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**CONSTRUCTION, FORESTRY, MARITIME MINING AND ENERGY UNION  
(MANUFACTURING DIVISION) (CFMMEU)**

**and**

**BORCOR CABINETS PTY LTD (BorCor)**

**RE: JOBKEEPER ENABLING DIRECTIONS**

**24 APRIL, 2020**

**007-2020**

**STATEMENT**

[1] The CFMMEU notified a dispute on 23 April 2020 advising that due to the circumstances arising from coronavirus (COVID-19), full-time permanent employees were proposed by BorCor to become permanent part-time employees.

[2] The applicable Enterprise agreement is the *BorCor Cabinets Pty Ltd and CFMEU – Manufacturing Division Enterprise Agreement 2019-2020*.

[3] The Panel convened a Conference by Video of the parties on 24 April 2020. The Chairman thanked the parties for their participation at short notice.

[4] The Panel had been provided with a draft ‘contract’ that had been prepared by BorCor.

[5] BorCor confirmed that it met the qualifying requirements for JobKeeper and that the requisite JobKeeper employee nomination notices had been given.

[5] It was clear that BorCor’s intention was only to exercise the enabling directions pursuant to the JobKeeper scheme pursuant to the Fair Work Act. It should be noted that it was apparent to the Panel that BorCor was not intending to do anything other than that which it was entitled to do under the recently amended legislation. Unfortunately, the draft ‘contract’ that it had prepared went well beyond what was legally possible under these arrangements. The draft purported to create a new contract of employment changing the nature of the engagement from full-time to part-time, amongst other things. The Chairman made a number of recommendations as to how a Notice to employees could be drafted by BorCor to ensure compliance with the Act and the Enterprise Agreement. This would enable the reduction in working hours and days, as BorCor was seeking under the circumstances.

[6] The Chairman also explained that all matters of the Enterprise Agreement remain on foot, including all forms of leave, allowances, penalties, Cbus payments, Incolink payments etc.

[6] The parties accepted the advice of the Chairman and it was agreed that BorCor would immediately draft a Notice for employees in accordance with the Chairman’s recommendations for review by the CFMMEU.

[7] Given the approach adopted in the Conference by the parties, it is anticipated that agreement will be reached on the form of the Notice and the requisite arrangements that will follow. The Chairman remains available to assist the parties as is necessary.

[8] On this basis the Panel adjourns the matter and requires that the CFMMEU notify the Panel no later than 5.00pm Wednesday 29 April 2020 as to the resolution or otherwise of the matter.



**Peter Parkinson**  
**Chairman**



**Tony Cordier**  
**Panel Member**