



ACN: 110 263 182

VICTORIAN BUILDING INDUSTRY DISPUTES PANEL

CHAIRMAN: PETER PARKINSON

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CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

and

***VAN STOKROM FAMILY TRUST T/AS CRANE TECH CRANES
AND CONSULTING***

***RE: ALLEGED ISSUES WITH COMPLIANCE WITH THE ENTERPRISE
AGREEMENT INCLUDING EMPLOYEE ENTITLEMENTS WHILST ON WORKERS
COMPENSATION***

013-2016

30 August 2016

STATEMENT

[1] A notification to the VBIDP was received from the CFMEU on 5 August 2016 alleging issues with compliance with the Enterprise Agreement including employee entitlements whilst on workers compensation.

[2] A conference was held with the Panel on 30 August 2016 with representatives of the CFMEU, the Employee and Crane Tech (the Employer).

[3] There was no dispute that the matter had been properly notified and was before the Panel pursuant to the relevant provisions of the Enterprise Agreement, *Van Stockroom Family Trust T/A Crane Tech Cranes and Consulting and the CFMEU Mobile Crane Hiring Industry Enterprise Agreement 2011-2015(AG2012/4774)*.

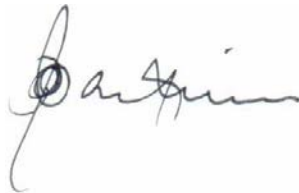
[4] There was no dispute that the parties had reached an earlier settlement in relation to the termination entitlements of the employee.

[5] The settlement had not been effected due to an alleged dispute over the accrued value of annual leave at the time of termination. The Employer acknowledged it had been in error in its administration of annual leave and the Employee had also incorrectly calculated the accrual.

[6] The parties agreed before the Panel as follows:

- a. That the CFMEU would expeditiously review an amended annual leave reconciliation prepared by the Employer as tabled at the Conference.
- b. The CFMEU would confirm or otherwise with the Employer its agreement to the reconciliation. In the event of disagreement the parties would meet in an endeavour to resolve any difference.
- c. Upon agreement between the parties as to the accrued annual leave entitlement, the Employer would effect arrangements as had been agreed with the Employee to recover overpayments that the parties conceded it had been made to CBUS on behalf of the Employee, the Employer would immediately issue a Group Certificate to the Employee and also effect payment to the employee of the agreed accrued annual leave outstanding, together with the agreed outstanding two weeks payment in lieu of termination which had been earlier agreed.

[7] On this basis the Panel regards the notification resolved however either party may seek to reopen the matter within 7 days.



PETER PARKINSON
CHAIRMAN



TONY CORDIER
PANEL MEMBER



DANIEL HODGES
PANEL MEMBER