

VBIDP

VICTORIAN BUILDING INDUSTRY DISPUTES PANEL

CHAIRMAN: SIMON WILLIAMS

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GROCON OPERATIONS PTY LTD

(ARMY BASE)

160-200 CAMP ROAD, BROADMEADOWS

-and-

CFMEU

15 SEPTEMBER 2010

RE: DISPUTE SETTLEMENT AND EMPLOYEE REPRESENTATIVE

038-2010

STATEMENT AND RECOMMENDATION

[1] This statement and recommendation arise out of a notification of dispute lodged on 2 September 2010 by the Construction, Forestry, Mining and Energy Union (“the CFMEU”) concerning an alleged dispute between the CFMEU and Grocon Operations Pty Ltd (“the employer”) over the application of Clause 14 the *Grocon Victoria Workplace Agreement 2008-2011* (“the Agreement”).

[2] The matter was listed before the Panel on 8 September 2010. After hearing the parties and being advised that they would meet on 13 September 2010 to have discussions, the hearing was adjourned until 15 September 2010.

[3] At the conclusion of the hearing on 15 September 2010, the Panel made the following statement and recommendation:

The parties have reported to the Panel today that discussions took place last Monday between them and that a number of alternatives were canvassed in respect to the termination of Mr Evans' employment. They have further reported that no agreement was reached.


As stated on the last occasion, the dispute as notified to the Panel is not about the termination itself but rather the implementation of Clause 14.1.2(c) of the relevant agreement.


The employer does not admit any obligation to keep Mr Evans in employment until the completion of the dispute resolution process. The employer has, however, offered, without admission of any obligation to do so, to effectively treat Mr Evans as having been employed by it for all purposes until today. That offer is expressed as being open for 48 hours.


The CFMEU seeks a recommendation from the Panel that the employer continue to keep Mr Evans in employment on leave without pay pending the availability of work.

The Panel, in the circumstances, recommends:

- 1. that the CFMEU seriously consider the employer's offer which the Panel takes to remain open until close of business on Friday, 17 September 2010, and*
- 2. that the employer give consideration to re-employment of Mr Evans should, in the future, the relevant sector of the employer's operations requires additional employees.*


Simon Williams
Chairman


Peter Knight
Member


Bill Davis
Member

DATE: 15 SEPTEMBER 2010