



Chairman: Peter Parkinson
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CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION (CFMEU)

and

DOWNER EDI ENGINEERING POWER PTY LTD
(DOWNER)

ORBOST GAS PLANT UPGRADE

RE: ALLEGED INCORRECT PAYMENT OF PERSONAL LEAVE ON TERMINATION

28 NOVEMBER 2019

025-2019

STATEMENT

[1] The CFMEU notified a dispute on 20 November 2019 alleging incorrect payment of personal leave on termination of a member who was employed under the *Downer EDI Engineering Power Pty Ltd/AMWU/AWU/CFMEU Metal Engineering On-Site Construction Agreement 2017-2020*.

[2] The Panel scheduled a Conference of the parties on 28 November 2019.

[3] The parties acknowledged that the Panel has jurisdiction to deal with the dispute.

[4] The CFMEU had set out its position in the letter accompanying its notification.

[5] Following discussion before the Panel, the parties agreed to reflect upon the observations made and the parties agreed to confer further in an endeavour to resolve the dispute. In particular the Chairperson recommended clarification be obtained as to the relevant entitlements arising from the employee's employment with Downer immediately prior to his transfer to the Orbost Gas Project. It was agreed that a further Conference and Hearing, if necessary, would be scheduled for **Thursday 5 December 2019 at 8.00am at the Panel's premises**. Should the matter proceed to Hearing, the parties will be required to present oral submissions and provide any relevant evidence to support their contentions at the Hearing.

[6] The CFMEU is to advise the Panel prior to the above scheduled Conference if a resolution is reached.



Peter Parkinson
Chairman



Daniel Hodges
Panel Member



Tony Cordier
Panel Member



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DOWNER EDI ENGINEERING POWER PTY LTD
(DOWNER)

ORBOST GAS PLANT UPGRADE

RE: ALLEGED INCORRECT PAYMENT OF PERSONAL LEAVE ON TERMINATION

6 DECEMBER 2019

025-2019

STATEMENT NO. 2

[1] The CFMEU notified a dispute on 20 November 2019 alleging incorrect payment of personal leave on termination of a member who was employed under the *Downer EDI Engineering Power Pty Ltd/AMWU/AWU/CFMEU Metal Engineering On-Site Construction Agreement 2017-2020*.

[2] The Panel convened a Conference of the parties on 28 November 2019 and issued a Statement which is to be read in conjunction with this Statement.

[3] The Panel convened a further Conference of the parties on 5 December 2019.

[4] The Panel assisted the parties to consider a basis for resolution of the dispute which led to an agreement being reached between the parties. Downer undertook to effect the terms expeditiously.

[5] Accordingly, the Panel will close the file on this matter.



Peter Parkinson
Chairman



Daniel Hodges
Panel Member



Tony Cordier
Panel Member