

Case puts big bill on industry

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MEAT companies face potentially multi-million-dollar costs correcting six years of not paying workers for the time taken to put on and remove clothing required for safety and hygiene.

In late 2018 the Employment Court found in favour of a Meat Worker's Union claim the 20 to 30 minutes a day it takes workers to don then doff safety and hygiene gear at the start and end of work and during meal and rest breaks, known as donning and doffing, is work-related and should be a paid activity.

An application by meat companies for the Court of Appeal to hear the case was rejected.

Meat Workers Union national secretary Graham Cooke says negotiations have started with employers to address the underpayment but some are still arguing they are not liable.

"There is absolutely no question. Every meat company in NZ has a liability for donning and doffing," he says.

Meat workers on piece or hourly rates qualify for the pay to be backdated six years but the union, the Meat Industry Association nor meat companies will comment on the cost to individual firms or the industry.

A conservative calculation based on paying 30 minutes extra a day for a six-month season equates to more than \$1000 gross a season per worker.

NZ's largest manufacturing sector, the meat industry employs 25,000 people but only those on piece rates or hourly rates will receive the back pay.

Meat Industry Association chief executive Tim Ritchie says the extent of liability for each individual company is dependent on terms in employment contracts and the outcome of negotiations with the union.

He declined to speculate on what the figure will be.

Ritchie says companies must adhere to standards for hygiene and health and safety not only



MONEY: Workers at meat plants throughout the country are to get six years' backpay for the time it takes to put on and remove protective and hygiene clothing and equipment.

for product integrity but also the wellbeing of staff.

Meat companies declined to comment saying they are either in discussions with the union or are still to determine their liability.

However, it is known some companies are including a contingency in their annual accounts to cover the liability.

Cooke also declined to comment on the size of payment, saying settlements to date were confidential but the degree of liability depended on employment contract details and the movement of staff over the last six years.

The time it takes staff to prepare for work has been increasing and some are struggling to find time to have morning or afternoon tea before having to redress for work, he said.

"It is an endless process and workers are expected to do that in their own time."

Cooke acknowledged

companies are having difficulty reconfiguring operations to accommodate time for donning and doffing.

Some are providing longer lunch breaks while some smaller companies are extending the time spent on the chain to eight hours instead of previous 7.5 hours.

The issue stems from a 2018 case taken to the Employment Court by the union against Ovation in which it sought a judgement on two issues.

The first was the payment of rest breaks for piece-rate workers employed at Ovation's three processing plants.

The second was whether the donning and doffing is work for the purposes of the Minimum Wage Act.

Te Kuiti Meat Processors was the second plaintiff in the case.

Both companies have collective employment agreements with the union but negotiations during

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bargaining for a new agreement broke down over the donning and doffing issue.

"The plaintiffs contended that piece rates incorporated payment for rest breaks. The union disagreed," Judge Bruce Corkill said in his December 2018 decision.

He found contracts with piece workers at any of the plaintiff's plants did not provide paid rest breaks.

He acknowledged meat

processors must meet stringent regulations and standards under the Animal Products and Health and Safety Acts but rejected the plaintiffs' argument that if the time taken to walk to and from their place of work was subtracted, time spent donning and doffing amounted to preparatory and concluding activities occupying micro periods of the day.

Evidence was presented that staff at plants in Feilding, Gisborne and Te Kuiti spent 20 to 32 minutes a day donning and doffing and a further 12 minutes walking to and from their workstations.

"The elaborate activities which are required to be undertaken at all relevant times impose significant constraints on the freedom of the workers involved," Judge Corkill said.

He found donning and doffing is work for which employees were not being paid.

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