$22.04 \text{ (a week)}$$

$$\$22.04 \times (30 \text{ weeks} + 2 \text{ days}) = 661.20 + \$8.82 = \mathbf{\$670.02}$$

Therefore, you would be owed \$670.02 for the period 1 December 2006 to 1 July 2007.

If you were a shift worker during that time, your shift penalties would also have increased because your base hourly rate has increased, so you would be owed an additional sum on top of this.

The pay increases were to apply to **all workers** in every grade including:

- Grades 5 and 6 which are managerial levels
- Casual workers
- Part time workers.

What happens now?

The ASU intends to lodge a backpay claim with the relevant Court on behalf of members who wish to claim the money they are owed. If you wish to be a part of this, you will need to do the following:

1. Be a member of the ASU
2. Complete and return the attached form
3. Provide us with copies of 4 pay slips:
 - One in the month June 2006
 - One in the month December 2006
 - One in the month June 2007
 - One in the month July 2007

You must be a member for the ASU to action your claim

The ASU is only able to lodge a claim on behalf of members of the ASU. If you are not yet a member but wish to be part of this backpay claim, then you must join your Union now. Attached is a membership form for your assistance.

The ASU has decided to make an exception to waive the Joined in Knowledge fee (which normally requires workers to pay 6 months back fees if they join the Union with an existing dispute) for any Vinnies workers who **join the ASU before 24th August 2009**. After this date, any workers who wish to be part of the backpay claim will be required to pay the 6 months back fees.

For any enquiries please contact Adrienne Vella on 9310-4000 or adrienne@asu.org.au