

**Macleay River Meats Pty Ltd trading as
EVERSON'S FOOD PROCESSORS**

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**Productivity Commission
Inquiry Into the Workplace Relations Framework
GPO Box 1428
Caberra City
ACT 2601**

5 March 2015

Dear Commissioners

Inquiry Into the Workplace Relations Framework

Thank you for the opportunity to make a submission to the Productivity Commission's inquiry.

The Everson's Group of companies is family owned and managed. The Group employs 220 people and is the largest private employer in our region.

Submission 5.7 Other Elements of the WR Framework

Union Right of Entry

Our concerns centre on Australian Meat Industry Employees Union (AMIEU) entering our premises for discussions and the frequency of these "discussions" and also entry to meal rooms

Background

- From Management's collective knowledge no union representative had visited the plant to discuss anything with any employee for over 20 years.
- From my own personal knowledge, since I commenced work with the Everson's Group on 11 August 2008 no union representative had attended our plant for "discussions with employees" until 5 February 2013 when the Assistant Secretary AMIEU Newcastle and Northern Branch arranged a visit.
- The union representative (UR) arranged subsequent visits on 9 May 2013, 10 October 2013 and 13 December 2013 and was happy to use an office we provided that was very accessible to all staff.

- All staff received notice of the arranged visits for discussions with the UR in the office and were free to see him in their breaks i.e. 8.30am -9.30am and 12 noon to 12.30pm. It should be noted that not one employee saw him at those times.
- On 1 July 2013 the previous Gillard government amended the Fair Work Act 2009:

"These changes affect the rights and powers of officials of organisations who have entry permits to enter businesses. The changes will mean that:

Interviews and discussions with employees must be held in an area that the business and permit holder agree to (lunch rooms can be used if no agreement can be reached)

The Fair Work Commission will be able to deal with disputes about the frequency of visits "

- Since 1 July 2013 the Union has used Right of Entry Notices on 10 October 2013, 13 December 2013, and most notably from 16 January 2014 requested meal room access.
- We provide a full meal every day to all our staff in a rotation from 8.30 until 9.30am. At any given time there will be 50 people eating in the meal room. Staff have indicated that they do not wish to speak to the AMIEU delegate while they are eating their meal.
- From 20 February 2014, the AMIEU increased the rate of visits as follows 26 February, 11 March 2014, 18 March 2014 and 27 March 2014, 10 April 2014, 16 April 2014, 14 May 2014, 28 May 2014, 18 June 2014, 26 June 2014, 16 September 2014, 12 November 2014, 11 December 2014, 20 February 2015 (14 visits in a 12 month period).
- When questioned as to the dramatically increased frequency of visits the UR said that *"it could get worse and he/they could come every day. They were using the amended Fair Work Act Right of Entry and Meal Room provisions until the Abbott government changed the law after 1 July 2014"*.
- On 27 March 2014, after the UR handed out a document to staff in the meal room, Stafford Everson and I had a serious discussion with him about the information it contained, including commercial in confidence wage rates from 3 large export meat processors with no relevance to our pay rates – we are a domestic abattoir. When questioned as to the union's motive for attending every week and to the apparent disruption the union wanted to create our workplace he said *"we did this as a s..t stir, laughed and said he was here to educate staff."*
- It appears that the AMIEU is using the "right of entry" to tout for new members.

- It also appears that the AMIEU has an agenda to split a workplace which has had no previous industrial issues or complaints. In our opinion the AMIEU's visits are excessive and bordering on harassment.
- The AMIEU have all the rights to access our workplace - we and our employees have no right of refusal

Submission:

We ask that the Federal Government repeal the Gillard Government's 1 July 2013 legislation and amend the Fair Work Act to limit the right of union entry, restrict meal room access and the frequency of union visits to a reasonable amount.

Leave Loading on Annual Leave Payable on Resignation/Termination

- Since the Fair Work Act 2010 Leave Loading is payable on accrued annual leave when employment ceases. Our view is that it should only be payable when actual annual leave is taken while in employment.
- Leave Loading (17.5%) is another heavy impost on businesses trying to maintain and create jobs especially in regional areas. Historically it was argued by the unions that overtime rates needed to be maintained as only the base rate of pay applied to annual leave.

Submission:

In our business overtime rates are minimal and therefore the 17.5% leave loading on annual leave payments on termination or resignation is excessive and the Fair Work Act should be amended to apply to annual leave actually taken.

Thank you very much again for considering our submission, if you would like further information or clarification please do hesitate to contact me.

~~Yours faithfully~~

**Kerri Riddington
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Human Resources and
EPA Manager**