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CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION (CFMEU)

and

GEOTECH PTY LTD (Geotech)

VARIOUS PROJECTS

**RE: ALLEGED NON PAYMENT OF SHIFT LOADING IN RELATION TO
INCLEMENT WEATHER**

003-2020

11 MARCH 2020

STATEMENT

[1] The CFMEU notified a dispute on 28 February 2020 alleging that employees working on night shift are only being paid the rate of double time for the hours of work that they are on site, rather than their whole shift pursuant to the *Geotech Pty Ltd and the CFMEU (Victorian Construction and General Division) Agreement 2016-2018*.

[2] The Panel convened a Conference of the parties on 11 March 2020.

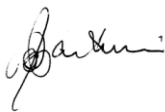
[3] This matter concerns a number of projects where Geotech is performing work on both afternoon and night shifts and not limited to the Melbourne Metro Tunnel Project as notified.

[4] The matter concerns the rate of pay applicable to any entitlement for hours not on site as a result of inclement weather.

[5] Having heard from the parties as to the matters in dispute, it seems to the Panel that the controversy here is limited to the question as to what is the relevant payment for ordinary time. There is no argument as to any component of a shift beyond 8 hours, nor is there any disagreement about the inclement weather entitlement for ordinary time lost through inclement weather for up to 32 hours in every four weeks. The issue is whether ordinary time lost through inclement weather for a shift worker, up to 32 hours, should be paid at double time, as submitted by the CFMEU or single time, as submitted by Geotech.

[6] The matter was not able to be resolved in Conference.

[7] The Panel directed that each party submit a brief summary of its submissions in writing by 5.00pm Wednesday 18 March 2020 and that a final Hearing for final submissions in reply will be held at 1.30pm Tuesday 24 March 2020 before the Panel. Arising from the Hearing, the Panel will adjourn to decide the matter.



Peter Parkinson
Chairman



Esther Gruszka
Alternate Panel Member