

Topic 7

Case Studies

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Case Study No. 1: Word Trap

A local government operated a cemetery several kilometres from the shire's main town. Every day on which there is to be a funeral or funerals, a backhoe operator is required to attend at the cemetery. His role is to dig the graves well before the arrival of the funeral party, remove the machine from the gravesite while the funeral takes place, wait for advice that the grave is ready to be refilled, and then refill it with soil.

Because of the danger of trench collapse, and for other reasons, a grave must be refilled on the same day as it was excavated. The excavated material is stored in the back of a truck until required.

This work requires the use of a bucket of a specified size and the cutting of the corners of the excavation so that they are as neat and square as possible. Because of these and other special requirements of the work, the same operator normally does the job each day. He receives a written work order from the council foreman. It describes the site or sites to be excavated and the hours during which he is required to attend — normally, from 10 am to 2 pm.

On a particular day, the regular operator was absent so another backhoe operator on the council's staff was asked to substitute. He had not previously done this kind of work. The foreman was busy in the morning, and didn't have time to give the relief operator his instructions in writing. Instead he gave instructions by radio, advising the operator to be in attendance from 10 till 2.

At 10 am, the works superintendent received a call from the funeral director, asking why no backhoe was in attendance on site. The foreman called the backhoe operator, who was at that time some distance away, on another job, to ask him why he was not at the cemetery. He replied that he had been told to be in attendance at 10 to 2.

This occurred shortly before the funeral party was due to arrive. The situation did not become a major incident, but only because the family of the deceased showed considerable restraint and understanding of the situation. However, the incident caused the council major embarrassment.

Questions for Discussion:

1. What went wrong?
2. What could you do to ensure a similar situation does not occur again?

Case Study No. 2: Record-Keeping

XYZ Pty Ltd owned a large, level site near the main retail precinct of a major regional centre, and decided to develop it as a shopping complex. They engaged a principal contractor, ABC Pty Ltd, to develop the site. ABC, in turn, engaged CDE Pty Ltd as a subcontractor to provide a bitumen seal on all car parking areas within the complex.

During the course of subcontract work, CDE Pty Ltd employed various people for varying terms to assist in completing the bitumen sealing operations. Other subcontractors were performing work on site concurrently.

Two years later, an ex-employee of CDE lodged a claim with the company for damages arising from a back injury he believes resulted from his period of employment on the shopping complex site.

He received a written response from the company. In the letter, the manager of CDE said that his company was, in relation to the XYZ site, a subcontractor only, and that the principal contractor kept all site records relating to the job, including details of employee times and workplace incidents. He would therefore be unable to accept the claim on behalf of CDE.

The man then made an appointment to see the manager of CDE. During the interview, he presented medical evidence and argued vehemently that CDE was his employer at the time, and was therefore responsible. He could not accept that the company would not even look at his claim, considering that he had suffered pain and serious personal disadvantage as a result of the injury.

It took the man some time to calm down enough to understand what the CDE manager was saying to him about responsibilities on a construction site. Finally, he accepted the manager's advice to present the claim to the principal contractor, ABC Pty Ltd, at their Brisbane office.

Case Study No. 3: RFI

A construction company was awarded the contract to widen a road through heavily forested country at Mount Helicon. The job involved clearing and earthworks, installation of culverts, widening the existing pavement and bitumen surfacing. In addition, there was an old timber bridge. One-half of the bridge was removed, with the other half providing restricted traffic access until the first half of a new, reinforced concrete bridge could be built. Once this was ready for traffic, the other half of the old bridge was removed and the new bridge was completed.

The work was mainly performed using company labour and plant, but a subcontractor was employed for the bridge works.

On completion of the job, the construction supervisor who was in charge of the site moved on to a new construction job at a location 200 km away. After working there for six months, he received an RFI from the company's head office.

The bridge subcontractor for the Mount Helicon job had lodged a claim for work on the bridge abutments that he claimed had been completed but not paid for.

The construction supervisor still had the records for the job. He consulted the foreman's daily reports for the job to determine whether the:

- subcontractor had actually been on site during the period of claim
- cost codes on the relevant days related to work on bridge abutments
- hours recorded were consistent with performing the work under claim
- foreman's remarks at the time had mentioned work on the bridge abutments.

In addition, he consulted a personal diary he kept for the job. This assisted in determining whether the subcontractor had actually completed the work he was now claiming for.

The site supervisor photocopied the relevant daily foreman's reports and pages from his personal diary, highlighting the entries that related to the claim, and returned these documents to the person originating the RFI.

Using the evidence submitted by the supervisor and the records of payments made in relation to the job, the company's accountants were able to determine whether the payment claimed by the subcontractor was still due or had been paid previously, and whether it had been paid in full or only in part.