

Employment disputes echo on in NZ meat industry

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The Court of Appeal has been hearing a case about employment rights in the meat industry.

Before the Court the meat processor Affco New Zealand challenged the Employment Court decision that seasonal workers can be permanent employees.

Much freezing industry work is seasonal and the industry has long accepted – at least since a 1992 meat industry case – that when the season ends so too does a seasonal worker's employment. Next season the worker might or might not seek re-engagement and might or might not be taken on.

In keeping with that understanding Affco offered individual employment agreements to seasonal workers seeking re-engagement.

Those agreements were rejected. Instead, the would-be workers claimed to be still employed under the terms of their previous collective agreement, saying their work had been suspended, not ended.

They took their claim to the Employment Court, which ruled in their favour. Affco appealed.

This particular swing of the pendulum is the latest in a long history of contested rights in the meat industry.

From the time the first shipment of frozen sheep meat left New Zealand in 1882, industrial tensions in the meat industry have ebbed and flowed.

Affco -the Auckland Farmers' Freezing Company - was established in 1904, remaining a farmer cooperative until the early 1990s when it became a publicly-listed investor-owned firm.

Over the years it has been no stranger to the industrial disruption that has plagued the industry - from a nation-wide strike of freezing workers in 1907, to the grim industrial record of the 1970s, and a long strike by Affco workers in 2006 and 2007.

Employment law concepts have oscillated with successive changes in industrial law, beginning in 1894 with the Industrial Conciliation and Arbitration Act, on through three further statutes - the 1973 Industrial Relations, 1987 Labour Relations and 1991 Employment Contracts Acts - to today's Employment Relations Act.

For the meat industry, the contest and choice between individual and collective agreements is now a key tension.

So too the ability of companies to opt out of multi-employer collective agreements and out of collective bargaining if agreement cannot be reached.

Some of these disputes echo in the current case before the Appeal Court, their longevity almost matching that of the meat industry itself.

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