



**VICTORIAN BUILDING INDUSTRY DISPUTES PANEL  
CHAIRPERSON: SIMON WILLIAMS**

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**PTEU- PLUMBING TRADES EMPLOYEE UNION**

**ENTIRE MECHANICAL SERVICES PTY LTD**

**AND**

**BROOKFIELD MULTIPLEX PTY LTD**

**26 August, 2015**

**009-2015**

**DECISION**

On 16 July 2015, the CEPU – Plumbing Division (“the CEPU”) lodged a notification of dispute between it and Entire Mechanical Services Pty Ltd (“Entire”) and Brookfield Multiplex Pty Ltd (“Multiplex”) regarding the failure of Entire to pay employees who did not work when adequate amenities were allegedly not provided on the Collins Square site at Docklands (“the site”).

A conference held on 27 July 2015 did not resolve the dispute and the matter was listed for hearing on 21 August 2015.

It is not contested that the work in question was covered by the *Entire Mechanical Services and CEPU-Plumbing Division (Vic) Enterprise Agreement 2011-2015* [AE895694; PR527238] (“the Agreement”).

On the basis of the material and submissions made at the hearing, the Panel is satisfied that:

- on Monday, 15 July 2015, members of the PTEU arrived at the site at approximately 6.45 a.m. and found that, because of rain occurring on the preceding day, their allotted amenities area had been affected by water;
- the PTEU OH&S representative met with site management representatives of Entire and Multiplex and discussed the extent of the problem;
- the PTEU OH&S representative was advised that there was another amenities area that the members could use;
- the PTEU OH&S representative went on his own to inspect that other amenities area;
- on his return, he advised the site management that the specified area was inadequate;
- the Multiplex site management representative disputed this and himself inspected what he knew to be the available amenities areas;
- he then told the PTEU OH&S representative that there were sufficient tables and chairs in the specified area to accommodate the PTEU members;
- the PTEU members held a meeting and all but a few members left the site at 7.20 a.m.

It appears to the Panel that there was a significant failure of communication between the PTEU OH&S representative and the site management representatives in that the amenities area inspected by the former formed only a part of the available amenities areas. It would have been advisable for such an inspection to have been conducted

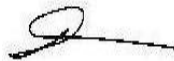
jointly by the union and management. If that had happened, then the PTEU members may not have left the site.

Whilst the decision of the PTEU members to leave the site was made in apparent ignorance of all the facts, that decision, in the opinion of the Panel, was precipitate. The alleged condition of the allotted amenities area did not prevent those members from being able to perform their work. The Panel is also satisfied that the Multiplex site management representative attempted to let the PTEU members know about the extent of the available amenities areas but was, through no fault of his own, unable to do so.

In the circumstances, the Panel is not satisfied that the PTEU members who left the site on that day are entitled to any payment of wages for the period after 7.20 a.m on that day.



**S .J .WILLIAMS**  
**CHAIRMAN**



**DANIEL HODGES**  
**PANEL MEMBER**



**TONY CORDIER**  
**PANEL MEMBER**