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AUSTRALIAN SERVICES UNION

# ASU

## Newsletter

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# CRISIS DEEPENS AT ST. VINCENT DE PAUL

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May, 2007

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### **The Unfair Dismissals**

The current industrial dispute at St. Vincent De Paul has deepened with a number of unexpected developments in recent days. Staff will recall that the current dispute erupted when the new CEO and the new Executive Operations Manager dismissed two staff simply because these staff insisted that their team had a right to have their issues dealt with as a collective grievance, rather than as individuals. This right is clearly set out in the Society's policies and the SACS Award.

In a number of surprising developments in the last week the New Management of the Society is now saying that:

- They will NOT investigate the complaints of the former and current staff.
- That the SACS Award does NOT apply to staff
- That staff are NOT entitled to the grievance provisions in the SACS Award

This dispute is now about a number of issues:

- **The right of staff to have their grievances dealt with collectively**
- **The right of staff to not be dismissed unfairly**
- **The right of staff to be afforded their Award rights**
- **The right of staff to be treated fairly in the workplace**

### **Award Conditions Under Threat**

The ASU was shocked when the New Executive Operations Manager advised that in his view the SACS Award did NOT apply to staff in the Learning and Development Centre. The work of those in the Learning and Development Centre is clearly part of the overall work of the Society and a fundamental part of its Community Program. To suggest otherwise is nothing but fanciful.

***The ASU will not sit by and watch staff being unilaterally removed from Award coverage.***

The suggestions by the new Executive Operations Manager that the work of the Centre is not Social or Community work as the centre is an RTO (Registered Training Organisation) would be



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laughable if it were not so serious. Hundreds of SACS organisations across Australia are RTO's. Their work and the work of the Society continue to be Social or Community work.

*Together we must act to protect our Award conditions.*

### **Wage Increases Not Passed On?**

Not only was it revealed that the staff in the Learning and Development Centre were not being afforded their Award rights, in addition it has become apparent that the society did not pay staff in the Centre the 3.5% pay increase due on July 1<sup>st</sup> 2006. Again this is totally unacceptable.

All staff need to check their pay slips to ensure that they were paid the 3.5% increase from July 1<sup>st</sup> 2006. There is another Award increase of 3.5% due in July this year.

*If you have any concerns ring the ASU on 9310-4000.*

### **Threats And Intimidation In The Workplace**

Members in some workplaces have been shocked at the approach some in the Society have taken to the first newsletter distributed by the ASU. In one workplace the staff were told that they had to rip up and destroy all copies of the newsletter. In another they were told that all discussion about the matters currently in dispute was banned in the workplace.

This behaviour is clearly unacceptable. All staff have the right to discuss issues about work in the workplace.

*We need to send a clear message to the new senior management that this level of interference in your rights is unacceptable!*

### **Unions NSW Now Dealing With The Dispute**

On May 3<sup>rd</sup> Unions NSW (the peak body that brings together all unions in NSW) considered the current dispute at St Vincent de Paul. The executive noted that historically unions have had good relations with the Society and that is deeply disturbing that this situation is now under threat by recent decisions of senior managers at the Society.

Unions NSW has resolved to convene a meeting of all unions who have members at St. Vincent de Paul to consider the recent unfair dismissals and the recent announcement of the State Council to seek a State wide Enterprise Agreement.

*Members will be advised of the outcome of this meeting.*

### **New Contracts Forced On To New Staff**

As many staff will be aware the Society has recently asked existing staff to sign new contracts of employment. The overwhelming majority of staff have declined to sign these contracts as they have significant concern over their content. In particular staff are worried about the potential breach of privacy. The new contracts say that staff can be force to have a medical check at the request of the society and that the society is then entitled to have the results of this check released to them. This is an absolute breach of the basic right to privacy.

Secondly staff have expressed concern at a new clause that says that the society can ask you to work at any site within the diocese. Again staff have clearly indicated that this is unfair.

*Remember, you do **NOT** have to sign these contracts!*

But in a sign of the way in which the new senior managers now operate staff might be shocked to know that new employees are being forced to sign the new contracts as a condition of employment. You can't get the job if you don't sign the contract!



This goes against the great social justice tradition of the Society.

*We need to act collectively to stop this from continuing.*

## **Society Plans to Abolish All Awards and Move to One Contract For All Staff**

As we have previously advised staff the Society has now clearly indicated that it intends to remove the operation of nearly 20 Awards that cover the Society's operation and replace them with a single contract. What is unclear is

- What the Society plans to do?
- When it plans to do it?
- How it plans to do it?

There is nothing fundamentally wrong with streamlining the current employment practices. However we need to ensure that the Society commits to NOT reducing any of your conditions that are currently contained in the SACS Award.

ASU members will NOT be entering into a process where they are required to trade off or lose their conditions.

*It is essential that we now move to urgently elect our bargaining committee for the negotiations.*

## **Newcomers – Do They Understand The Mission of The society?**

Many staff are now wondering whether or not the new senior management really understand the ethos, mission and values of the Society. Never before have we seen staff so unfairly dismissed, never before have we seen Award conditions threatened in the way they are now being threatened. Never before have we seen the tactics of intimidation being used in the workplace.

*It is imperative that staff now work together to protect the ethos, mission and values of the society.*

## **The Unfair Dismissals – The Facts**

Early in 2007 the Learning and Development Team identified a number of issues of concern to them about work related matters. These matters arose out of a process where staff were invited to provide feedback on the effective operation of the team.

The team had also attempted to lodge a collective grievance in accordance to the Dispute Resolution Procedures of the SACS Employees Award and the Societies policies. This grievance related to various concerns the team had. The new CEO continually refused to accept the collective grievance and insisted that all disputes are always "individual" in nature and "must be examined separately".

When employees insisted on their rights one team member was summarily terminated without notice and another was advised to attend a meeting the next day to show-cause as to why he too should not be summarily terminated.

This second team member was singled out for counselling on the basis that he had made negative comments during the team meeting where the team had been asked to provide feedback to their manager. He was asked to sign a letter which implied that he had acted in an unprofessional and discourteous manner. He was told that if he didn't sign this document he would be dismissed. The member made it clear that he had no problem whatsoever working with his manager in a courteous and professional manner as he had always done.

The ASU lodged a dispute in the NSW Industrial Relations Commission (IRC), the independent umpire. The Commissioner gave recommendations that were outlined in our previous newsletter –



including that the staff members should not be sacked. The new Operations Executive Manager completely ignored this and sacked the staff member on the spot.

The matter is still with the IRC as the Society has refused to seriously discuss these staff members returning to work.

One team member has been with the Society for 12 months. The other team member had volunteered for the Society for 18 years before being employed for the last 3 years. They were simply trying to

assert their right, under the SACS Award and the Societies policies, to lodge a collective grievance.

Both team members had impeccable employment records, and there had never been any issue raised about their work performance in this time. They have glowing references from Owen Rogers, the former CEO.

This is not the way the Society has dealt with issues in the past. These are strategies more usually found in the Private Sector and the Mining Industry, they are not appropriate for the St Vincent de Paul Society.

## **Meeting for All Interested Staff of St Vincent de Paul**

ASU members have asked that an urgent meeting of staff St Vincent de Paul be called so that all of these matters can be discussed.

### **Meeting to Discuss Unfair Dismissals and Upcoming Bargaining** **6pm Thursday 17<sup>th</sup> May** **39 Renwick Street** **Redfern**

**This meeting will provide an update on the Unfair Dismissals and bargaining and also give you a chance to ask any questions you may have. We will also discuss the results of the recent survey conducted by the ASU of Society members**

**If you are in a regional area please call the ASU Office on 1300 784 278 to find out about alternative arrangements for you to participate.**

If you have any questions about the meeting or this newsletter please contact Stanley at the ASU on 9310 4000 or 1300 784 278

**Please make sure every Staff member gets a copy of this newsletter.**

Authorised by Sally McManus, Branch Secretary



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