

VBIDP

VICTORIAN BUILDING INDUSTRY DISPUTES PANEL

CHAIRMAN: BOB MERRIMAN
CONSTRUCTION INDUSTRY HOUSE
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DECISION

044-2006

BRADY CONSTRUCTION PTY LTD
Q APARTMENTS
ELIZABETH ST MELBOURNE
CFMEU/FEDFA

STATUS OF PERSONS SEEKING EMPLOYMENT

On Wednesday March 23rd, 2006 the Panel heard submissions relating to the abandonment of this project (by the principal contractor) approximately 12 months ago and the restart of the project by the above named contractor.

The Panel was advised of two matters which required resolution prior to the commencement of productive works.

They are -

- Clarification of the right of previously employed workers to return to the project, and
- A request for the engagement of a nominated individual previously engaged on the project.

As to the first point the Panel acknowledges a long held industry practice that employees of failed contractors being "taken over" and continuing to work on a project, however on this occasion the principal contractor walked away from the project.

This fact along with the lengthy "shut down" of 12 months leads the Panel to the conclusion that it would not be fair or equitable for the new principal contractor to be obliged to pick up previously engaged employees as a right.

Turning to the second point the new principal contractor has advised that he is currently maintaining a specific group of eight employees who he intends to deploy to this project and one other.

This process forms the basis of an overall job plan for the long term.

The Panel is satisfied with this approach, and notes the principal contractors position that it has no objection to the future employment of the individual in some appropriate capacity should a position become available.

The Panel also notes that it is aware that principal Mgt. is to have further discussions with a Union official.



Bob Merriman

Chairman



W. R. Davis



P. W. Knight

Dated this 27th day of March, 2006