

## IN THE FAIR WORK COMMISSION

**Matter number:** C2019/5259

**Matter title:** 4 yearly review of Modern Awards - Review of Certain C14 rates in Modern Awards

### SUBMISSIONS OF THE AUSTRALASIAN MEAT INDUSTRY EMPLOYEES' UNION

1. The Australasian Meat Industry Employees' Union (AMIEU) is a registered organisation of employees which represents workers in the meat industry in Australia, including the meat processing, meat manufacturing, and meat retailing sectors.
2. The AMIEU has an interest in the *Meat Industry Award 2020* ("the Award").
3. The Fair Work Commission issued a Statement in relation to the above matter on 22 September 2023. The Statement included directions, including a direction requiring interested parties to file:
  - (a) submissions in respect of the provisional view stated in paragraph [8] of the Commission's statement;
  - (b) submissions as to the accuracy of the table at Attachment D of the Commission's statement;
  - (c) draft determinations or proposals for any specific award variations that might be necessary; and
  - (d) evidence upon which they intend to rely.

#### **Submissions in respect of the provisional view of the Commission**

4. The AMIEU agrees with the provisional view of the Commission in relation to the principles which should guide the review of C14 rates. While accepting this

provisional view, the AMIEU would nevertheless submit that the duration of the transitional period of any entry level rate under the Meat Industry Award 2020 should be for a significantly shorter period than six months.

#### **Submissions as to the accuracy of the table at Attachment D**

5. The AMIEU agrees that the table at Attachment D of the Commission's statement is accurate insofar as it relates to the Meat Industry Award 2020. The table correctly records that the next level up from the entry-level C14 classification of Level MI1 is Level MI2, equivalent to the C13 rate. However, for the sake of completeness, the AMIEU does note that the Level MI2 classification applies to only a very limited number of tasks in the meat retailing and meat manufacturing sectors. In practical terms, most workers covered by the Meat Industry Award would progress from Level MI1 directly to a Level MI3 classification, for which the weekly rate of pay is currently \$898.80.

#### **Draft determinations or proposals for any specific award variations**

6. The AMIEU submits that, given the short periods of on-the-job training provided to entry-level employees new to the industry, there is no need for the Meat Industry Award 2020 to include a transitional C14 rate, and references to Level MI1 ought to be deleted from the Award.
7. In the alternative, the Award classification should be amended to ensure that, rather than remain open-ended, the definition of the Level MI1 classification should be amended to insert a maximum duration for the classification before transition occurs to the usual classifications. That maximum duration should be in the order of one week, reflecting the amount of on-the-job training that new employees typically receive.

## **Evidence of the AMIEU Witnesses**

8. The AMIEU has provided witness statements from two of its officials, Justin Smith and Warren Roy Earle. Both officials have considerable experience both as workers in the meat industry and in representing workers as union representatives.
9. The evidence of the AMIEU witnesses detail their experience and knowledge of the training of entry-level employees who come to the meat industry without prior industry experience.
10. Employees in the Level MI1 classification are new employees to the workplace who are being trained for basic labouring and packing roles in the industry. The classification is not used for employees being trained into skilled roles. After standard workplace inductions, employees in the Level MI1 classification are assigned work tasks that are covered by higher classifications in the Award, typically Level MI3 work (or possibly Level MI2, but Level MI2 only applies to a rather narrow range of jobs).
11. In respect of employees who are new to the industry, on-the-job training is provided for only relatively short periods of time. Such training consists of:
  - (a) a general induction to the workplace and the industry
  - (b) a brief period of instruction in a specific task or tasks,
  - (c) being required to perform the task under the supervision of a more experienced employee; and
  - (d) being required to perform the task on their own but able to call on an experienced employee in the vicinity in case they need assistance.
12. Both Mr Smith and Mr Earle state that the length of time to train an employee in a particular entry-level job will vary according to the tasks required, ranging from a few

hours to a few days, with approximately one week being sufficient for an employee to reach the required standard in even the more complex or varied entry-level roles.

## **Submissions**

13. The C14 Rate in the Meat Industry Award 2020 is the Level MI1 classification. The classification is defined in clause A.3.1 of Schedule A to the Award in the following terms:

### ***A.3.1 Meat Industry Level 1***

*An employee at this level will be a person with no experience in the industry undergoing on-the-job training for an initial period of at least three months.*

14. The Award assigns no specific duties or tasks to this classification. The work tasks performed by Level MI1 employees invariably consists of duties that fall within higher classifications in the Award.
15. The first element of the classification description makes it clear that the classification is intended to apply only to those people with no experience in the industry.
16. The second element of the classification description indicates that the classification is intended to be used only while the person is undergoing on-the-job training.
17. The third element of the classification indicates that the classification is intended to be used only where the initial period of on-the-job training exceeds three months.
18. Finally, the classification description provides only for a minimum period of on-the-job training, with no upper limit proscribed.
19. The foregoing implies that the classification should not be available unless an employee is to be provided with at least three months of on-the-job training. The AMIEU considers it highly improbable that any employer in the industry provides anything like this amount of on-the-job training for new, entry-level employees.

20. Employees in the Level MI1 classification are new employees to the workplace who are being trained for basic labouring and packing roles in the industry. The classification is not used for employees being trained into skilled roles. After standard workplace inductions, employees in the Level MI1 classification are assigned work tasks that are covered by higher classifications in the Award, typically Level MI3 work (or possibly Level MI2, but Level MI2 only applies to a rather narrow range of jobs). These tasks, while repetitive and in some cases physically strenuous, are generally straightforward, routinised, and not overly complex. Attaining competence in the task involves being able to perform the job to the required standard of quality or accuracy, at the pace demanded by the workflows in the establishment. That standard and pace are achieved simply through repetitive performance increasing familiarity with the task. Competence in the assigned task is achieved within a period of time that ranges from a few hours to a week or so, depending on the task in question. witnesses
21. However, it is not uncommon for employers to treat three months as the default period on which to remain at the introductory level rate. This produces an inequitable consequence, in that new employees are performing the task the standard of a competent employee in a Level MI2 or Level MI3 classification, but are paid a lower rate of remuneration, ostensibly on the basis that they are still within some notional training period.
22. The brief periods of on-the-job training provided in the meat industry for employees who are new to the industry do not approach the amount or duration of training contemplated by the Level MI1 classification in the Award. Accordingly, it would be appropriate to conclude that the Level MI1 Classification is unnecessary to meet the Modern Awards objective in respect of the meat industry.
23. Alternatively, if the Commission were not minded to delete references to the MI1 classification from the Award, then the AMIEU submits that the Level MI1 rate should be amended to ensure that there is an appropriate maximum limit to the duration of the classification. Further, the AMIEU submits that maximum limit should reflect the actual amount of “on-the-job” training actually provided to employees who are new to the industry. Reflecting actual periods of time spent in

“on-the-job” training would mean that the Level MI classification would only apply to employees for a short period of time, in the order of approximately one week.

Submissions of the Australasian Meat  
Industry Employees’ Union  
10 November 2023

## **IN THE FAIR WORK COMMISSION**

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### **WITNESS STATEMENT OF JUSTIN SMITH**

I, Justin Smith, care of 13/26 Balook Drive, Beresfield, in the State of New South Wales, Union Official, state as follows:

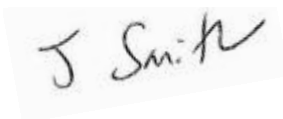
1. I am the Federal President of the Australasian Meat Industry Employees' Union (AMIEU) and also the Secretary of the Newcastle, Northern New South Wales, and Tasmanian Branch of the AMIEU.
2. I became an organiser with the (then) Newcastle and Northern New South Wales Branch of the AMEIU in 2008. Prior to 2008 I worked for approximately nine years at the Wingham Beef Abattoir. I worked on the slaughter floor and am qualified as a Certificate III Slaughterer.
3. In the fourteen years I have worked as a union official, I have organized both meat processing and poultry processing establishments.
4. I am familiar with how the training of new employees was conducted while I worked at Wingham Beef. By "new employees" I am referring to employees who had not previously worked in meat processing.
5. When new employees are hired they are not assigned to skilled roles but to what the industry regards as unskilled or semi-skilled work. This includes a wide variety of jobs, such as work packing meat, making boxes or cartons in which meat is packed, cleaning work, or general labouring work which might include pushing carcasses into the chillers or moving product that has been packed to storage or distribution areas.

6. The first stage of on-the-job training would be a worksite induction. When I was working in the industry, the induction sessions generally lasted a full day. However, in more recent times, it has become common for more time to be devoted to induction training. This can be two full days, or even more at some establishments. In my experience, new employees are paid for the time spent in induction training.
7. When I worked on the slaughter floor, roles to which new employees would be assigned included the job of “floor boy” (an employee responsible for cleaning up dropped product or fat from the floor of the work area), the job of “peeling skirts” (this involves peeling the membrane off the thick skirt [diaphragm]) and putting the membrane into a box, placing tickets (when the body is moved on to the scales a ticket is printed and subsequently stuck onto the body), packing offal (in the “Offal Room” department of the slaughter floor), or packing tripe (in the “Gut Room” department).
8. Throughout my employment in the industry, the method of training of new employees remained unchanged. A supervisor would bring the new employee to what was to be their workstation or work area. The supervisor demonstrates how to perform the work, or might instruct another employee to show the new employee how to perform the job. After that, the new employee is required to do the work on their own, but with another worker in the area checking on them occasionally. Depending on the job, it might be an hour or two, or at most a day, before the new employee is doing the job on their own.
9. Some specific tasks might take a little longer to learn to perform fully. For example, a new employee might be assigned to another employee to perform the job of pushing beef carcasses from the chillers. Demonstrating the task of safely pushing the carcass would take a matter of ten minutes or so. The new employee would work with another more experienced employee who would indicate to the employee where he should push the carcass onto, and how to change rails. However, the carcasses are tagged with codes to show how and where they should be grouped, and it might take a few days or even a week to understand the various codes.



10. Since I have left the meat industry I have dealt with large numbers of meatworkers from a variety of different establishments throughout the Newcastle and Northern NSW region. From my understanding of the industry, I can say that the practices I observed when I was working at Wingham remain commonplace throughout the industry.
  
11. Most of the work in meat processing establishments is highly repetitive. For the jobs that new employees are given, the work is not complex, and it is a matter of repeatedly performing the task to learn how to perform it accurately and quickly. There are some jobs which would only take a matter of hours to learn to perform properly, while others might take a matter of days. The industry is focused on production levels, and employees are expected to get up to speed quickly. I think it would be generous to say that some employees take about a week to be able to fully perform one of the jobs that entry level employees are given.
  
12. I am not aware of any establishment in the industry which would provide new, entry-level employees with three, or even one, month of on-the-job training.

Dated this 9<sup>th</sup> day of November 2023



Signed:

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JUSTIN SMITH

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### **WITNESS STATEMENT OF WARREN ROY EARLE**

I, Warren Roy Earle, care of Level 1, 39 Lytton Road, East Brisbane, Union Official, state as follows:

1. I am the Lead Organiser with the Queensland Branch of the Australasian Meat Industry Employees' Union.
2. I have been an official with the AMIEU since 2007.
3. Prior to becoming an organiser with the AMIEU, I have spent most of my working life in the meat industry. I started working in the meat industry at the age of sixteen, when I started my apprenticeship as a retail butcher.
4. I am a trade-qualified retail butcher. I have worked as a butcher in both stand-alone butcher shops and supermarket meat departments. I briefly worked, for a period of about six months, at an abattoir in Cannon Hill, Brisbane. I was the manager of the meat department of a supermarket for approximately fourteen years.
5. In the course of my work in the industry, I have been responsible for training many employees. This has included training apprentice butchers, training employees new to the meat industry in a variety of roles, and also training butchers in the role of meat department manager.
6. As an organiser for the AMIEU I have organized and represented workers across the meat industry: those who work in meat processing, smallgoods (meat manufacturing), and meat retail establishments. In the sixteen years I have worked as an organiser I

have dealt with and assisted large numbers of workers about workplace issues and grievances, as well as enterprise bargaining and other collective disputes.

7. The majority of establishments which I attend in my capacity as an organiser are covered by enterprise agreements. Those enterprise agreements typically pay rates that are above the Award. However, the difference between Award rates and Enterprise Agreement rates are more significant for those performing skilled roles. For less-skilled roles like labouring and packing tasks, the difference between Award Rates and Enterprise Agreement rates are usually not as great.
8. The Meat Industry Award is the award which underpins these enterprise agreements, for instance, when making the assessment required by the Better Off Overall Test.
9. However, in the meat processing and meat manufacturing sector, most new employees to the industry are engaged through labour hire companies. This includes large numbers of migrant workers who have come to Australia under the PALMS (Pacific Australia Labour Mobility Scheme). These labour hire companies typically engage employees under the Meat Industry Award. Some labour hire companies have enterprise agreements that are long past their nominal expiry date, which means that their base rate of pay has fallen below that of the current rate of pay in the Meat Industry Award. These companies are required by the legislation to pay their employees a base rate of pay that is at least equal to the applicable award rate.

### **Meat Processing**

10. In my experience, employees who are new to the industry are always used for unskilled roles in meat processing establishments. Employers do not train employees new to the industry in skilled roles such as slaughterer, boner, or slicer. When an employer requires employees in these skilled roles then the employer either recruits skilled workers either locally, through sponsored migration programs, or selects employees from its existing employees who have requested to train for skilled roles and whom the employer considers have demonstrated some ability or promise. While it used to be standard for the industry to train some of its existing labour pool into skilled roles, employers have looked increasingly to recruiting skilled workers from overseas. Employers do not generally want to train people in the industry unless they





