



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

INNOVATIVE WINDOW SOLUTIONS PTY LTD

RE: ALLEGED UNDERPAYMENT OF EMPLOYEE

2 MARCH 2018

002-2018

STATEMENT

[1] The CFMEU (Forestry & Furnishing Building Products and Manufacturing Division) notified a dispute on 26 February 2018 concerning the alleged under payment of wages and allowances to an employee under the Enterprise Agreement by the Employer [*Innovative Window Solutions Pty Ltd and the CFMEU (Victorian Construction and General Division) Enterprise Agreement 2016-2018 (AG2016/5238)*].

[2] The Panel convened a Conference of the parties on 2 March 2018.

[3] It became apparent to the Panel during the Conference that the Enterprise Agreement referenced above was not the relevant Agreement in this matter, given the functions performed by the employee (principally glazier), rather the *Innovative Window Solutions Pty Ltd and the CFMEU Enterprise Agreement 2015 (AG2015/5138)* applied.


[4] Upon further exploration the parties accepted that the latter Agreement (AG2015/5138) was the applicable Agreement in these circumstances. Another Agreement with a similar scope to the former, also made in 2015 (AG2015/5660) had been the basis of some confusion.

[5] The applicable Agreement to the dispute does not provide a role for the Panel. Accordingly the Panel advised that it did not have jurisdiction under the terms of that Agreement to formally deal with the matter or the capacity to issue any determinations.

[6] The CFMEU indicated that it still believed a shortfall in certain allowances existed together with an issue concerning accrued leave during a period of workers compensation.

[6] The Panel notes that the CFMEU agreed to set out its amended claims in writing to the Employer and that the parties agreed to confer further in relation to both matters.

[7] The Panel encourages the parties to resolve the matters.



Peter Parkinson
Chairman



Daniel Hodges
Panel Member



Tony Cordier
Panel Member