



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

**and**

**MPA CONSTRUCTION PTY LTD (MPA)**

**RE: ALLEGED NON PAYMENT OF ANNUAL LEAVE AND OTHER ACCRUED ENTITLEMENTS UPON TERMINATION OF EMPLOYMENT AND INCORRECT PAYMENT OF SUPERANNUATION**

**7 MAY 2019**

**005-2019**

**DECISION**

[1] The CFMEU notified a dispute on 28 March 2019 concerning the alleged non payment of annual leave and other accrued entitlements upon termination and incorrect payment of superannuation by the Employer pursuant to the Enterprise Agreement [*MPA Construction Pty Ltd and the CFMEU (Victorian Construction and General Division) Enterprise Agreement 2016-2018*].

[2] The Panel issued a Statement on 17 April which is to be read in conjunction with this Decision.

[3] MPA has failed to respond to the Statement or to the evidence submitted by the CFMEU in this matter. MPA has had every opportunity to do so.

[4] Based upon the evidence before the Panel, we find that MPA has not complied with the applicable Enterprise Agreement by failing to provide to Mr. C Talidis payment of accrued annual leave, leave loading and a day's pay, totalling the amount of \$4,731.01 gross and that it has failed to pay superannuation contributions to CBus for the months of August through to December 2018 inclusive.

[5] MPA is directed to effect such payments no later than 5.00pm on Friday 10 May 2019.



*Peter Parkinson*  
*Chairman*



*Tony Cordier*  
*Panel Member*



*Daniel Hodges*  
*Panel Member*