

# CONCRETE IQ

Concrete IQ is the official magazine of Master Concreters Australia

ISSUE 2, 2020

## QUALITY AND SAFETY IN A TIME OF UNCERTAINTY

Welcome to this post COVID-19 edition of your newsletter. To say that these last 3-4 months have been interesting would be a massive understatement. We've seen unprecedented worldwide responses to this pandemic that have impacted almost every single aspect of life on the planet and yet to this point we in the building and construction industry have been relatively unaffected or disrupted.

The big question now is, "will this situation continue, or will our industry start to be impacted like others have been?"

It's a difficult question to answer at this point because we are just starting to emerge from the worst of the lockdown restrictions, and we haven't had time to test how the economy will respond going forward. We do know that the restrictions, job losses and subsequent downturn have created the first recession in almost 30 years here in Australia.

That's the bad news. The good news is the unprecedented assistance and stimulus packages and programs that have been rolled out by both Federal and State Governments. I know that our CEO David Lingard has been providing you with information in relation to these programs as they've been released, and I encourage all of you to contact David if you need him to go over these

again.

Another response that many business owners throughout the country are making is to take the opportunity to restructure their operations and do things differently. I'm not exactly sure what that might look like in our industry however I do know that now is the time to get creative and to look at all elements of our businesses differently e.g. marketing, sales, operations, finance etc.

Who knows, this pandemic might very well be the catalyst for lasting positive change in the way we lead and manage our organisations and our economy in general.

One thing is for certain, the consumers and organisations with which we do business will always be seeking reliable organisations who are quality and safety focused and these primary needs should remain our focus. Goals such as these are what sets us apart from the cowboys in our industry and they are in my opinion a strong driver for maintaining our association.

Good luck in your endeavours over the coming months, stay in touch if you need assistance and remember that you have a shoulder to lean on in these difficult and uncertain times.

Chris Jones  
President, Master Concreters Association



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## MCA HOTLINE

Our highly experienced members can provide advice on various issues affecting concrete contractors through our MCA Hotline.

Members may contact our Hotline representatives or if it is more convenient, call the office on 1300 884 544 and they will start the ball rolling.

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## CEO'S REPORT

Welcome to the mid-year edition of the MCA magazine. 2020 has certainly been a testing time for everyone on many fronts. The COVID-19 pandemic has changed the way we go about our daily lives and has impacted everyone in some way, shape or form. The tourism and hospitality industries have been hit hard in addition to the various sectors that were effectively shut down due to social distancing requirements.

The construction industry has also felt the effects of the pandemic but has fared reasonably well if compared to those industries forced to shut down. The construction housing sector took the brunt of the construction industry downturn, however, there have been a range of Government initiatives (some recently released) to provide stimulus into this area. Details of the various packages and general COVID-19 restrictions have been forwarded to members during this period. If members require any assistance in this regard, contact the office and we will lend a helping hand.

Out on the construction coal face we have, in the main, been able to continue with a slow down on the work site due to the practical implications of social distancing. I have spoken to many of our members and they remain reasonably positive. There is still a pipeline of work looking forward into the 3rd quarter of the calendar year and it is anticipated current and future stimulus packages will continue to provide conditions for the construction industry to operate at reasonable levels. The Association will continue to lobby various Governments to ensure we minimise the 'red tape' and enable the industry to bring projects on line without experiencing the inordinate delays experienced by many.

Everyone would note the Awards were put on hold this year and we have confirmed a new date of 15 May 2021 for our next event. The event will therefore be both our 10th Anniversary Awards

## VIGILANCE IS KEY

and a celebration of our 15th year since Incorporation. Further information will be released. Members will have a greater time frame in which to select projects to enter in the awards and we look forward to showcasing the incredible work of our contractor members.

On the training front the Association is conducting a review of the existing courses being delivered and will identify options for delivering relevant content over one day blocks to minimise time away from the construction site. We will also continue to deliver the existing packages for those looking for in depth information.

The Certificate III in Concreting review was forced into another review cycle, which will delay the new version being formally approved and released. On a positive note the 'Industry Expert Working Group' has recommended that the qualification be recognised as having the necessary skills required of an apprenticeship. It is still a State/Territory decision to make this determination, however, this reference will support the cases put forward to each authority.

We are now seeing the restrictions being lifted with different rules coming into effect in each State/Territory. It goes without saying that we have a way to go before our way of life returns to normal and we will continue to operate as an 'island state' bubble for the foreseeable future. As we go into publication, we are seeing an increase in the number of COVID-19 cases being reported here in Australia (after a sustained period of minimal infections) while further outbreaks have occurred in China. Reporting indicates that the Americas are still to peak in relation to the number of cases and India and Pakistan have seen a drastic increase in the number of their cases. Without painting a bleak picture, I ask that we all remain vigilant, look after each other and remain safe in these times.



## CBUS PAVES A ROLE IN AUSTRALIA'S ECONOMIC RECOVERY

COVID-19 has had a dramatic economic impact in Australia and globally which will take years to recover from.

It's acknowledged the construction industry will play a leading role in Australia's economic recovery.

And it's Cbus, the \$52 billion super fund representing the construction industry, which'll contribute to this recovery at many points along the way.

The fund sees opportunities in keeping current projects going and ensuring a decent pipeline of work over the next few years.

Cbus believes its investments are likely to contribute to the creation of around 100,000 Australian jobs through this recovery.

### INVESTING IN THE RECOVERY

Cbus has a strong history of job creation through Cbus Property\*. We will focus on more than just large-scale property projects to achieve a similar number of jobs through the recovery.

The fund will play a leading role in industry and government forums, identifying ways the super industry can assist in the recovery. Through a close relationship with sponsoring organisations, Cbus will use industry insights to help prioritise 'shovel ready' and future projects.

Cbus can invest capital in different ways to contribute to job creation, including:

#### • Direct debt and corporate opportunities

Looking for direct investments in recapitalisation opportunities with Australian listed companies and direct lending.

Cbus is already a provider of debt facilities for smaller to medium tier construction projects, offering more flexible time horizons than traditional

bank financing. In this space Cbus may also consider opportunities that provide funding for social and affordable housing.

#### • New developments

Cbus Property recently announced an anchor tenant for its Pirie Street development that's about to commence in Adelaide and will create 2,000 jobs. Cbus will continue to provide capital towards Cbus Property's pipeline of highly sustainable, quality developments across Australia.

In our infrastructure portfolio, we're investing in the construction of the 180MW Warradarge Wind Farm in WA through Bright Energy Investments. This project will create 200 jobs.

#### • Expansion of existing assets

An effective way to increase the value of existing assets is to upgrade existing facilities or undertake further development.

Many of Cbus' infrastructure assets have future development pipelines in their business plans and the fund will provide capital towards these when they're approved as priority projects.

### CBUS CONTRIBUTES TO A STRONGER ECONOMY

Cbus builds members' retirement savings while also creating jobs in the industry and as a result provides decent work. This all contributes to the recovery and a stronger economy.

\* Cbus Property Pty Ltd is a wholly-owned subsidiary of United Super Pty Ltd and has responsibility for the development and management of Cbus' direct property investments.

This information is about Cbus and figures are correct as at 5 May 2020. It does not take into account your specific needs. You should look at your own financial position, objectives and requirements before making any financial decisions. Read the relevant Cbus Product Disclosure Statement to decide if Cbus is right for you. Call 1300 361 784 or visit [cbussuper.com.au](http://cbussuper.com.au) for a copy.

## SUSTAINING MEMBERS



# TWO RECENT CASES SHED SOME LIGHT ON ANNUAL LEAVE AND SICK LEAVE ENTITLEMENTS FOR EMPLOYEES DURING COVID-19

The JobKeeper Scheme introduced urgent flexibilities to meet extraordinary circumstances. It is not surprising that the Scheme comes with a degree of uncertainty on how it impacts various employment circumstances in these “uncharted” times. Two areas of uncertainty include the impact of annual leave and sick leave.

Two recent cases have provided some clarification on how annual leave and sick leave entitlements are impacted in these times – especially when the employee is receiving JobKeeper payments.

## ANNUAL LEAVE ENTITLEMENTS

A JobKeeper dispute application was filed with the Fair Work Commission by an employee who refused an employer's request to take annual leave.

The part-time employee had been employed for approximately 22 years. The employer was unable to operate its business due to public health directions. At the time the employee was stood down from work, she had about 9.3 weeks of accrued annual leave and 8.6 weeks of accrued long service leave.

The employer requested all JobKeeper eligible employees to take half their weekly ordinary hours of work as annual leave. This request was to apply until the end of the JobKeeper Scheme (September 2020), or until the employee had only two weeks accrued annual leave left.

This meant the employee (who worked 2 days a week) was asked to take 1 day of annual leave each week. The employee refused the request, despite the JobKeeper payments she was receiving being double her usual weekly wage.

In the Commission, the employee argued:

1. that the legislation was not designed to allow employers to use JobKeeper payments to set-off against the employees' accrued annual leave entitlements; and

2. that the request to take leave was not reasonable because she planned on using her annual leave entitlement to travel to Europe in 2021 to visit family.

The Fair Work Commission disagreed with the employee.

The Commission held that the relevant test is not “*was the employer's request reasonable*” but rather “*was the employee's refusal to take annual leave unreasonable*”. In this case, the Commission held that the employee's refusal to take the requested annual leave was unreasonable because:

1. the employee only intended to take a few days of annual leave in 2020;
2. by 2021 the employee will have accrued some additional leave to boost her 2 weeks, and in any event, had sufficient long service leave, so that it was not that she did not have access to leave;
3. her disappointment at reducing her leave balance (while understandable) was not sufficient to make her refusal reasonable; and
4. the employer did not approve annual leave in advance of 12 months, and so the leave the employee wanted for 2021 had not been approved.

Finally, the Commission expressly stated that the doubling of the employee's income under the JobKeeper Scheme was not a consideration as to whether the refusal to take annual leave was reasonable or unreasonable.

## IMPLICATIONS FOR ANNUAL LEAVE REQUESTS

The case makes clear that the test for such a dispute is the reasonableness of the employee's refusal and not whether the employer's request was reasonable. It also means that employers can effectively off-set the JobKeeper payments against the employees' accrued annual leave entitlements.

Since the test is the reasonableness or otherwise of the employee's refusal, the employee's particular circumstances in each case will have to be taken into account. Mere disappointment at having to use annual leave is not a sufficient basis to make a refusal to take annual leave reasonable.

## PAID SICK LEAVE ENTITLEMENTS

Following the Fair Work Commission's decision, the Federal Court handed down a decision involving the entitlement to paid sick leave during a stand down period.

Following the COVID-19 restrictions on travel and social distancing, domestic and international air travel all but ceased. As a result, in mid-March, Qantas stood down approximately two thirds of its 30,000 employees. The lawfulness of the stand down was not disputed. The stand down was not a JobKeeper stand down but a stand down under section 524 of the Fair Work Act 2009.

The question for the Court was whether employees who are stood down could access their accrued entitlement to sick leave, which some Qantas employees had done. Some of these employees had extensive accrued sick leave, having worked for Qantas for some 30 years. The employees faced significant illnesses and required extensive medical treatments (such as cancer surgery) which is why they sought access to their paid sick leave entitlements.

Qantas argued that the employees were not entitled to access paid sick leave, because the stand down power it had lawfully invoked serves two important purposes. The first purpose is to provide financial relief to an employer from paying wages when, through no fault of its own, the employer has no work that the employees can usefully perform. The second purpose is to protect employees from termination of their employment and the inherent losses that go with termination (such as losing their accrued but untaken sick leave).



The Court agreed with Qantas and decided that the employees could not access paid sick leave entitlements during the period of the stand down.

In deciding this, the Court held that the paid sick leave entitlement is like a statutory form of income protection, in which an employee:

1. is authorised to be absent from 'work' when the employee is unable to work because of illness or injury; and
2. is to be paid for the absence from work.

The Court held that in the Qantas case, there was not any work from which the employees could be absent. Secondly, the Court concluded that the entitlement to sick leave attaches to a "working" day. That is, it covers that portion of a 24-hour period that would otherwise be allotted to work. The sick leave entitlement covers the absence from "work".

Because the Qantas employees were lawfully stood down from work and did not have work to perform, the employees are exercising the right to be absent from work. To allow otherwise, was to act contrary to the very purpose of the sick leave entitlement – to relieve an employee from the obligation to perform work.

Further, to allow paid sick leave was to defeat the protections offered to the employer – financial relief when the employer did not have work for the employees to perform when ill or injured.

#### IMPLICATIONS FOR PAID SICK LEAVE

If an employer provides a stand down notice under section 524 of the Fair Work Act (because of a "stoppage of work" and therefore, no useful employment for the employees) then the employees cannot access paid sick leave during the stand down.

Is it the same for a JobKeeper stand down? Based on the principles relied on by the Court, we think so, since the a JobKeeper stand down also results in there not being work for the employees and so there cannot be an absence from work. As well, allowing paid sick leave will defeat the flexibility which the stand down

power gives to employers to manage its financial management of the COVID-19 impacts.

What might taking sick leave during a JobKeeper stand down period look like in practice? Here is an example:

1. an employee is normally paid \$2000 for a fortnight's work
2. the employee is stood down (under a lawful JobKeeper stand down notice) and is now only working 3 days a week (6 days for the fortnight)
3. for 6 days work over the fortnight, the employee is entitled to \$1200, but of course, the employee is paid \$1500 minimum JobKeeper payment
4. if the employee becomes sick and has a medical certificate for the fortnight (10 business days):
  - a) the employee is only absent for 6 days of rostered work;
  - b) the employer deducts 6 days from the employee's accrued sick leave entitlement (even though the medical certificate covers 10 business days); and
  - c) the employee remains entitled to \$1200 covered by the 6 days paid sick leave (the days they are absent from work) but of course is still paid the minimum \$1500 JobKeeper payment
5. For the 4 days of the fortnight covered by the stand down, the employee does not access nor is the employee entitled to paid sick leave. Similarly, the employer does not deduct these 4 days from the employee's sick leave entitlement.



**DISCLAIMER:** This information and contents of this publication, current as at the date of publication, is general in nature to offer assistance to Cornwall's clients, prospective clients and stakeholders and is for reference purposes only. It does not constitute legal or financial advice. If you are concerned about any topic covered, we recommend that you seek your own specific legal and financial advice before taking any action.

## COLD WEATHER CONCRETING

In some locations in Australia, the temperature ranges experienced in winter can present problems with concrete placement that need to be managed. AS 1379 requires that concrete temperatures at the point of delivery be within the range 5 to 35°C. CCAA have prepared a Data Sheet which provides guidance on the effects of low temperatures on the properties of concrete, on minimising those effects, and the precautions that should be taken against a sudden drop in air temperature at the time of placement. These effects and precautions are particularly significant in thinner concrete elements.

Low temperatures have a number of effects on the behaviour of the concrete; most of these are related to the reduction in the rate of cement hydration.

- Extended setting times
- Slower strength gain:
- Cracking

Most methods to minimise the effects of low temperatures involve increasing the rate at which concrete gains strength under these conditions in the important early stage after placement. These include:

- Cement quantity
- Cement type
- Lower slump
- Reduced time between mixing and placing
- Admixtures
- Hot water
- Air entrainment

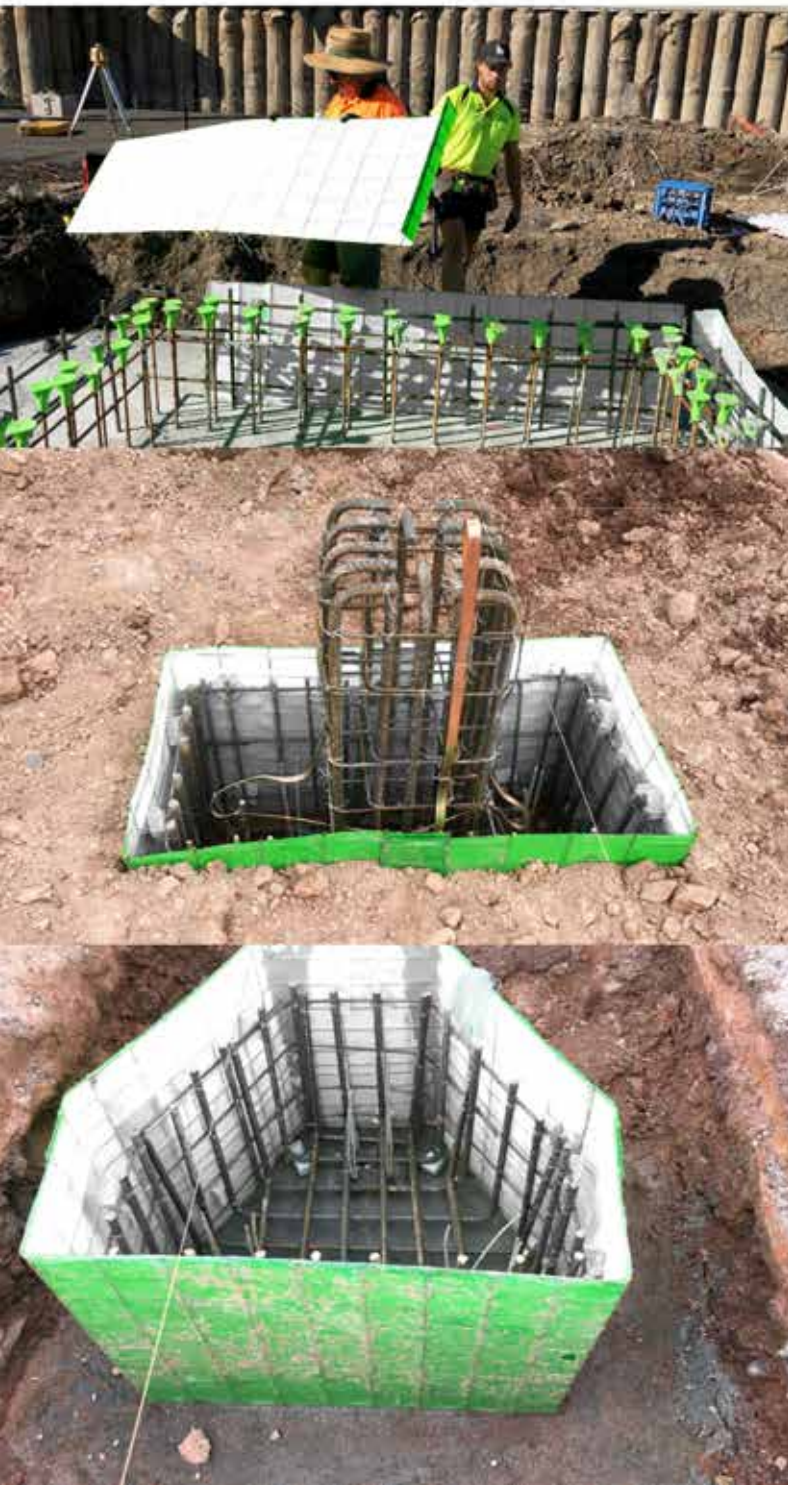
It is desirable to take precautions against damage to the concrete by a sudden and unexpected frost or whenever the air temperature drops below 5°C. Precautions include:

- Protection from the cold
- Insulated formwork
- Delayed stripping of formwork
- Curing

**Acknowledgement:** CCAA Datasheet - Cold Weather Concreting

A vapour barrier can protect green concrete to ensure optimal lifespan.

Engineers often call for the substructure concrete to have a vapour barrier to protect the curing and performance of the concrete. Geo-tech reports often reveal contamination, moisture or acids present in the soil. Acidic soils can attack reinforcement steel and eventually cause concrete cancer. To ensure the integrity of your concrete, these issues must be addressed before concrete is poured. The answer is Dansea's innovative Vapour Form <sup>TM</sup>.



## PROTECT VULNERABLE GREEN CONCRETE

- No more heavy, slow formwork
- So light, anyone can install it
- No form oil
- No early stripping
- Avoid exposure to rapid hydration
- Avoid exposure to acidic soils
- One easy system that saves time, money and labour costs
- Lets Mother Earth create the perfect curing blanket
- Leaves concrete undisturbed
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- Avoids costs of early stripping mixtures
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- Perfect start for long concrete life

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**[www.dansea.com.au/videos](http://www.dansea.com.au/videos)**

or on our Youtube channel:  
**Dansea Constructions**

Further information can be found in Edition 003/2019 on 'Substructure Concrete' and the use of the Vapour Form Barrier.

# EXCELLENCE IN INDUSTRY AWARDS

## REGISTRATIONS OPEN

**DATE:** SATURDAY 15 MAY 2021

**VENUE:** W BRISBANE

6.30PM PRE DINNER DRINKS  
FOR 7PM START



CELEBRATING  
15 YEARS

# MCA BRISBANE GOLF DAY

Monday 7th September 2020

Venue - Wynnum Golf Club

Shotgun start 8.30am

Arrive 7.30am for registration, pre-round snacks and briefing

Treat your staff and industry contacts to a morning of golf on this industry RDO

- \$100 + GST per player
- Teams of four

**INCLUDES:** Golf carts, on course  
drinks and post round BBQ



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CONCRETERS**



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## Employer obligations



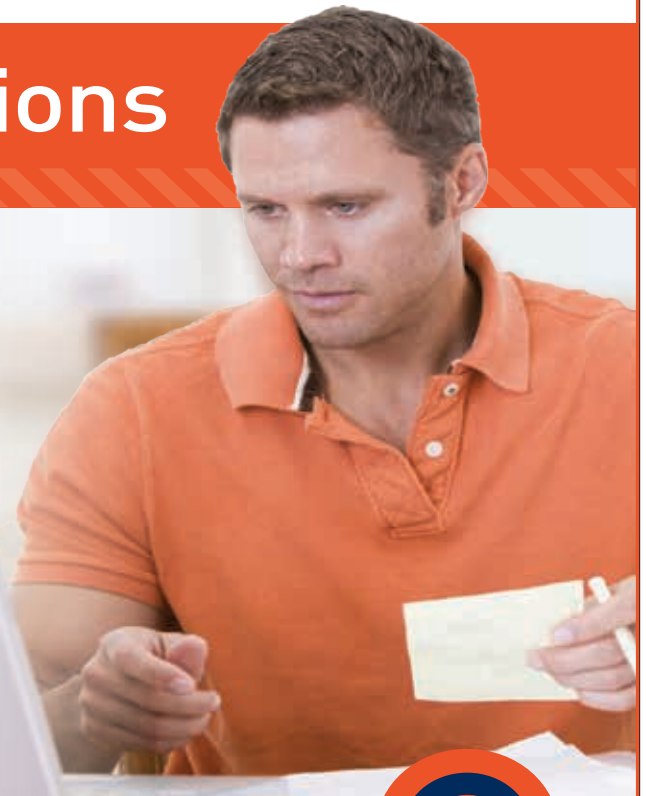
Register your business  
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return by 31 July



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service leave you  
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Master Concreters Australia provides a range of services and support specifically for concrete contractors. Give your company that professional edge by joining your trade association.

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- Industry helpline for concrete contractors
- Discounted training for members
- Business mentoring service
- Newsletters, industry news and information
- Networking opportunities with other contractors

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Geebung QLD 4034

**P:** (07) 3192 5165

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**www.mca.net.au**

Master Concreters Australia is the industry trade association working for and supporting concrete contractors.



## COMPANY DETAILS

Company name: \_\_\_\_\_

Contact name:

Postal address:

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

**Send your completed application for to:**

Master Concreters Australia, 27 Morrisby Street, Geebung QLD 4034

Or scan and email to [info@mca.net.au](mailto:info@mca.net.au)

## MEMBERSHIP DETAILS

**MEMBERSHIP CATEGORY** (Please tick main area)

- ☐ Contractor Domestic  
\$500 +GST per annum
- ☐ Contractor Commercial  
\$900 +GST per annum

## PAYMENT DETAILS (Please tick)

**MEMBERSHIP CATEGORY** (Please tick main area)

- ☐ Credit card number and expiry date
- \_\_\_\_\_
- Expiry date: \_\_\_\_ / \_\_\_\_
- ☐ Master Concreters Australia to contact me for a payment via EFT or Direct Debit.

\*Members must hold appropriate license for scope of works.