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CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

AND

ADCO CONSTRUCTIONS (VIC) PTY LTD

***KIDS TIME EARLY LEARNING PROJECT
470 DANDENONG RD, CAULFIELD NORTH***

***RE: NON COMPLIANCE WITH EA - CLAUSE 36 - HOURS OF WORK,
ROSTERED DAYS OFF AND PROTECTION OF LEISURE TIME
SPECIFICALLY IN RELATION TO CLAUSE 36.5.4 DUE TO WORK
PERFORMED ON SCHEDULED RDO - WEDNESDAY 2 NOVEMBER, 2016***

STATEMENT

17 November, 2016

024-2016

[1] The CFMEU notified a dispute on 8 November 2016 concerning the alleged non-compliance by the Employer with the RDO provisions of the Enterprise Agreement in relation to work on 2 November 2016.

[2] The Panel convened a conference on 17 November 2016.

[3] The CFMEU submitted that employees had been required to work on the industry RDO Wednesday 2 November 2016 and that the necessary procedures of the EA had not been followed. The CFMEU acknowledged that it may have affected employees of sub-contractors to ADCO rather than its employees.

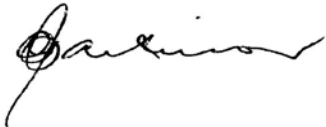
[4] ADCO confirmed that none of its employees had worked on the RDO and that the site had been opened for some subcontractors to work on the RDO as a result of the Project being behind due principally to inclement weather. It was not clear as to whether or not a relevant Enterprise Agreement was applicable.

[5] On this basis the Panel noted that the CFMEU needed to take this matter up with the relevant sub-contractor employer(s).

[5] The CFMEU also made reference to an alleged flat hourly rate payment to some employees of sub-contractors which the Panel encouraged it should take up directly with the relevant employer(s).

[6] ADCO acknowledged that it was good practice as principal, to ensure the notification procedures of the Enterprise Agreement were followed, even though there was no formal obligation to do so if it had no employees working on the site, and it undertook to do so in future.

[7] Accordingly, the Panel closed the matter.

A handwritten signature in black ink, appearing to read 'Peter Parkinson', written in a cursive style.

Peter Parkinson
Chairman