

Meeting With Vinnies Gets the Big Issues on the Table

Members Await a Response

In May the ASU wrote to State President John O'Neil seeking a meeting with representatives of the Society. That meeting occurred on June 7th at 10am with the issues discussed at the meeting set out below. The unfair dismissal of members and the continued insistence of the Society that the SACS Award does not apply to staff at the Learning and Community Services Centre were NOT discussed as these matters are before the courts.

The Society was represented by Trustees John O'Neil, Raymond James, and Senior Management John Picot and Danny Klepac. The ASU was represented by Sally McManus the ASU Secretary, Michael Flinn and Asren Pugh.

Issue 1 - Who is the employer?

There is a great deal of confusion currently as to who is the employer of staff engaged by the Society. This confusion arises from the fact that it would appear that some staff are employed by the State Council, some by a Diocesan Council and some by a Regional council or conference.

ASU position and offer:

The ASU outlined its view that it is essential that members know exactly who their employer is. This is very important because it determines who directs the work of the employees and to whom the employee is responsible.

Vinnies response:

John O'Neil stated that the Trustees of St Vincent de Paul are the employers of all staff at the Society. He also said that Diocesan Presidents are delegated by the trustees to make employment decisions on behalf of the Trustees.

Issue 2 - Letters of Appointment

St Vincent de Paul has issued new letters of appointment to many staff across the Society. These letters include clauses that allow a worker to be transferred to any other Vinnies workplace within a Diocese or within the entire Sydney metropolitan area. They also include

clauses can require a worker to get a medical examination and have the results released to the Society.

ASU position and offer:

The ASU outlined its concerns about the impact that these new letters of appointment may have on the work and family life of members. The clause allowing Vinnies to move a member's place of work seems to circumvent the process for Introduction of Change in the Award. The ASU also asked why extra medical checks were necessary and asked whether the results would be used in a way that could affect the employment of members. The ASU stated that it would be willing to discuss this issue further but until then would continue to advise members not to sign the letters in their current form.

Vinnies response:

The society stated that the ability to move staff around was necessary as they had had trouble moving staff from Charles O'Neil House to Matthew Talbot when there was a restructure. They said they would get back to the ASU on whether they were willing to further discuss the matter of the new letters of appointment.

Issue 3 – 'Non-Award' employees

Leaving aside the issue of the Award status of the Learning and Development team which is before the courts, there are many other employees who the Society has deemed 'Non Award'. Many of these employees work in State Council and Diocesan offices.

ASU position and offer:

The ASU is concerned that workers who have been deemed 'Non Award' by the Society are not getting the rates of pay or the conditions that they may be entitled to under the Award. It is not up to the discretion of the Society to determine if a worker is covered by an Award; it is a matter of law. The ASU proposed that we set up an audit process, with representatives of the ASU and Vinnies, of all deemed 'Non Award' workers. The ASU stated its willingness to work cooperatively with the Society to determine the status of these workers.

Vinnies response:

The Society did not automatically agree to an audit process and said that it needed more time to consider the matter. This has left the matter unresolved and the ASU is awaiting a formal response from the Society.

Issue 4 - Award Breaches

There were issues raised at the last Union meeting about the non payment of Penalty rates for weekend work and other potential breaches of the SACS Award. There is also the issue of those who have been wrongly classified as 'Non Award' not receiving the pay and conditions they are entitled to.

ASU position and offer:

The ASU is very concerned that there may be widespread underpayment or non payment of penalty rates, particularly for weekend work. The ASU also put forward concerns that salary packaging and other reimbursements, such as the use of a car, were being offered in lieu of Award conditions. This is particularly the case for those workers the Society has deemed as 'Non Award' and that this could be rectified by clarifying these positions through the proposed audit process.

Vinnies response:

The Society undertook to get back to the ASU on whether or not they would enter into a transparent audit process. The Society also asked for specific instances of underpayment of Award entitlements. The ASU agreed to provide more information about this matter to the Society.

Issue 5 - WorkChoices

At various meetings with staff the new Operations Manager has stated that the Society was of the opinion that it may be covered by the Federal Governments WorkChoices legislation. This would mean a removal of SACS Award coverage, a removal of Unfair Dismissal rights and no right to go to the Independent Umpire, the Industrial Relations Commission, to resolve disputes. It would also make it very difficult to maintain SACS Award conditions in any Enterprise Agreement that may be negotiated.

ASU position and offer:

The ASU firmly believes that the St Vincent de Paul Society is not a Constitutional Corporation and is not covered by WorkChoices. The ASU asked Vinnies to clarify its position with regards to 'corporatisation' of the Society and whether it planned to use WorkChoices. The ASU also asked whether they would sign an agreement with the ASU to bargain in the State system and not under WorkChoices. The ASU also outlined the effect that abandoning the Award could have on the receipt of State funding for the Society.

Vinnies response:

John O'Neil and Raymond James were adamant that they and the Society were 'absolutely against WorkChoices' and the use of AWAs and said the CEO of the National Council of the Society Dr John Falzon had made public statements to that effect. Despite this, the Society would not say whether or not they would use the WorkChoices system and again undertook to get back to the ASU.

Issue 6 - Enterprise Bargaining

At the end of 2006 the State Council discussed the proposition that the Society get a series of Enterprise Agreements to cover all staff at St Vincent de Paul. These Agreements would possibly replace all Awards. The Society has since begun this process by distributing a survey to all staff who work in Special Projects.

ASU position and offer:

The ASU asked why the Society was determined to proceed towards getting an Enterprise Agreement without first asking staff whether they even wanted to change from the SACS Award. The ASU also raised concerns with the survey that has been distributed as it includes many leading and even irrelevant questions. It also does not include a question of whether or not employees even want an Enterprise Agreement.

The ASU proposed that staff be allowed to vote on whether or not they want an Enterprise Agreement as this would be the fairest way forward.

Vinnies response:

The Society stated that it had not made a decision to have an Enterprise Agreement, but had indicated a 'preference' for one. They stated that they wanted to be an 'employer of choice' in

the industry and had little to discuss until they received the results of the staff survey. They again stated that they would get back to the ASU on whether or not they would be prepared to have a staff vote on whether or not they wanted an Enterprise agreement.