

# **VBIDP**

## **VICTORIAN BUILDING INDUSTRY DISPUTES PANEL**

### **CHAIRMAN: BOB MERRIMAN**

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CAELLI CONSTRUCTIONS  
DOCKLANDS/ROYAL CHILDRENS HOSPITAL

CFMEU

**RE: ALLEGED NON PAYMENT OF WAGES**

Tuesday 7 October 2008

095-2008

### DECISION

This matter relates to the deduction of four (4) hours payment of wages as a consequence of a meeting that occurred at the Docklands and Royal Children Hospital Projects on Tuesday 30<sup>th</sup> September, 2008 when employees ceased work for a period of approximately 50 minutes.

The Panel has been asked to deal with the deduction of wages having regard to the provisions of the Workplace Relations act 1996 and the Building and Construction Industry Improvement Act 2005.

The original serious and lengthy dispute involving Bovis Lend Lease sites and the Blue Glue system became the subject of proceedings in the Federal Court which led to a Deed of Release being issued which incorporated a provision for the conduct of a paid meeting and applied to all contractors and employees on the two (2) sites.

This matter relates to the withholding of pay by one (1) contractor who has not followed the provisions of the Deed and has determined that the conduct of the meeting was industrially motivated and therefore deducted four (4) hours normal wages. The other contractors (approximately 20) have followed the Deed and paid for the meeting.

The Panel's Charter requires it (the Panel) to apply the rules of natural justice and procedural fairness, and compliance with relevant legislation when determining industrial disputes.

The Deed that was developed in the Federal Court proceedings contains many provisions aimed at resolving a long standing dispute and incorporated a paid "Report Back" meeting which was obviously seen to be a vital cog in the finalisation of this matter.

The Panel has given consideration to the Acts (earlier referred to) and concludes that the meeting initiated by the Deed of Release was held in good faith and with the absolute purpose of bringing a lengthy and tortuous matter (involving various jurisdictions) to a conclusion, which in fact has turned out to be the case following the adoption of the details in the Deed by the meetings.

In all the circumstances the Panel can only conclude that the action was not industrially motivated and hence not industrial action in accordance with the Acts and therefore the four (4) hours of normal wages should not be deducted.



*Bob Merriman*  
**BOB MERRIMAN**  
CHAIRMAN

*Peter Knight*  
**PETER KNIGHT**  
PANEL MEMBER

*Bill Davis*  
**BILL DAVIS**  
PANEL MEMBER