

VBIDP

VICTORIAN BUILDING INDUSTRY DISPUTES PANEL

CHAIRMAN: BOB MERRIMAN

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**ABIGROUP
and
B & W UNITED
HOSPITAL PROJECT
WILSON STREET, MORNINGTON**

- and -

CFMEU

RE: WAGES / WAITING TIME

035-2007

TUESDAY, 15 MAY 2007

DECISION

This matter relates to a claim by the Union that a plastering sub-contractor on the project had failed to pay his workers for the previous two weeks which had led to approximately 20 employees remaining on site for a period of five days awaiting payment of their entitlements.

To overcome this unacceptable situation we are advised that the Client, Peninsula Health, agreed to pay these outstanding amounts.

Given this commitment the workers agreed to complete their work.

Unfortunately, for reasons unknown to the Panel the commitment has not been honoured by the head contractor (Peninsula Health). This arrangement did not involve the builder.

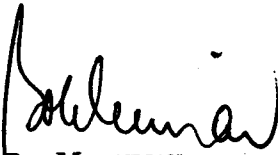
As a consequence of a conference held on 19 April, 2007, the Panel adjourned the matter to enable the respective parties to further discuss the issue.

This matter continues to remain unresolved as at today's date and the Panel notes that the employees have honoured their commitment.

The Panel has now been advised that some of the employees are to be retrenched during the week ending 18 May 2007 and therefore a conclusion to the matter needs to occur given that the outstanding payments are well overdue.

In considering all aspects of this matter and particularly noting the potential award entitlements and the potential cost, the Panel now determines that it should apply the principle of fairness and equity as an immediate resolution to this dispute.

The employees concerned (approximately 20) should now be paid the two weeks wages outstanding together with payment for the five days that they were ready and available to work if their two weeks overdue wages had been paid. This amount of five days may well be much less than what otherwise could be payable, however, the payment of five days adheres to the original offer to the workers.


BOB MERRIMAN
CHAIRMAN


BILL DAVIS


PETER KNIGHT

DATED THIS

15

DAY OF

May

2007