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**COMMUNICATIONS, ELECTRICAL, ELECTRONIC,
ENERGY, INFORMATION,
POSTAL AND PLUMBING AND ALLIED SERVICES UNION OF AUSTRALIA
(PLUMBING & PIPE TRADES EMPLOYEES UNION) (PPTEU)**

and

CHADOAK PTY LTD

**RE: ROLE AND FUNCTIONS OF WORKPLACE HEALTH AND SAFETY
REPRESENTATIVE**

22 JUNE 2018

012-2018

STATEMENT

[1] The Masters Plumbers and Mechanical Services Association of Australia (MPA), on behalf of Chadoak Pty Ltd (the Employer), notified a dispute on 19 June 2018 concerning various matters associated with the role and functions of an employee who had been elected as an Workplace Health and Safety Representative (HSR) pursuant to the Victorian Occupational Health and Safety Act 2004 and relevant Enterprise Agreement [*Chadoak Pty Ltd and CEPU Plumbing Division Victorian Branch Enterprise Agreement 2015-2019*].

[2] The Panel convened a Conference of the parties on 22 June 2018 at which the Employer was represented by the MPA.

[3] Various matters were raised during the course of the Conference pertaining to the role and functions of the employee when acting in the capacity of HSR. This included the fact that whilst employed directly by Chadoak Pty Ltd , he had been elected as the HSR for a designated work group comprising multiple employers, being the workforces of Chadoak, Entire Services, Hamilton and Premier Roofing for all works undertaken by them across the High Capacity Metro Trains Project.

[4] The Project is complex and covers a significant geographic area and has multiple workfaces. The Panel appreciates that significant responsibilities arise to the HSR in these circumstances in order to undertake legitimate and genuine HSR functions for such a Project.

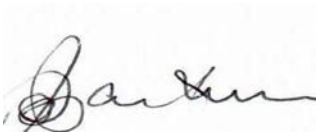
[5] When not engaged in HSR duties and responsibilities the employee is *“required to perform productive work within his/her range of qualifications and competencies.”* (sub-clause 12.4 of the Enterprise Agreement).

[6] Various meetings have occurred with the PPTEU, the Employer and the employee to address concerns raised by the Employer as to the performance of HSR duties as well as the capacity of the Employer to recoup relevant contributions from the other employers identified in [3]. These meetings have failed to resolve its concerns. In particular reference was made to a set of alleged understandings set out in an email dated 14 June 2018 to which the PPTEU had responded with a singular response : *“NO”*. Hence why the Dispute was notified.

[7] Based upon the information before it, the Panel considers that in the first instance some simple and reasonable arrangements need to be instituted and followed by the employee to ensure that a fair and reasonable approach is adopted by all parties to this important role of HSR where 4 different employers are involved. Accordingly the Panel has recommended the following procedures be put into immediate effect, all of which the parties have accepted:

1. The employee will provide a brief summary each day of his HSR activities for the day via the Employer's "*Chadtime*" app which is accessible via the employee's mobile phone. Sufficient information will be recorded by the employee in the app such that the Employer can easily discern the activities that the employee has been engaged in for his role as HSR for that day and which will enable the time spent for each activity to be fairly allocated by Chadoak across the four employers involved. Start and finish times of the various activities are to be recorded accordingly.
2. The employee will keep the Employer apprised of his movements on a regular basis and inform the Employer's representative on site should it be necessary for him to attend to HSR duties wherever practicable. In this regard the Employer should reasonably know the whereabouts of its employee and that legitimate and genuine HSR functions are being attended to. The Panel sees this as a simple matter for the employee to inform the employer's site representative in brief terms either directly or by way of email or text if he is required to attend to such functions.
3. In circumstances where there are no legitimate and genuine HSR requirements to be exercised by the employee, the employee will perform any work as directed by the Employer within his range of qualifications and competence. The Employer will adopt a commonsense approach when allocating such work.
4. In order to implement the actions in 1-3 above, the PPTEU, the Employee and the employer will meet, as arranged on Tuesday 26 June 2018 to ensure these actions are effected.
5. The parties will meet again a week later, on 3 July 2018 to review the success or otherwise of these processes.

[7] The Panel and/or Chairman is available to assist the parties further should this be necessary either by way of further Conference or attendance on site. The Panel however encourages the parties to resolve this matter between themselves in a commonsense and cooperative manner, without in any way compromising their commitment to positive Health and Safety outcomes.



Peter Parkinson
Chairman



Daniel Hodges
Panel Member



Tony Cordier
Panel Member