

# Fair Work Commission rubber stamps Australian Education Union wage cutting sell-out agreement

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In an 18-page ruling, the Fair Work Commission last week rubber stamped a four-year industrial agreement covering 90,000 teachers and public school workers in Victoria.

The imposition of the agreement, worked out by the Australian Education Union (AEU) and the state Labor government, will see a substantial deterioration in educators' living standards. Nominal wages will increase by less than 2 percent annually, under conditions of an official inflation rate of 5.5 percent and widespread forecasts of even higher growth in costs of living.

Most Fair Work Commission decisions ratifying industrial agreements comprise around six short paragraphs. Its ruling on the AEU-Labor agreement was substantially longer because it had been formally challenged by several teachers. This reflected the deep seated anger that continues to be felt within the public education system over the union's betrayal, following record "no" votes, nearly 40 percent, registered in delegates' meetings and through a general ballot of all school employees.

Several teachers sent submissions to the Fair Work Commission. One wrote: "As a public high school teacher of over a decade, I am appalled at the bullying tactics which were evident across the lead up to this vote. [...] Censorship on the social media pages of the AEU was rife. Every post [for which] they left commenting open, had comments removed and/or posts deleted. This in turn made all teachers who were unaware that their concerns were shared by others, to be left feeling isolated and alone. And that all were voting yes. The positive messaging of this agreement sent by the union was done to bully people into believing that this was in fact how all teachers felt, because no other criticism was shared or seen online. This is a hugely serious concern and one that shows the tactics used by the AEU to silence opposition."

The Fair Work Commission held a nearly two-hour hearing on July 5 to consider these and other objections to the

agreement. The discussion provided another revealing exposure of the AEU bureaucracy's collaboration with the state government and the Department of Education, against the interests of teachers and Education Support (ES) staff.

One principal and one teacher appeared at the hearing to speak against the agreement. The teacher, with nearly two decades experience, initially spoke on the impact of excessive workload and unpaid overtime: "The last six months have seen me working 11 hour days, which is very consistent. So on average on site, I've been working 55 hours for the past six months. That's consistent with the state of our school survey of 10,000 employees. In our award it actually says that we're supposed to be working 38 hours. That survey basically confirmed the actuality and the realism that teachers are working 55 hours. [...] Our work is incredibly complex. It is very sophisticated. The 30 plus 8 [workload] model does not work. We are in a worse situation, 36 years later, than what we were from the 1986 agreement."

The AEU made no attempt to challenge or respond to the testimony denouncing the agreement. Throughout the hearing, state AEU deputy president Justin Mullaly said nothing.

The barrister representing the Department of Education insisted that issues of workload and overtime were "not a relevant question today." He said that the only relevant question under the Fair Work Act was whether a majority vote had endorsed the agreement.

He also said that award conditions of an average of 76 ordinary hours of work a fortnight for full time employees "flows into the terms of the agreement, and it's not a question of practice, it's really what the terms of the agreement provide."

On the issue of the majority vote for the agreement, the teacher who appeared before the Commission responded by correctly noting that the AEU had run a campaign of misinformation in the lead up to the vote, and that most

teachers did not have the opportunity to learn exactly what was in the agreement.

The principal explained that he was representing five primary school principals, and that he had been part of the formal negotiations as an “independent bargaining representative.”

He said that despite this role, there were aspects of the agreement that he found incomprehensible. “Now, if there is no clarity to a party to the negotiations, how can there be clarity to people voting on the agreement?” he asked. “I do believe that apathy and ignorance does not make a fair vote. Yes, in a democratic process we do accept that, but on this particular occasion, staff have been trying to ask questions to seek clarity around this particular agreement and none was given. There was no pathway for that clarity to be provided to staff who wanted to understand it. And in terms of the procedure of the vote, it was rushed, it was a very, very short timeline and there was no mechanism for staff to go back and say, before we vote, we would like to seek clarity on this point, this point, and this point.”

The principal added that his school’s sub-branch representative had put a series of questions on the agreement to union officials, but “at every turn, he was actually shut down and was not given clarity.” He added, “from my understanding, and it wasn’t just my school, but I’ve heard it anecdotally from other principals, that AEU sub-branch presidents were not necessarily given answers to questions when they asked them.”

In a revealing exchange, Fair Work Commissioner Alana Matheson invited the AEU to respond to this testimony. Justin Mullaly again declined to speak, deferring to the union’s lawyer who sat alongside him. The lawyer said that “communications between AEU representatives and others is not a factor that’s relevant” under the Fair Work Act, adding that the principal’s points were “simply irrelevant to your consideration.”

In the July 18 ruling, Commissioner Matheson rejected all of the objections raised against the agreement. She found that under the relevant provisions of the Fair Work Act, the general ballot that produced a majority “yes” result was legitimate.

The ruling also dismissed any concern over the agreement in terms of the Fair Work Act’s “better off overall test.” Under this so-called test, the new agreement had to feature wages and conditions that are better than those outlined in the 2016 Victorian Government Schools Award. The fact that the AEU’s agreement involved a substantial real wage cut—that teachers and school workers will be substantially *worse* and not better off—was dismissed within the ruling, without substantive explanation.

On the teacher’s testimony of workload and overtime, the

commissioner wrote: “While I am sympathetic to the challenges that may be facing the sector, these concerns are not relevant to the specific considerations that I need to take into account under the Act.”

The Fair Work Commission’s rubber stamping of the AEU-Labor agreement despite teacher and principal objections was entirely predictable. The Fair Work Act, enacted by the previous Labor government with the support of the trade unions, established an extraordinarily anti-democratic and anti-working class industrial relations regime. The entire framework is designed to facilitate the joint work of governments, corporations and unions in suppressing the class struggle, isolating different sections of workers from one another, and imposing job cuts, productivity speedups, and real wage cuts as required.

In seeking to defend their interests, teachers and school workers need to draw the necessary lessons from the experience they have passed through. Within the straitjacket of the AEU not a single step forward can be taken; independent rank and file committees must be developed in every school and community to develop the widest discussion on the development of a unified industrial and political struggle for a properly funded, universally accessible public education system, within which educators receive decent wages and conditions. This perspective is advanced by the Committee For Public Education and we encourage teachers and school workers to contact us and become involved.

Contact the Committee for Public Education:

**Email:** [cfpe.aus@gmail.com](mailto:cfpe.aus@gmail.com)

**Facebook:** [facebook.com/groups/opposeaeusellout/](https://facebook.com/groups/opposeaeusellout/)

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