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VICTORIAN BUILDING INDUSTRY DISPUTES PANEL

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CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

And

MASBUILD AUST PTY LTD

RE: VARIOUS PROJECT SITES

**RE: ALLEGED CONTINUOUS BREACHES OF PART 3, CLAUSE B “SAFETY IN THE
WORKPLACE” AND APPENDIX E “AMENITIES” OF THE ENTERPRISE
AGREEMENT**

STATEMENT

8 JUNE 2016

008-2016

[1] A notification to the VBIDP was received from the CFMEU on 20 May 2016 alleging “*continuous breaches of Part 3 Clause B “Safety in the Workplace” and Appendix E “Amenities” of the EBA.*”

[2] Following discussions with the parties and the Chairperson it was agreed that a Conference would be held with the Chairperson in the first instance.

[3] A conference was held with the Chairperson on 1 June 2016 with representatives of the CFMEU and Masbuild (the employer).

[4] There was no dispute that the matter had been properly notified and was before the Chairperson pursuant to the relevant provisions of the Enterprise Agreement, *Masbuild Aust Pty Ltd and the CFMEU Building Industry Enterprise Agreement 2011-2015* (the EBA).

[5] The CFMEU tabled Exhibits 1, 2A, 2B, 2C and 3 being CFMEU authored iAuditor reports for the following projects being undertaken by Masbuild:

- 51 Gafney Street Coburg
- 27-29 Victoria Street Footscray
- Lot 1037 Monkton Place Caroline Springs

[6] The Exhibits identified various alleged breaches and or shortcomings in relation to Occupational Health and Safety matters and alleged breaches of the "Amenities" provisions of the EBA. The Exhibits included various photographs of the sites.

[7] The employer acknowledged that Worksafe Inspectors had attended each site and had made improvement recommendations which had been adopted. The employer undertook to provide copies of the Worksafe reports to the Chairperson.

[8] The CFMEU spoke to its areas of concern and proposed various improvements to the employer. The employer undertook to consider these suggestions. The employer noted that he had initiated arrangements with Worksafe to attend a meeting in a few weeks time with him and the Foremen from his various sites to assist in improving OH and S learnings for the company.

[8] The parties agreed to conduct a joint inspection of the project at 51 Gaffney Street Coburg with the Chairperson.

[9] An inspection of 51 Gaffney Street Coburg took place on 8 June 2016 with the employer, CFMEU representatives invited to participate by the employer together with the Chairperson.

[10] The inspection was led by the site Foreman. Various issues were identified where it was suggested improvements were needed and a number of EBA non-compliant issues were also identified.

Some examples included:

- relocating First Aid facilities from within the meal room
- non slip flooring for toilets
- provision of hot water to wash basin
- relocate bin skip to improve access or provide crushed rock for safe access
- bagging of all insulation (SMF)
- scaffolder to check and amend scaffold in light well and other location on 1st floor
- arrange 30 day check on perimeter scaffold
- attend to gap on first floor balcony to enhance fall protection
- strengthen various fall protection railings with significant movement present in some - consider better materials than pine
- lighting in some areas
- housekeeping on level 3 - needs greater presence of labourer and attention by subbies
- little if any knowledge of the EBA on site

[11] The employer agreed to review these matters.

[12] The Chairperson notes the cooperative approach taken by the parties during the inspection and their expressed endeavour to ensure improved safety procedures and awareness.

[13] The Chairperson recommends that the relevant improvements identified be implemented and effective monitoring takes place by the responsible parties and also that copies of the relevant EBA and clear instructions be made available by the employer on all sites to ensure site Foremen are well familiar with and understand the obligations that arise from the EBA.

[14] The Chairperson remains available to assist the parties as is necessary.

A handwritten signature in black ink, appearing to read "Peter Parkinson". The signature is written in a cursive style with a large initial "P".

Peter Parkinson
Chairperson