

Education and Workforce Committee

Employment Relations Amendment Bill 2018

Supplementary submission – New Zealand Meat Workers Union – 16/5/18

We make the following points in addition to our submission. We also refer the Committee to the submissions from the AFFCO Manawatu and Rangiora workers.

1. This is not radical law change

Despite the claims from some Business Organisations, the Bill largely restores industrial relations settings that were in place from 2000 until 2014 (with the exception of the 90-day trial period and access rights). There is no evidence that these settings contributed to increased strikes or industrial disharmony over the 14 years they were in place.

The last strike in the meat industry was in 1999/2000 at Progressive Meats under the Employment Contracts Act.

In fact, the only militant industrial action since the 2014 changes was the unlawful lockout action by AFFCO Talley's which resulted in hundreds of workers being without work for up to five months. Despite four court rulings, including the Supreme Court, these workers are still awaiting justice.

2. The consequences on good employers of former law changes

The access changes in 2010 led to multiple litigation with the Talley's owned meat company South Pacific Meats (SPM), as the provisions requiring notice were deliberately used to deny union access.

AFFCO Talley's were one of the few companies to try to have bargaining concluded when the 2014 law became active and they are the only meat company that has cut rest and meals breaks from three to two.

This has led to an uneven playing field. The MWU has good relationships with other large meat companies, including Silver Fern Farm, Alliance Group and ANZCO. The MWU has regular strategy meetings with these large companies and the role of the union and on-site elected delegates are recognised and respected.

MWU has spent a large amount of members' resources in legal defence against attacks on ordinary workers in small communities. Talley's actions undermine good employers who try to do the right thing.

One question the committee might like to explore is why Talley's Plants, including AFFCO and SPM have such a low level of union density, compared to other major meat companies, who have around 95% union membership.

We do not agree that industrial relations change that enhances worker's rights means a race to the bottom, as suggested in the AFFCO Talleys supplementary submission. Rather, we submit that the challenges facing this important export industry requires a more sophisticated industrial relations response where government, business and unions work together.

2. We wish to emphasise the following

Access

There was no such thing as unfettered union access under the 2000 to 2010 law. MWU officials, many of whom are previous workers from the meat industry, are well aware of their obligations to observe health and safety and MPI requirements. Mostly, we seek access to the smoko rooms during break times. We note AFFCO's claim that having to provide notice "builds relationships". While access has not been impeded recently, we don't agree that providing notice with a remote and arms-length HR and anonymous office is a good way to build relationships. The relationship should be with the manager on the site.

30-day rule and provision of information

A recent example of how important this is happened at the first access to the AFFCO Moerewa site in nearly two years. Two union organisers were granted access unimpeded to the smoko room. While being well aware of the camera in the smoko room, the officials talked table by table. Nine workers elected to join the union, signing authority forms that would join them to the collective agreement.

After they left and handed in the forms to the management, we were informed that each of these workers were pulled into a meeting with two managers and a supervisor and their decision questioned. When we talked to workers later they told us :

- They felt intimidated and were not given a chance to have a support person with them nor to take time to seek other advice.
- The management told them they would lose \$30 a week if they joined the union. (The IEA has a bonus system that is replaces union conditions such as long service leave, redundancy and superannuation).
- They were not told the difference between the collective agreement and the individual agreement in regard to terms.

We also found out that none of them had been told there is a collective agreement in place when they started. All new workers start on IEAS, including a 90-day trial. Distribution of union information can be a disciplinary matter and anything put on a notice board is torn down.

90-day trials are used to scare workers into not joining a union

Last Friday, an AFFCO worker asked a union official "what is a union". They spent time explaining to a relatively young and new worker, in his first job, what the role of unions are. He was interested but cautious. He asked them "will this affect my 90 day trial."

The AFFCO IEA has a 90-day provision. The AFFCO CEA does not. If this worker joins the union before his 90 days are up, he is likely to be penalised. In a seasonal industry, this is easy to achieve. You are simply not re-engaged.

Summary :

This isn't about pink clothed workers in some distant country

Contrary to the supplementary submission from AFFCO, the MWU is confident that the challenges that are ahead can be met with the respect and collaboration of all players, including workers in the meat industry.

What we don't want to see continue is one major company pushing a competitive advantage by exploiting the law and at the same time, ordinary working people.

Finally, we want to remind the committee that our meat works are staffed by good people ; men and women who live in smaller, rural communities, who play their part in the life of their community, whose children rely on their income and who only ask for fair recognition of the work they do.

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