



# THE MEAT WORKER

APRIL 2011

## AUSTRALASIAN MEAT INDUSTRY EMPLOYEES UNION TASMANIAN BRANCH

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### FEDERAL PRESIDENT / BRANCH SECRETARY'S REPORT

The Australian meat industry is in the process of evolving again due to a serious of unforeseen events.

The changes to the industrial laws by the present federal Labor government ensured most of the hostile anti union employers changed their attitudes towards collectivism however some continue with their anti union ideology.

The latest industry direction is due to the climatic conditions we have faced over the last 12 months. Drought, major flooding, cyclones, live stock shortages and record livestock prices have hindered and in most cases reduced ongoing employment in one form or another. Throughout Regional Australia, the majority of sheep processing facilities are either shut or working no where near full capacity due to live stock shortages and record live stock prices.

In Tasmania our only export sheep meat facility at Longford has just started processing again after a 5 month shut down, limited numbers are starting to trickle in to the plant. There has been numerous livestock agents and mainland processors that have been spending considerable time here purchasing small stock, the main reason for this is due to the federal government assistance they receive in transport subsidies moving stock across Bass Strait. Our lobbying to federal politicians has continued where some have started to listen.

We are finally getting some traction with our live export policy where several Federal Labor MPs are supporting our position. A motion in relation to live animal exports was debated in Canberra a couple of weeks ago. Member for Lyons MHR Dick Adams and Member for Page Janelle Saffin defended our position when one of the feral Liberal members, Barry Haase from WA stated **“all you are doing is keeping union jobs for there union masters”**, well **Barry union jobs are Australian jobs and it is your job to support Australian workers in particular in regional Australia.**

**The AMIEU will continue to support Federal Parliamentarians who support value adding in the Australian Meat Processing Industry and the fazing out of the live animal export industry.**

Public holidays have been enjoyed by Australian workers for many years, some employers however have been trying to convince some of our members that they are required to work on public holidays. The national employment standards have guidelines which reflect every employees legal rights whether you work under an AWA, an award or a union collective agreement, in a nutshell you do not have to work on a public holiday if you can justify reasonable reasons not to do so. Your employer cannot force you to work and it is unlawful to harass or coerce you in to working. Seek advice from our officials if you are being harassed by your employer.

The Tasmanian branch has been busy dealing with numerous member enquiries. In particular unfair dismissal cases, workers compensation matters, enterprise bargaining and underpayment claims.

## LATEST NEWS

### **Refusal To Bargain Gives Right To Strike**

In a decision sure to be appealed, Fair Work Australia has confirmed that unions facing an employer that refuses to bargain don't have to seek a majority support order or jump other hurdles before asking members to authorise industrial action.

Commissioner Greg Harrison, in his TWU v JJ Richards ruling, said the Fair Work Act *"does not require a bargaining agent to seek a majority support determination, good faith bargaining orders, or scope orders as a prerequisite to seeking a protected action ballot order where an employer refuses to commence bargaining"*.

The decision is the second in three months by Commissioner Harrison granting a protected action ballot to the TWU for the same group of JJ Richards employees.

He said it was *"clear that bargaining has not commenced because JJR has refused to bargain with the TWU"*. The question he had to answer was whether the union was genuinely trying to reach an agreement, and he found it was, and granted the ballot order.

JJ Richards appealed Commissioner Harrison's initial decision.

A full bench majority - Vice President Michael Lawler and Commissioner Michelle Bissett - reached the crucial conclusion that a union or other bargaining representative can be genuinely trying to seek an agreement in compliance with [s443\(1\)\(b\)](#) of the Fair Work Act *"in circumstances where the employer has refused to bargain for the agreement"*.

### **Union Right Of Entry**

#### **Stymied By Employers**

Two cases are currently before the courts because of employers trying to restrict the movement of union officials on sites.

Dardenup Butchery Company in WA is currently before Fair Work Australia after restricting union officials to a training room.

In another case in Victoria the Union won a similar argument but was overturned on appeal.

The Union is applying to the High Court for a review of the decision.



**MEAT INDUSTRY EMPLOYEES'  
SUPERANNUATION FUND**

### **10 reasons to be a member of MIESF:**

1. Australia-wide coverage in more than 800 workplaces with many meat industry employers participating in MIESF - so if you move jobs you can usually leave your super within the Main Section of MIESF
2. Solid investment returns over past 25 years
3. No entry or exit fees and a low administration fee of \$1.00 per week
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6. We don't pay commissions
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9. Access to Members' Equity Home Loans
10. Fund help line service where you get to speak to a person who actually knows your fund - no waiting in queues or on hold

**With these types of services and benefits why  
wouldn't you become a member?**

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AMIEU organiser**

**Or email [fundadmin@miesf.com.au](mailto:fundadmin@miesf.com.au)**

**MIESF is the Fund of choice for workers in the meat industry.**

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### **TAX TIME**

When filling in your taxation return don't forget to claim your union deductions when filling in your tax return for the financial year 2010-2011. If you need clarification for the Australian Taxation Office please ring the union office and we will send out confirmation to you. If you have access to the internet, the Australian Taxation Office has a website to help answer any queries you may have. The ATO's website address is [www.ato.gov.au](http://www.ato.gov.au).



**TROY BAKER**



Troy or as he is known at the Longford site “Fonz” has recently joined the AMIEU ORGANISING TEAM. Troy was the Longford works delegate and performed work on the slaughter floor for 17 years. Troy has a wealth of knowledge about our industry and will endeavor to assist with enquires in to the future.

Troy has already visited some work places with Kerry Armstrong and is in the process of visiting all our workplaces in Tasmania so look out for him. We welcome Troy to the union staff as a valuable member of the organising team.

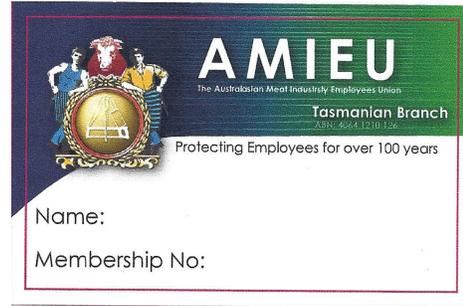
**Kerry Armstrong Organiser**

THE Tasmanian branch executive would like to congratulate Kerry on his recent success in finalising a long and bitter dispute which related to gross underpayments of wages to a large group of members in the north of the state. The employer acknowledged the underpayments and settled the cases with all members being compensated accordingly. Well done Kerry. Kerry is presently on leave so all enquires should be sent to the union office or contact Troy on 0488233561 or email [amieutroy@bigpond.com](mailto:amieutroy@bigpond.com).

**DELEGATE TRAINING**

The Tasmanian branch will be conducting delegate training in the not to distant future. The branch will try to and ensure all recently elected delegates have a capacity to attend. The curriculum of the training will be sent to new delegates once available.

**NEW MEMBERSHIP CARDS**



A new hard plastic members’ card will be sent to all existing members in the near future.

**FEDERAL MEMBER FOR LYONS  
DICK ADAMS SUPPORTING AMIEU LIVE  
ANIMAL EXPORT POLICY**

I’m proud to be speaking in favour of a motion to phase out live animal export in the next sitting of Parliament. As an ex-meatworker, I understand the hard work that all meatworkers do, and that it’s often a dirty and thankless job.

There are two good reasons for phasing out live animal export; the first of these is keeping jobs in Australia for meatworkers

People who want to earn a living and provide for their families. We currently see tens of thousands of stock leave Australia every year, this is stock that could be slaughtered here, providing jobs and stability for the Australian economy and workers. There was a time when we had to export live stock because chilled export was too costly and not reliable, or because of specific slaughter practices needed by certain religions. This is well behind us now, and Australian meatworkers are recognised for their skill.

The second reason that we must work toward stopping live animal export is that there are too many stock die in dreadful conditions while being shipped overseas, where they are sometimes butchered in inhumane conditions.

I will continue to work with the AMIEU through the Parliament to phase out live animal export and provide secure jobs for meatworkers in Australia.

Dick Adams  
Federal Member for Lyons



# ENTERPRISE BARGAINING

The enterprise bargaining process for an enterprise agreement is a little bit complicated and can be a daunting prospect when you don't know how it all works. This news article is to help you understand the process and what it is all about. This is one of the most important processes for workers at the plant. It is also important for the Union members to be organised and work together as a Union to achieve the best outcome.

Negotiations should never be taken lightly. Improvements in working conditions can only be achieved where people are prepared to work together and fight for better. Improvements are never just given to us by the boss.

This process only comes about every few years so members need to take the opportunity to get the best they can out of it. It is certain that the boss will be looking to get the best deal he can too and has access to his Union for assistance. Yes the boss has a Union too....it is usually called an employer association but its function is exactly the same as your union office...to provide advise and assistance in bargaining.

## **Why do we bargain?**

This question is often asked by workers.

The short answer is that it is how the industrial relations system works in Australia.

We have an award system as a safety net and then enterprise agreements is on top of those awards.

It works like this; the law in Australia is that the boss can pay anything he wants to, **provided** it is no less than the award.

The award is the bare minimum allowed to be paid.

This is to encourage employers and employees to bargain for working arrangements and make proper agreements to suit their workplaces.

The agreements are workplace specific and are negotiated to suit the best interests of the employer and the employees at a specific workplace.

The award then sits below that agreement as a safety net that you can't fall below.

## **How do we bargain?**

The Union members at the workplace pay Union fees to employ representatives for exactly this purpose.

Those representatives are called Union Officials or Union Organisers and it is their specific role to be aware of the rights of employees under law and assist the delegates on site with negotiations.

The delegates work at the site and so they know best how things work on site, but they need help with the legalities and also advice on what is achievable.

At the end of the process of negotiations you always inevitably reach a point of no further negotiation and at that point there are 2 choices open to Union members.

You can either accept what is offered at that time or **fight** for better.

These are your **legal** rights under Australian law

## ENTERPRISE BARGAINING UPDATE

### Coles

The Tasmanian meat agreement expired on the 31 January this year. The AMIEU negotiating committee consisting of Grant Perkins and Ann Thomas from Launceston, Cindy Tarrant from Hobart, Bruno Girolamo from Ulverstone including branch officials have met with the company on 10 occasions at the writing of this article.

Negotiations are continuing however members have instructed the committee to exercise all the provisions of the Fair Work Act in bargaining which may mean applying for a protected industrial action ballot order.

We are confident this will not be necessary but the committee will be guided by our members if negotiations stall in the future. Troy will keep members updated throughout the negotiation process.

## SWIFT KING ISLAND

Negotiations have finally started with senior management agreeing to issue the relevant bargaining documentation to employees. This process most of us would think would be a simple exercise however we had to apply for a majority support determination order from Fair Work Australia to enlighten the company of their legal obligations. On the day of the court proceedings the company agreed to start negotiations.

The AMIEU negotiating committee consisting of Daniel Spee and Greg Sharman (plant delegates) including the branch secretary, have met senior managers from the company on 2 occasions where a union log of claims with a complete new draft agreement has been presented.

Members will be kept up to date as negotiations continue.

## THE LAW WHEN BARGAINING

So can we be sacked if we want better?

The short answer is **NO**.

The law in Australia is designed to give workers an opportunity to bargain for fair pay and conditions by outlawing certain behaviour.

Without this protection workers would be at a supreme disadvantage to the boss because he would be able to completely control the negotiations.

You are protected by what is known as the 'General Protections for Employees' laws.

This means that you can elect delegates, bring in the union officials, negotiate with the boss, and even take industrial action such as overtime bans or strikes which are all legally protected, but only under the protected action provisions of the Fair Work Act.

This is all designed to level the playing field in negotiations and give workers a chance to get better without fear of getting the sack or other repercussions by the boss.

It is not about having a go at the boss.....it is all about fairness in negotiations.

What action by the boss is illegal?

The law is very strict and says that it is illegal for a boss to

- Sack you
- Threaten to sack you
- Threaten to demote you
- Injure you in your employment
- Threaten you with repercussions
- Threaten you in any way
- Cut you pay or hours
- Reduce your conditions
- Cancel agreements
- Withhold work

Or any other form of intimidation because you are

- A delegate or
- Engaged in bargaining or
- Participating in a protected action ballot or
- Taking protected industrial action



***These laws were made so that employees can bargain effectively.***

***Union members standing strong and prepared to use the tools given to you by the law will get a better deal.***

***We have the laws we need to bargain for better but they are only useful if Union members stand strong.***

***Only Union Members can take any protected industrial action if the union members decided to take such action, pursuant to the Fair Work Act!***

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Remember, when terminating your employment you will need to advise the Union of your movements (i.e. either leaving the industry totally or transferring to another employer). This information is not automatically provided to the union by your employer so it is **imperative** that you advise the Union as soon as possible.

***If the union has not been made aware in writing that you wish to cease your payments by direct debit then overpaid union fees will not be refunded.***

**Did you know?**

**Union fees are tax deductible**



Phone Union Shopper from anywhere in Australia on 1300 368 117  
[www.unionshopper.com.au](http://www.unionshopper.com.au)

# Current Industry Rates

<u>Hourly</u>	<u>Employee Classification</u>	<u>Do you sometimes get stood down without pay?</u>
\$15.00	Level 1	In establishments where employees are engaged on regular daily hire (this is where employees can be stood down without pay for stock shortages) the rates contained in the schedule to the left shall be increased by 10%
\$15.53	Level 2	
\$15.72	Level 3	
		<b><u>Casual employees per hour</u></b>
\$16.11	Level 4	Level 1    \$18.15                      Level 2    \$18.79
\$16.41	Level 5	Level 3    \$19.02                      Level 4    \$19.49
\$16.76	Level 6	Level 5    \$19.86                      Level 6    \$20.28
		Level 7    \$21.13                      Level 8    \$21.90
\$17.46	Level 7	These rates apply as at February 2011 and continue until July.
\$18.10	Level 8	Fair Work Australia will determine new rates in July 2011.

For certainty the modern Meat Award should be consulted but for general reference we provide the following as a generic guide to classifications in the meat industry.

## ***Level 1***

An employee at this level has had less than 3 months employment.

## ***Level 2***

Linking, salting, washing, drying, retort and lard section. This applies in smallgoods only.

## ***Level 3***

General labourers including operating whizzard knives, separating offal and vac pak operators.

## ***Level 4***

Trimmers, silent cutter operator, fork lift driver, ham and bacon curer, cooker, cleaning tripe, skinning of heads or feet, opening and cleaning paunches, trimming offal, derinder operators, guillotine operators, employee responsible for washing, drying, smoking hams and bacon, knife hands.

## ***Level 5***

Carcase graders, skin classers, casing workers, rendering plant workers, salesmen/saleswomen, cabinet attendants, quality assurance monitors, cashiers, employees engaged to perform any slicing work, sawyers, clerk.

## ***Level 6***

Employees engaged to perform any slaughtering work, carcase graders, employees engaged to perform any boning work.

## ***Level 7***

Tradesperson, Butcher, Slaughterer, Smallgoods maker

## ***Level 8***

Butcher in charge of a meat retail establishment

## **AWARD DEFINITIONS**

A  **slicer** is an employee who is required to use a knife to trim, including the removal of extraneous material, in accordance with the employer's instructions and product specifications and to dispatch such product to other employees for further processing if required by the employer.

A  **trimmer** is an employee who uses a knife to remove fat or other extraneous material or foreign matter from a carcase, side, quarter or piece  **prior to boning** or in preparation for chilling prior to boning.

A  **boner** is an employee who is required to use a knife to remove meat from the bones, sides, quarters or other piece of carcase. *Note:* removing inter-costal meat from racks or loins is boning work.

## Consultative Committees

An employer's proposal to negotiate an agreement with its in-house consultative committee misled employees about their rights and breached the Fair Work Act's notice requirements, Fair Work Australia has ruled.

Commissioner Anne Gooley found that the notice of representational rights Capricornia Pty Ltd (t/as Quality Hotel Batman's Hill on Collins) provided its employees complied with section 174 of the Act.

However, at the same time it also sent employees a memo advising that it planned to create a consultative committee *"to provide the necessary support network for the negotiation and approval of the agreement"*.

The memo:

- called for nominations for *"one employee to act as a bargaining representative from reception, administration, housekeeping, food & beverage and kitchen areas"*; advised that an election would be held if more than one nomination was received from an area;
- indicated that only full-time or part-time employees could act as a bargaining representative; and
- stated that the committee would review and reach agreement on changes that should be made to the existing agreement.

The memo also explained that if an employee was a member of a union *"you may wish to engage them as your bargaining agent"*.

The employer told the tribunal that it received a nomination from only one employee in each area, so all employees who put their hand up were able to sit on the committee.

Further, it said employees were invited via the memo to approach company managers if they had questions.

Commissioner Gooley said the employer's submissions *"missed the point, which was that the information provided in the memo was in direct conflict with the provisions of Section 174 of the FW Act and misled employees about their rights"*.

The memo undermined the *"pivotal process"* of circulating a notice of representational rights to employees, she said.

It misled employees about their rights, she continued, when it advised them that the employer would recognise only one bargaining representative per work area and that casual employees were barred from being bargaining representatives.

## Apprentice Crushed To Death At Harvey Beef

Unions have questioned whether Harvey Beef failed in its duty of care towards a teenage apprentice fitter who was dead for three days before being found crushed by machinery on 28th January.

Harvey man Dean Simpson, 18, was found by a co-worker about 2pm in the roof space of the cool-room of the abattoir.

Operations at the State's biggest abattoir remained suspended on the following Monday after 300 workers were sent home at 3pm on the 28th. Investigations are continuing into the tragic death.

### **Abattoir Worker Caught in Mincer**

An abattoir worker has suffered serious injuries to his arm after being caught in a food mincing machine.

Ambulance Victoria paramedics treated the 27-year-old man at an abattoir at Poowong, southeast of Melbourne on 3rd February.

The man was then flown to The Alfred hospital in Melbourne in a stable condition.

Intensive care flight paramedic Cam Robertson said the man suffered significant injuries to his arm below the elbow.

"His workmates have provided first aid to him to help reduce the bleeding" Mr Roberstson said.

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**membersequitybank.com.au**

# The Australasian Meat Industry Employees' Union

Tasmanian Branch, PO Box 649, Kings Meadows Tas 7249

(Registered under the Workplace Relations act 1996, as amended)

I, the undersigned apply for membership of the Australasian Meat Industry Employees' Union, Tasmanian branch and pledge myself to loyally abide by its Rules and any amendments that may be made hereafter. These rules obligate a member to be financial before a resignation can be accepted and all resignations must be made in writing to the Union office.

Title: ..... Surname: ..... Other Names: .....

Address: ..... P/Code:.....

Date of Birth: ..... Ph No: ..... Occupation: .....

Employer: ..... Location: ..... Full Time / Part Time / Casual (please circle)

Signature: ..... Date: .....

## HOW TO PAY UNION FEES

### Option 1: Payroll Deductions by your employer

(not available everywhere, please check with your employer)

### Option 2: Direct Debit Request Payments

Simply fill out and return this form to arrange easy regular deductions from your bank/credit union.

*I hereby authorize the Australasian meat Industry Employees Union to arrange for funds to be debited from my/our account at the Financial Institution identified below and on the basis specified hereunder:*

Weekly "	Fortnightly "	Monthly "	Quarterly "
Name account is held in			
Name of your bank or credit union			
BSB Number			
Account Number			

Signature/Signatures: .....

Date: .....

### Option 3: Regular Account Payments

Simply call us to arrange for an invoice to be sent to you quarterly or half yearly.

Call us on 6331 7233

### CURRENT FEES

Full ticket	\$8.00/wk
Apprentice/Jnr	\$4.00/wk
<\$20,000 pa	\$4.00

All your direct debit information is kept confidential. AMIEU will provide 14 days notice of any change in the terms of your arrangement. If you wish to cancel or change any of your arrangements, or have any questions regarding your direct debit request, simply contact the Tasmanian union office. If the due date for the direct debit falls on a non business day, then the money will be deducted from your account on the next business day.

Please ensure that your nominated bank account can accept direct debits and has enough funds to cover the direct debit on the day it falls due. If there are not enough funds in your account to cover your direct debit on the day it falls due, the bank will advise the union and we will contact you to make alternative arrangements. Your bank may charge you a dishonour fee.