



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

**and**

**HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LTD (HAYS)**

**RE: ALLEGED UNDERPAYMENT OF WORKERS COMPENSATION AND  
WORK ENTITLEMENTS**

**15 August 2018**

**011-2018**

**STATEMENT No.2**

[1] The CFMEU notified a dispute on 18 June 2018 concerning the alleged underpayment of workers compensation and other entitlements by Hays in accordance with the Enterprise Agreement, *Hays Specialist Recruitment (Australia) Pty Ltd and the CFMEU (Victorian Construction and General Division) Labour Hire Industry Agreement 2016-2018*.

[2] The Panel conducted a Conference of the parties and issued a Statement on 27 June 2018. This Statement is to be read in conjunction with the previous Statement.

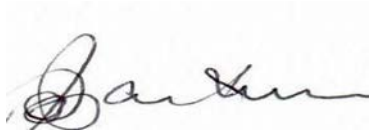
[3] A further Conference was held on 15 August 2018. Hays participated by telephone.

[4] The parties reported that progress had been made in relation to a number of the matters. Arising from the further material provided by Hays to the CFMEU it appeared as if the correct wages, allowances and superannuation had been paid to the relevant employees by Hays. The CFMEU was undertaking some final checks to confirm same.

[5] In relation to the issue of non-compliance with pay slip requirements, in so far as correctly reflecting the hours worked for employees who may perform alternative and/or light duties on other sites, Hays advised that its payroll system could not be made compliant until the end of September 2018. The Chairman recommended that in the meantime Hays makes arrangements to issue a separate explanatory confirmation to any affected employees to provide the necessary clarity as to the hours worked and paid. Hays undertook to establish if this interim arrangement could be made pending the system change by end of September. The Panel requests prompt advice as to Hays capacity to comply with this recommendation.

[6] It became apparent in this discussion that Hays, as a matter of course, issues two (2) separate payslips each week to each employee covered by the applicable Enterprise Agreement, one of which appears to be compliant with the requirements of the Enterprise Agreement known as the “CFMEU EBA payslip” and another which only reflects hours of work, which Hays says can be ignored. The Panel observes that given this arrangement there is little wonder that confusion prevails in relation to payslips received by Hays employees, particularly those that are subject to Workers Compensation arrangements. In this regard the Panel recommends Hays to only issue one compliant payslip to each employee. This will go some way to avoiding the confusion and issues that have arisen. The Panel considers that an employer the size of Hays should be in a position to resolve this promptly and to provide certainty as to payslip information. The Panel seeks prompt confirmation from Hays as to its acceptance of this recommendation.

[7] The Panel seeks a written response from Hays in relation to the above recommendations no later than 5.00pm Wednesday 22 August 2018. Subject to a satisfactory response and subject to the CFMEU confirming by the same date that the wages, allowances and superannuation entitlements paid for the relevant employees are correct, this file will be closed.



**Peter Parkinson**  
**Chairman**



**Daniel Hodges**  
**Panel Member**



**Noel Washington**  
**Alternate Panel Member**



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**CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION (CFMEU)**

**and**

**HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LTD (HAYS)**

**RE: ALLEGED UNDERPAYMENT OF WORKERS COMPENSATION AND  
WORK ENTITLEMENTS**

**27 JUNE 2018**

**011-2018**

**STATEMENT**

[1] The CFMEU notified a dispute on 18 June 2018 concerning the alleged underpayment of workers compensation and other work entitlements by Hays in accordance with the Enterprise Agreement, *Hays Specialist Recruitment (Australia) Pty ltd and the CFMEU (Victorian Construction and General Division) Labour Hire Industry Agreement 2016-2018*.

[2] The Panel conducted a Conference of the parties on 27 June 2018.

[3] The Panel noted the correspondence received from Hays dated 25 June 2018 and had determined to proceed with the Conference in order for the parties to focus on the alleged issues in dispute, on a without prejudice basis.


[4] It was apparent that the parties were not particularly clear on precisely what was at issue given the relatively unusual circumstances of the two cases in question.

Essentially this affects two employees of Hays who are in receipt of workers compensation payments arising from work performed whilst employed by Hays on a building site pursuant to the Enterprise Agreement referenced above, wherein they have subsequently performed light duties in employment outside the building industry. There is no dispute about this aspect.

[5] The following identifies in short measure the issues the parties have agreed before the Panel to address and action :

1. Both parties will seek further advice as to the correct payments required to be made to an employee in these circumstances where the employee performs light duties for the employer at a site which is not within the scope of the applicable Enterprise Agreement. This will require clarity and detail on the payments being made by both the insurer and the employer..
2. Hays will provide the CFMEU and the Panel with relevant contemporary pay details for the two employees that identifies their entitlements for the work performed. Hays has already acknowledged it is working to bring about compliance with pay slip provision for such work and will advise the Panel of expected date of implementation.
3. Hays will review the Superannuation payments that have been made on behalf of the employees and provide relevant evidence as to compliance, or otherwise, with the required payments to be made pursuant to the applicable Enterprise Agreement.
4. The parties will seek further advice as to the correct application of allowances and other terms arising from the applicable Enterprise Agreement post the initial 52 week of make-up pay provided in these circumstances.
5. The parties will directly engage with each other in relation to the foregoing with a view to settling any differences promptly.

[6] A further Conference of the parties with the Panel will be held on Tuesday 17 July 2018 at 10.00am. at the Panel's premises. Hays will join the Conference by telephone.



**Peter Parkinson**  
**Chairman**



**Daniel Hodges**  
**Panel Member**



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