

The Standard – Talley’s Jump the Shark!

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NZ’s worst employer, Talley’s, have been moaning to the Employment Relations Authority that the Meat Workers Union [have been mean and nasty to them](#). They want the court to order the union to stop telling the truth about how they brutalise their employees. Laughably, they say that the union’s use of social media to highlight the company’s many, many breaches of employment law is not ‘good faith’ behaviour.

The irony of that claim is almost beyond parody. This is the organisation that locks out workers who choose to join the union, who have been found to have breached hundreds of worker’s employment rights by not recognising their collective agreement and has illegally barred MWU officials from visiting their processing plants.

If Talley’s knows anything about good faith, it’s only that having loads of money means you can ignore your obligations in that area. So how have they jumped the shark?

They’ve gone to the court to demand that Darien Fenton, the union’s remarkably persistent Director of Organising, be effectively sacked. She’s done such a good job, they want the court to order that she not be allowed to continue doing such a good job. They want the right to determine which union officials can be used by the union. In the past, that’s been something only union members got to decide. But democracy’s such an old fashioned concept, right?

Bear in mind that they routinely bar MWU officials from doing their job anyway, no matter who they are, and were, indeed, recently fined [a whopping \\$144,000](#) for repeated breaches of union access rights. In addition, they’ve been ordered to pay that sum directly to the Meat Workers Union, not the court. A penalty that large is almost without precedent in NZ employment law. Ordering that it be paid to the union is equally unusual. By the way, in that case, Talley’s have decided to appeal. Not the decision, mind you, just the amount. They accept they are bastards, but they just want to carry on being bastards on the cheap.

But back to the current situation.

The Talley’s workers have cleverly and effectively used social media to organise. Union (and non union) workers talk to each other around their issues and disputes on blogs, facebook, instagram and the like. They share stories, they offer support, they look after each other. But now Talley’s are trying to shut all of those exchanges down in the name of ‘good faith’. Talley’s believe that the truth is best suppressed.

Too late, really. Everyone reading this already knows Talley’s record; they’ve been found guilty of multiple breaches of workers rights over decades, and more recently have organised unlawful lockouts of workers and multiple breaches of good faith in their North Island AFFCO plants and [denied workers public holidays](#).

Many AFFCO employees and other Talley’s workers have taken to Facebook with secret sites where they can express their opinion. Why? Because the digital world is the one place where Talley’s employees are safe. At least for now.

Talley’s has repeatedly banned union organiser access despite Employment Authority decisions, refuses union meetings in work-time, have closed union offices and won’t allow the delegates to meet. Union newsletters are banned, with one worker being disciplined for even reading one. According to their Human Resources manager “delegates don’t exist”. Talley’s want blind, mute and fearful obedience.

In August last year, the company filed claims of breaches of good faith in the Court alleging that because the Meat Workers Union is a “cornerstone supporter” of the Martyn Bradbury’s Daily Blog, posts from John Minto and Mike Treen there were evidence of the union’s breach of good faith.

This was part of their claim to end collective bargaining with the MWU under the National Party’s new anti-union laws.

This case was adjourned sine die when a full bench of the Employment Court ruled on the company’s actual breaches of good faith last November and their unlawful lockouts of AFFCO workers when they attempted to implement company individual agreements last year.

All these cases are still before the court and due to be heard in July, along with the MWU’s application to ‘fix’ the terms of the collective agreement, under a never before used provision of the Employment Relations Act.

That provision has never been used before because no NZ company has ever previously been this obstinately opposed to collective bargaining.

Talley’s current attempt to stifle free speech is an application filed for an “interim compliance order” requiring the Meat Workers Union, its officials and agents to “comply with the duty of good faith by ceasing and desisting from publishing on any website, twitter account or other site viewable on the internet, items referring to the applicant or its parent company or officers that are unbalanced, misleading, untruthful, and/or derogatory until further order of the Authority.”

What’s more, they now seek to use the “good faith” claim to control who represents the workers with a specific claim to exclude Darien Fenton from meetings and mediations.

So who’s affected? The “officials” of the union include every elected rank and file Shed President, Secretary and Vice President who work in meat works other than those owned or controlled by Talley’s. It could also arguably include every member because the union *is* its members. They’re not only trying to gag their own workers, but every other worker in the industry.

Is anyone who publishes anything negative about Talley’s an agent? Apparently so. Given that they disciplined a worker who merely read a union newsletter, you might find yourself on the receiving end of their legal bullying just for reading this post.

These sods want to shut all dissent down. They want to carry on their whippings in perfect silence. I say no fucken way, Talleys. As long as I have this platform, as long as I know that TS readers have a heart, I’m going to keep publicising their bastardry. It’s the least I can do.

The least you can do, dear reader, is check out the [MWU’s excellent support page](#). You might like to help the union fund raise by buying a T Shirt while you’re there. Just don’t wear it anywhere near a Talley’s plant. They’re banned. It’s almost too pathetic for words, but words are just about all these workers have left to fight with.

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