



Chairman: Peter Parkinson
UNIT 1, 233 CARDIGAN STREET
CARLTON SOUTH VIC 3053
A.C.N. 110 263 182
TEL: 03 9348 2613 FAX: 03 9348 2714
dboard@vbidb.org.au
www.vbidb.org.au

CONSTRUCTION, FORESTRY, MINING AND ELECTRICITY UNION
(CFMEU)

and

ABSEAL PTY LTD (Abseal)

RE: ALLEGED NON PAYMENT OF WAGES, ACCRUED RDO'S, ANNUAL LEAVE AND ANNUAL LEAVE LOADING

24 May 2017

012-2017

STATEMENT

[1] The CFMEU notified a Dispute on 1 May 2017 concerning an alleged non-payment of wages, accrued RDO's, Annual Leave and Annual Leave Loading by Abseal.

[2] The Panel convened a Conference of the parties on 24 May 2017. Due to the non-attendance by Abseal, the Chairperson contacted Mr Kostal of Abseal, resulting from which the Conference proceeded by telephone.

[3] The matter concerned the underpayment to an employee. It was established that Abseal agreed that monies were owed in relation to RDO's, annual leave and annual leave loading. Abseal agreed to forward an email to the CFMEU on 24 May 2017 confirming the amounts owing for these items for review by the CFMEU.

[4] A further matter concerned allegations of non-payments for some 7 separate days over the period of the same employee's service. Abseal and the CFMEU agreed to confer further with each other on 24 May 2017 in an endeavour to resolve this matter.

2. Payment, on a without prejudice basis, of a further three (3) full days pay and applicable allowances, in recognition of the various days that had previously been unpaid.

[4] The CFMEU will provide Abseal with the current bank account details of the employee on 20 September 2017.

[5] Abseal will provide the CFMEU and the Chairperson with evidence of the payments having been made as outlined in paragraph [3] no later than 5.00pm on 27 September 2017.

[6] On this basis, subject to compliance with the settlement terms, this dispute is settled.

A handwritten signature in black ink, appearing to read 'Peter Parkinson', written in a cursive style.

Peter Parkinson
Chairman



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and

ABSEAL PTY LTD (Abseal)

RE: ALLEGED NON PAYMENT OF WAGES, ACCRUED RDO'S, ANNUAL
LEAVE AND ANNUAL LEAVE LOADING

2 June 2017

012-2017

STATEMENT No. 2

[1] Further to the Statement issued by the Panel on 24 May 2017, at the request of the CFMEU, a further Conference of the parties was held with the Panel on 2 June 2017.

[2] The parties confirmed that agreement had been reached as to the quantum of monies that were owed by Abseal to the employee in relation to RDO's, annual leave and annual leave loading.

[3] The parties however had been unable to reach a settlement in relation to alleged non-payment by Abseal of some 7 separate days over the period of the employee's service.

[4] The CFMEU presented payslips and emails which it submitted supported the allegations of non-payment. Some of the material was not entirely clear in respect to all alleged days.

[5] During the Conference, Abseal proposed that it was prepared to settle the matter on a without prejudice basis by the payment of the monies owed arising from paragraph [2] and a further 3 full days pay and applicable allowances.

[6] The CFMEU agreed to consider this proposal and to advise its position. In the event this did not settle the matter the CFMEU undertook to provide its material as referenced in paragraph [4] to Abseal to review and consider its response.

[7] The Panel encourages the parties to settle the matter and to advise the Panel by 5.00pm on Friday 9 June 2017 if the matter is resolved, or in absence of resolution, either party may seek a relisting before the Panel.



Peter Parkinson
Chairman



Tony Cordier
Panel Member



Daniel Hodges
Panel Member



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ABSEAL PTY LTD (Abseal)

RE: ALLEGED NON PAYMENT OF WAGES, ACCRUED RDO'S, ANNUAL
LEAVE AND ANNUAL LEAVE LOADING

20 SEPTEMBER 2017

012-2017

SETTLEMENT

[1] The Panel issued Statements on 24 May and 2 June 2017 in relation to a dispute notified by the CFMEU concerning an alleged non-payment of wages, RDO's, Annual leave and Annual leave loading by Abseal in relation to a previous employee. This Settlement is to be read in conjunction with those Statements.

[2] Further to the Panel's recommendations contained in the earlier Statements, the parties were unable to resolve the matter. A further Conference was held with the Chairman on 20 September 2017, with Abseal represented by Mr Michael Kostal via telephone.

[3] During the Conference the parties agreed with the recommendation of the Chairperson that the parties settle the matter on the following terms:

Full Payment by Abseal to the employee within seven (7) days of:

1. The previously agreed quantum of monies that were owed by Abseal to the employee in relation RDO's, annual leave and annual leave loading; and

2. Payment, on a without prejudice basis, of a further three (3) full days pay and applicable allowances, in recognition of the various days that had previously been unpaid.

[4] The CFMEU will provide Abseal with the current bank account details of the employee on 20 September 2017.

[5] Abseal will provide the CFMEU and the Chairperson with evidence of the payments having been made as outlined in paragraph [3] no later than 5.00pm on 27 September 2017.

[6] On this basis, subject to compliance with the settlement terms, this dispute is settled.

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Peter Parkinson
Chairman