

VBIDP

VICTORIAN BUILDING INDUSTRY DISPUTES PANEL

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DECISION

050-2006

THURSDAY 27th April 2006

**ABIGROUP
M.F.B. PROJECT
RICHMOND**

CFMEU/FEDFA

CLAIM FOR ALIMAK/M.S.A

Following a site visit by Panel members, the full Panel attended the project on the 10th April 2006 for the purpose of inspecting the project and conducting a formal hearing of the Union's claim.

The Unions' claim is for the application of the Award Multi Storey Allowance and the installation of an Alimak (man/materials hoist).

The Unions submitted that the Training Tower /Building D constituted a single structure by Award definition i.e. "*When complete, consist of 5 or, more storey levels.*"


With regard to the claim for the provision of an Alimak the Unions contended that the structure consisted of more than six complete storey levels which supported their argument.


On the other hand management argued that the structure was in fact a training tower and did not and could not fulfill the function of a "normal" building.

With regard to the claim for an Alimak management stated that the structure did not meet the criteria required as the upper level was not a structurally completed floor including (4) four walls, pillars or columns and ceilings.

Having considered the overall claims the Panel determines as follows,

- That the Training Tower/ building "D " does in fact constitute a building.
The purpose of which is designed to simulate a building and therefore cannot be seen in any other light.
In these circumstances the Panel upholds the Unions' claim. The allowance will apply to those employees who have been engaged on building "D " , from the commencement of such works.
The Unions claim that the open single catwalk between building "D " and "C " constitutes an integral component which would qualify the application of the allowance to the entire project, cannot be sustained given the uniqueness of this project compared with other sites where clear linkages between buildings has applied..
- That, in turning to the Unions' claim for the installation of an Alimak the Panel having inspected the works, viewed the drawings and considered the industry criteria is of the view that the structure does not constitute ~more than (6) six levels . " and therefore cannot be sustained.


Bob Merriman
Chairman

 
W. R. Davis P. W. Knight

Dated this

27 day of April 2006