



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 ENERGY UNION
(CFMEU)

and

ISOAQUA PTY LTD
(ISOAQUA)

PROJECT - 22 HOPKINS STREET FOOTSCRAY

RE: ALLEGED BREACHES OF THE ENTERPRISE AGREEMENT

16 DECEMBER 2019

029-2019

STATEMENT

[1] The CFMEU notified a dispute on 5 December 2019 alleging various breaches of the Enterprise Agreement pursuant to the *Isoaqua Pty Ltd and the CFMEU (Victorian Construction and General Division) Enterprise Agreement 2016-2018*.

[2] The CFMEU's notification also included the Principal, Cenvic Construction Pty Ltd (Cenvic), to whom Iso Aqua is subcontracted. Cenvic has an Enterprise Agreement *Australia Cenvic Construction Pty Ltd and the CFMEU (Victorian Construction and general Division) Enterprise Agreement 2016-2018*.

[3] The Panel held a Conference of the parties on 16 December 2019. The CFMEU shop steward attended the Conference by telephone. In addition to management representatives, both Cenvic and Iso Aqua were each represented by solicitors, to whom the CFMEU did not object to their participation in the proceedings.

[4] According to the information provided to the Panel, Iso Aqua has held a contract with Cenvic since September 2017. In recent times the CFMEU has raised concerns as to the compliance by Iso Aqua with its Enterprise Agreement in relation to alleged sham contracting and payments to Incolink, CBus and Coinvest. There has been prior undertakings made by Iso Aqua to Cenvic. Iso Aqua has not been allowed to perform work by Cenvic since 3 December 2019. Its employees have been attending site available for work.

[5] According to Iso Aqua it provided relevant information by email to Cenvic on 3 December 2019 which seems not to have been discussed. It also seems there is some question as to the number of employees involved. Iso Aqua stated that for the last 4 months it has only engaged employees on site. It is not clear as to the status of workers and their entitlements prior to this time.

[6] The Chairman recommended and the parties accepted that Iso Aqua and Cenvic would meet as a matter of urgency for the purpose of Iso Aqua demonstrating by appropriate evidence that it has been compliant with the Enterprise Agreement in all respects since its commencement on site. It was agreed that the meeting would be held on the afternoon of 16 December 2019.

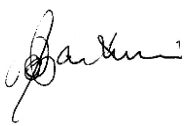
[7] Iso Aqua sought to raise commercial matters to which the Panel advised it would need to resolve directly with Cenvic through its contract, as these were not matters within the jurisdiction of the Panel.

[8] The CFMEU alleged there had also been threatening and intimidating behaviour by management of Iso Aqua to employees. The Panel was also advised of an Apprehended Violence Order (AVO) that had been issued against a manager in relation to an incident that occurred on 10 December 2019 which was listed for Directions in the Magistrates Court on 19 December 2019.

[9] In response to what the Chairman explained was the behaviour the Panel expected of management on building sites, Iso Aqua acknowledged that steps had been taken some time ago in relation to concerns raised and re-affirmed that Iso Aqua understood how it should conduct themselves and explained that different management was in place on site.

[10] The Panel expects and requires that proper behaviour will be conducted by management and its representatives and all parties.

[11] The Panel adjourned the Dispute pending further advice as to the status of the matters having regard to the meeting now to be conducted between Iso Aqua and Cenvic. In this regard the CFMEU is required to inform the Panel no later **than 5.00pm Thursday 19 December 2019**. Should the matters remain unresolved the Panel is available to assist the parties either by way of further Conference or Hearing for final Determination.



Peter Parkinson
Chairman



Sheena Hoey
Alternate Panel Member



Tony Cordier
Panel Member