

V B I D P

VICTORIAN BUILDING INDUSTRY DISPUTES PANEL

CHAIRMAN: SIMON WILLIAMS

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ASSOCIATED MOBILE CRANES PTY LTD

-and-

CFMEU

RE: VARIOUS ISSUES ARISING UNDER AGREEMENT

RE: DISMISSAL OF SHOP STEWARD

28 July 2011

017-2011 & 018-2011

RECOMMENDATION

[1] On 25 July 2011, the Construction Forestry Mining and Energy Union (“the CFMEU”) notified a dispute between it and Associated Mobile Cranes Pty Ltd (“the employer”) concerning the use of casual labour, pay rates, clothing and RDOs. The CFMEU requested that the matter [017-2011] be dealt with by a conference. The matter was listed for conference at 11.30 a.m. on 27 July 2011.

[2] On 25 July 2011, the CFMEU notified a dispute between it and the employer concerning the “instant dismissal of a newly appointed shop steward”. The CFMEU requested an urgent hearing of the dispute by the Panel. The matter [018-2011] was listed for hearing before the Panel at 11.00 a.m. on 27 July 2011.

[3] The CFMEU and the employer are parties bound by the provisions of the *Associated Mobile Cranes Pty Ltd and the CFMEU Mobile Crane Hiring Industry Enterprise Agreement 2008-2011* (“the Agreement”). [AE878941; PR999048]

[4] When matter 018-2011 came on for hearing, the CFMEU outlined, amongst other things, what it contended was the background leading up to the dismissal of the shop steward. This led to both matters being dealt with simultaneously by the Panel in conference.

[5] As both matters were dealt with in conference, it is not appropriate that contentions made by either party during the course of the conference be revealed. It is sufficient to record that neither of the matters before the Panel was resolved at the conference. The CFMEU then indicated that it would proceed with action under the *Fair Work Act 2009* both in relation to the dismissal of the shop steward and in relation to alleged non-compliance with various provisions of the Agreement.

[6] There is, therefore, no further action that can be taken by the Panel in these matters other than to recommend strongly to the employer that it meet with the CFMEU and discuss the claims made by the CFMEU in relation to alleged non-compliance with the Agreement. In the Panel’s view, it is not in the interest of either the employer or its employees for these matters to be litigated when the opportunity exists for any outstanding issues to be resolved by discussion between the employer and the CFMEU. Should such discussions take place, the Panel is prepared for one of its members to be made available to assist.



SIMON WILLIAMS
CHAIRMAN

PETER KNIGHT
PANEL MEMBER

BILL DAVIS
PANEL MEMBER

DATE: 28 JULY 2011