



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

and

I&D GROUP PTY LTD (I&D)

THE RITZ PROJECT – 250 SPENCER STREET, MELBOURNE

RE: COVID-19 – WORKING HOURS ARRANGEMENTS

29 APRIL, 2020

008-2020

STATEMENT

[1] I&D Group Pty Ltd (I&D) notified a dispute on 24 April 2020 seeking alternative working arrangements to address some specific issues for formwork activity on this particular Project. It confirmed that the parties had been unable to reach agreement and sought the assistance of the Panel.

[2] The notification of dispute, whilst not in the requisite form, was accepted by the Chairman for the purposes of the Panel dealing with the matter, having regard to the current environment concerning COVID-19.

[3] The applicable Enterprise Agreement is the “*I & D Group Pty Ltd and the CFMEU (Victorian Construction and General Division) Enterprise Agreement 2016-2018*”.

[4] The Panel conducted a Conference of the parties on 29 April 2020 by Zoom teleconference.

[5] I&D advised that it was complying with the Industry Guidelines concerning COVID-19. It advised that having regard to the current stage of works on this specific Project, employees were spending a considerable time waiting or travelling in Alimaks to their destination, and that I&D was seeking some relief in working hours arrangements, whilst at the same time observing the COVID-19 Guidelines.

[6] The Chairman sought an explanation as to why the Principal had not relocated amenities closer to the workplace, as per the Guidelines, which others have properly done to assist in providing some relief for this particular matter. I&D explained that it had been understood that there may have been a plan to do so but given the present work program there appeared to be some reason as to why this was not proceeding. The CFMEU indicated that other Principals had been able to manage this but it recognised there were some specific circumstances on this project which may have been a barrier. The Chairman indicated that ordinarily this would be a better solution.

[7] I&D had proposed that a trial of a one (1) break per day on the site, Monday to Friday inclusive, similar to the regular Saturday Hours arrangement, be introduced, with adequate notice, for formworkers only. It proposed that normal working hours of formworkers be effectively 7.00am to 3.00pm with a paid meal break of 30 minutes, Monday to Friday, with the work completing at 2.30pm or thereabouts, to facilitate the taking of breaks by crane crew and others at about that time. This would be inclusive of the credit towards the RDO accrual.


[8] I&D explained that under no circumstances would there be any diminution of employee entitlements through this arrangement, that it would only apply to formworkers on the Ritz Project and that the arrangement would expire upon a clear direction by the authorities to remove the relevant COVID-19 Guidelines concerning hoists and lifts.

[9] The CFMEU indicated that in principle it could accept what was being proposed having regard to the very specific circumstances that applied to I&D on this Project and that it was prepared to consult with its members to determine if there could be an acceptance under these circumstances. The CFMEU indicated that availability of overtime should not be prejudiced as a consequence either. The CFMEU made it clear that should any agreement to alter the current working arrangements, it would not accept that a precedent was established having regard to these unique circumstances and that the arrangement if implemented would require continual monitoring and review to ensure in practice it operated fairly and equitably.

[10] The Chairman and Panel members noted the in principle agreement between the parties and advised that in the event there was a resounding approval by the employees, noting that meetings were proposed to be conducted on 30 April 2020 for this purpose, then the parties should immediately reduce the arrangement to writing, including the requirement to regularly review and monitor, with the arrangement taking effect from Monday 4 May 2020 with the arrangement ending upon removal of the relevantly applicable COVID-19 Guidelines.

[11] The Panel also notes the special circumstances that are associated with the Project and the current nature of the formwork activity which has led to this in principle position, and cautions, that having to these circumstances it accepts that this will and cannot be regarded as a precedent.

[12] The Panel is to be provided with a copy of the agreement should it be reached, and is available to assist the parties should that be necessary during this arrangement, including any application to terminate or amend it.



Peter Parkinson
Chairman



Esther Gruszka
Alternate Panel Member



Tony Cordier
Panel Member