

NEW ZEALAND

Meat Workers

Struggle for Justice



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Two brothers (Peter & Michael) along with Peter's son Andrew, run Talley's Group Ltd in New Zealand. National Business Review Rich list publication lists the family's worth at \$370m.

Talley's purchased their first 10% shareholding in AFFCO in 2001, gradually increasing this to a majority share by June 2006, achieving a complete takeover in 2010. AFFCO, SPM and Land Meats is now the meat division of Talley's Group.

Talley's approach to industrial relations is the decimation of any "industrial democracy" within any of their plants/sites. They appear to adhere to the U.S. Union Busting Manuals with a singular determination reminiscent of a street fighter looking for that final boot in the teeth.

This business model is quite simple; the Corporate Manager (under instructions) sends a verbal memo to all plant managers and senior supervisors – 'henceforth the union is prohibited from using any notice boards, to distribute flyers, hold union elections, or organise the union'. They then illegally bar union officials access to sites and gag union members from talking to the officials at any time of the day or night under the threat of dismissal.

The New Zealand Meat Workers Union (MWU) has had to contend with repeated breaches of Employment Law on spurious and unlawful grounds, additional delaying tactics to impede the law working effectively for members.

Since 2010 the MWU has had more than 60 legal cases including a private prosecution under the HSE Act so far with Talley's and this is not the exclusive list. See our web page <http://www.nzmwu.org.nz/affco.html>. MWU success rate against Talley's tactics is currently 99%.

On access to meet with members in their working environment, the MWU has had 6 cases (representing the many visits that have been denied) since 2011, winning \$244,000 in penalties (this Talley's money is then used for the next breach) additionally being awarded our legal costs.

The last visit our union organiser was assaulted by the site managers "heavy". \$28,000 was paid to the MWU and an additional Police trespass order was found invalid as the MWU were exercising their legal rights of access.

Within one working day after winning the nonsensical trespass accusation, another denial of entry occurred to a MWU organiser in the North Island at another Talley's meat plant, as management wanted to drug test him.

A recent witness statement before the Employment Authority is quoted: "The principal coordinator of the respondent's anti-union strategy is Michael Talley. He appears to have little or no regard to Employment Law. There are a string of cases going back nearly 30 years where various Courts have held that either Michael Talley personally, or companies he controls, systematically and knowingly ignored and violated employment law. The Talley's would appear to consider penalty awards simply as part of the cost of implementing this strategy of de-unionising their workplace, and consider them to be a general business expense."

June 2015 was the start of a new season much of the New Zealand meat industry is seasonal – and AFFCO started employing our members contrary to normal procedure.

They offered only Individual Employment Agreements in lieu of observing previous agreements or obligations to bargain with the union. The MWU went to the Employment Court to overturn this illegal procedure, and on 18th November the Employment Court (3 Judges) found "AFFCO breached its obligations of "Good Faith" – failure to notify MWU – misleading the MWU - failure to recognise the role and authority of the MWU – illegally bargaining directly with members of MWU and AFFCO had unlawfully locked out". The Court of Appeal upheld the decision of the 3 Judges at Employment Court.

Talley's then appealed the matter to the highest Court in NZ, the Supreme Court heard submissions in June and announced its unanimous decision 7 September 2017 by dismissing the appeal and awarded MWU \$35,000 + disbursements and that AFFCO locked the workers out unlawfully.

This has been a long ongoing series of litigation that would have tested the union's resources had it not been for penalties awarded to the union from Talley's over the course of this battle.

Workers at AFFCO Wairoa chose not to accept returning to work on the Individual Employment Agreements demanded by AFFCO and the Employment Court agreed that those workers were illegally locked out and ordered AFFCO to rehire them on the expired CEA. AFFCO also demanded these day shift workers to work night shift. The Court of Appeal agreed with the EC that these workers are entitled to 5 months lost wages, up to \$2m which includes Interest + legal costs. The Court of Appeal heard the case 14 August 2018, with its decision 6 December 2018.

Ultimately a new AFFCO collective employment agreement [CEA] was agreed and ratified for 2 years on the 6th March 2017 by Michael Talley and MWU members. This CEA expires 5 March 2019

Talley's other subsidiary meat companies are South Pacific Meats (SPM) and Land Meats (LM). Those union members are not covered with CEA's as Talley's fail to negotiate in good faith. The MWU initiated bargaining at SPM 9 October 2014 and LM 5 May 2014. We are unable to have access/meetings with members to discuss claims. Talley's negotiator is the same director for all three companies.

