

VBIDP

VICTORIAN BUILDING INDUSTRY DISPUTES PANEL CHAIRMAN: BOB MERRIMAN

26 QUEENSBERRY STREET,
CARLTON SOUTH VIC 3053
TEL: 03 9639 1322 FAX: 03 9639 2490
dboard@vbidb.org.au

SCHIAVELLO (VIC) PTY LTD CENTRAL PIER HARBOUR ESPLANADE, DOCKLANDS

- and -

CFMEU

RE: WORK ON SCHEDULED RDO

TUESDAY, 22 MAY 2007

052-2007

DECISION

This matter relates to a notification by the MBAV on behalf of their member company (Schiavello) relating to an application to work on the next RDO 21 May which was being disputed by the Union (reference clause 34.5.4 of EBA).

Management stated that the requirements of the clause had been met following fax notification to the Union, verbal discussions and additional correspondence. They (Management) further stated that all their attempts to reach an agreement to work on the day had been frustrated by the Union and in these circumstances they were seeking a determination in support of their desire to work as advised.

The Union on the other hand submitted that the initial application "fell short" of the requirements of clause 34.5.4(b) particularly with regard to specific details.


The Union contends that there had been no attempt to frustrate the proposal to work on the RDO and that their non acceptance of the proposal was based purely on the failure by the Company to meet the requirements of the clause and clause 10 – Disputes Resolution Procedure.

The Chairman adjourned the matter in order for the disputes procedure to be exhausted and was subsequently advised (approximately 2 hours later) that the employer's notification before the Panel had been withdrawn.

Having heard the views of the respective parties, the Panel makes the following observation:-

The Panel forms the view that a major factor in the breakdown of this process was the failure by Management to elaborate on the detail required by clause 34.5.4 - RDO Schedule and that this led to the subsequent breakdown in the consultation process. The Panel is also concerned as to the ready availability of the appropriate union officials which became a real issue. This in turn has led to a failure of the parties to achieve a satisfactory outcome in this matter.

The Panel strongly recommends that the parties review their respective positions with regard to this matter of detail and intent in order that a more positive outcome can be achieved with regard to matters of this nature in the future.


BOB MERRIMAN
CHAIRMAN


BILL DAVIS


PETER KNIGHT

DATED THIS

22

DAY OF



2007