Meat Industry Unions, Industry Restructuring, and Employment Relations Change in New Zealand and Australia

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Abstract

Change has been an ongoing process in the meat processing industries of New Zealand and Australia. It has been driven by a number of external and internal factors such as market demand, seasonality, and competitiveness which require industry parties to strategically respond in order to remain viable. Arguably, in both countries, the meat industry trade unions have faced greater challenges because their situation was compounded by rounds of legislative change. Consequently, after two decades of industry restructuring and employment relations change, the unions can be seen as survivors in the industry and the employers as the winners.

Introduction

The New Zealand and Australian red meat processing industries have experienced considerable change during the last two decades. This has been driven by government policy, employment relations legislation, and industry rationalisation and restructuring aimed at improving international competitiveness via cost savings. From the perspective of the trade unions in the industry – the NZ Meatworkers' Union, Meat Union Aotearoa, the Australasian Meat Industry Employees' Union (AMIEU) – a number of challenges have arisen that have consequently resulted in significant modifications in their strategy.

This article, while offering an assessment of union strategy in the meat processing industries over the last two decades, also identifies key strategic responses of the other main parties in the industry. This is done by providing a brief history and overview of each country's meat processing industry, including industry structural and ownership changes. Employment relations changes are then considered and an assessment of the strategic responses of the unions in each country is provided. The purpose is not to simply offer a similar case comparison of the industry in the two countries but to assess how parties involved in a major international export industry fare in the face of domestic and international forces driving changes. However, it is important to note that these changes do not necessarily occur because of similar circumstances. This approach accords with the comments made by Wailes (1999), who warns that the act of comparison does not guarantee insights into the causes of employment relations change and that similarity between New Zealand and Australia is not an adequate starting point to justify such comparative research.

While there are some similarities in terms of industry structure and even employment relations legislative changes between the two countries that can be noted, there is probably greater difference between the North and South Islands of New Zealand when it comes to meat industry structure and rationalisation. Intra-country differences

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are predicted, therefore, to be an important factor in explaining the strategies of the parties in the New Zealand industry, particularly the unions.

The development of the modern meat processing industry in New Zealand and Australia

For the purposes of this article, the generic terms ‘meat processing industry’ and ‘meat industry’ will be used interchangeably to refer to both domestic and export-licensed abattoirs. In New Zealand and Australia, the meat industry is referred to as the “meat processing industry” (IBISWorld Pty Ltd 2000-2002; IBISWorld Australia 2005) which encompasses the domestic-market industry, or the ‘meat processing and exporting industry’, encompassing the export-licensed section of the industry. These definitions are developed from the red meat industry which covers all work carried out in an abattoir, from the slaughtering through to the packaging of the meat for export or domestic consumption, including the manufacture of smallgoods. The meat industry remains labour intensive and heavily reliant upon worker skills, despite the introduction of new technologies over the last two decades.

The work itself is heavy and physical. The work atmosphere is dirty, noisy, and smells, and a range of temperature extremes exists. Accidents in the meat industry are common (Worksafe Australia, 1994), making work cover costs high for employers. The pace of the work is set by the mechanised chain system of disassembly, revolving around groups or gangs of workers. Each group member has responsibility for a part of the disassembly of the carcass as it moves, suspended, along the conveyor belt chain. In the boning room, carcasses are placed on an overhead chain conveyor system, after which they pass through a series of processing operations. Operating in conjunction with the carcass conveyor are waste conveyors, all of which must be thoroughly cleaned every day. From the boning room, the meat is packed into cardboard cartons and transported by conveyor to an in-line weighing and labelling station. The conveyor system sorts the cartons into chilled and frozen streams and stages them for loading into freezers or carton chillers. Full pallets are conveyed to a pallet pick-up station where forklifts deliver the pallets to despatch. Any change in technology adopted by a competitor will soon flow across the industry, necessitating changes in work practices and conditions.

One of the key issues facing the meat industry in both New Zealand and Australia is the retention of international market share of the export industry through making productivity gains and cutting costs in export-licensed abattoirs. This is hampered by the cycles of high throughput and high profits followed by periods of low activity and low profits, often tied to climate conditions, seasonal changes, and availability of livestock. As the industry is highly competitive and profit margins are low compared with other manufacturing industries, profit is made on volume (IBISWorld Australia, 2005). Profits are made when plant operation is between 70 and 100 per cent capacity (Taylor, 1998) and when labour patterns are made more flexible.

Plant throughput and employee output are key issues for companies in both countries. It has been estimated that from 1985 to 1997, a 60 per cent improvement has been achieved in output per employee on beef slaughter boards with comparable increases in lamb and mutton slaughter (Sinclair, 1997). The improvement is largely due to changes in technology, slaughter floor design, and workforce reforms. However, in terms of production cost per unit, the slaughter component remains approximately one third to one half of the total cost with labour costs even less, at just over four per cent of meat export production costs (Hayes, Malcolm, Watson, O'Keefe and Thatcher, 1999; Hall, 2001). Improvements or changes made by a competitor at the international level drive subsequent changes across the industry as a whole, resulting in a flow-on of changes in technology, plant design, supply chain management, and workforce management. When competitors are also geographically close, such as New Zealand and Australia in lamb meat production and export, but geographically separated from their buyers, the retention of competitive advantage is crucial and replication is expected. Despite this, the industries in New Zealand and Australia retain a number of differences in structure and approaches to workforce management that subsequently shape trade union strategy.

Another important factor in determining productivity, competitiveness, and industry structure is the pattern of ownership. Findings from international research (McGuckin and Nguyen, 1995; Nguyen and Ollinger, 2002; Celikkol and Stefanou, 2004) have identified changes in productivity related to changes in meat industry ownership; namely, that in large plants ownership changes result in an initial drop in productivity but in small plants, there is an increase. Further, plants targeted for mergers and acquisitions are highly productive ones. This research also identified a concentration of meat industry ownership (81 per cent) between three firms in the United States (Celikkol and Stefanou, 2004), a pattern that is replicated in both New Zealand and Australia and discussed below.

New Zealand meat processing industry: background and current situation

The New Zealand meat export industry traces its origins to the early 1880s (New Zealand Meat and Related Trades Union, *n.d.*; NZ Meatworkers' Information Booklet, 2002). The industry ownership was formerly dominated by British companies such as Vestey, Borthwicks, Weddell, and Co-operative Wholesale (Curtis and Reveley, 2001; *New Zealand Meatworker Newsletter*, April 2002). These large companies traditionally concentrated on maximising throughput rather than on minimising costs. Historically, the seasonal nature of meat processing provided the industry unions with considerable strength during peak season so that "… the meat industry was responsible for one in every four strikes in New Zealand" (MIA media release, 2000, 21 May).

There are over 150 New Zealand meat companies licensed to operate, with most exporting primarily red meat, with the range of products including mutton, lamb, beef, veal, venison, and goat meat cuts as well as by-products such as offal and sausage casings (Trade New Zealand, 2005). Ninety per cent of meat processed in New Zealand is exported (MIA media release, 21 May 2000) and meat exports account for about 15 per cent of New Zealand's export income (Trade New Zealand, 2005). More than 90 per cent of New Zealand sheep meat production is exported, accounting for 53 per cent of the world export trade (Trade New Zealand, 2005). New Zealand also exports 85 per cent of its beef production, and is the fourth largest beef exporter (Trade New Zealand, 2005). The Meat Industry Association of New Zealand (MIA) is the main employer association and represents companies supplying 99 per cent of New Zealand sheep meat exports and 100 per cent of beef exports (Trade New

Zealand, 2005), including processors, marketers, and exporters (MIA, 2005). It is an effective lobbying body for its members but has not always achieved the outcomes its members desired, notably changes to New Zealand economic policy in the 1980s which saw protection for the industry dropped to force it to be more internationally competitive.

The ownership of the processing plants is currently dominated by three large New Zealand companies – PPCS, AFFCO, Alliance – as a result of restructuring and rationalisation. In 1991, the remaining British company, Vestey, went into receivership and three large Auckland plants closed (Cooke interview, 2002). This allowed the livestock producers and the MIA to implement plans for restructuring the North Island industry. In the North Island, there are a number of boutique slaughter plants for lamb and beef and the majority of plants, large and small, are located in rural regions. This is part of a farmer-driven strategy to retain tight managerial and supplier control over the industry (Cooke interview, 2002) and to make union organising more geographically difficult.

In the North Island, a series of mergers and acquisitions in the late 1990s saw Richmond become New Zealand's largest red meat processor (Richmond, 2003), with an annual turnover of $1.1 billion, and 90 per cent of its total sales coming from exports (Trade New Zealand, 2003). However, Richmond's fourteen plants processing high quality beef, lamb, venison, veal, goats, leather, and associated products have since been bought out by PPCS. PPCS is a vertically integrated company established in 1947 by a group of farmers for direct marketing purposes (PPCS, 2005) and has over 1200 supplier shareholders (New Zealand Trade, 2003).

Also operating in the North Island is AFFCO, a publicly listed company with about 70 per cent of its shareholders being farmers who supply the company's lamb and beef. AFFCO operates eight plants (AFFCO, 2003) and exports 150,000 tonnes of beef and lamb products annually (AFFCO, 2003). The Alliance Group began in the 1950s and is also a vertically integrated farmer-owned producer co-operative (Alliance, 2003) with seven processing plants for lamb, sheep, beef, venison, and pork products. A relative newcomer to the industry is CMP which began operations in 1994 and processes beef and lamb (CMP, 2005). The concentration of the meat processing industry in the hands of only a few companies is reflective of the pattern of ownership in the American industry (Andreas, 1994).

The red meat plants in the South Island are generally larger than those in the North Island (Eastlake interview, 2002; Cooke interview, 2002). The consequence of this - from the unions' perspective - is that organising boutique plants with less than twenty employees is resource intensive and time consuming, especially for the North Island Meat Union Aotearoa which had suffered considerably under the ECA. During the slaughter season, the red meat industry employs between 20,000 and 23,000 workers (NZ Meatworkers' Union, 2005; Cooke interview, 2002; Eastlake interview, 2002; MIA media release, 2000, 21 May).

The New Zealand red meat industry remains the most seasonal of all international meat industries (Curtis and Reveley, 2001), despite an overall lengthening of the season driven by the export market (MIA media release, 2000, 21st May). There remains peak slaughtering periods when the labour market is subsequently tight and 'off seasons', usually from July to October inclusive. The peak season may vary across segments of the industry; for example, a small number of plants process calves during July-September because this is the peak of the calf season when they are culled from the dairy and beef herds. However, "there is no single factor more important to the processor than throughput" (NZFCA, 1980: 28 cited in Curtis and Reveley, 2001: 143) and this ultimately determines the union and employer strategy in the meat industry at any given time because any interruption to throughput because of industrial action is "problematical" (Curtis and Reveley, 2001: 143). Seasonality specifically grants employers a position of strength during unpredicted season down time due to climatic factors or export market changes or at the end of a season when early closure is necessitated by low livestock numbers. This industry cycle combined with vertical integration sees New Zealand employers retain the ability to close plants where industrial problems occur and stream livestock to plants where workers would agree to accept lower terms and conditions of work. While seasonality can grant meat industry unions strategic industrial strength (Jerrard, 2000; Stewart, 1998), the downside has been the "discriminatory preferential hiring and firing by employers from one season to another" (Curtis and Reveley, 2001: 144). This weakens union strength when elected representatives are excluded from jobs by employers and also discourages workers from taking on delegate roles because of the greater threat to their job security and ongoing income.

The wages across the industry have not compensated for the poor working conditions. During the 1970s-1980s, wages were underpinned by a national minimum with agreements on additional payments and conditions negotiated with individual employers. Between 1971 and 1985, meat industry wages appeared comparatively high with the mean being 23.6 per cent above the manufacturing sector mean (Dixon, 1995). However, the manufacturing sector lagged behind the wages mean for all sectors with the result that "a Union survey in 1985 found that meat workers' wage increases were 40 per cent behind the Department of Labour statistics for average wage increases, and 43.2 per cent behind inflation from 1975-1985" (Hall, 2001). Mean wage figures also hid disparities between different sections of the industry and between the larger employers who paid higher wages and the smaller employers who paid lower (Brown, Medoff and Hamilton, 1990). Wages in the industry have continued to be perceived as unnecessarily high. During the 1970s-1980s, the employers compensated for wages costs through the 'protection' of the industry licensing scheme operated by the Meat Industry Authority (MIA), from the price supports provided to farmers by the Meat Board (Dixon, 1995; Savage, 1990), and by wages freezes across sections of the industry (Hall, 2001).

However, in 1984, Prime Minister Lange announced a fundamental change in New Zealand economic policy with the proposed elimination of export subsidies and other forms of protection. In 1985, the Supplementary Minimum Price Scheme and Meat Board price were removed (Dixon, 1995) resulting in a decline in the meat processing industry's returns (Savage, 1990) and leaving producers and exporters entirely reliant on export market returns (Trade New Zealand, 2003). This decision was the catalyst for the final withdrawal of the foreign-owned companies from the New Zealand industry. From the unions' perspective, the outcome was a continuation of the relatively low wage settlements negotiated in previous wages rounds so that the real hourly earnings of members fell to approximately 110 per cent of the manufacturing industry mean by 1988 (Dixon, 1995: 25) and were two to three per cent below the national average wage (Hall, 2001). Real wages for New Zealand meatworkers continued to fall throughout the remainder of the 1980s into the 1990s.

The 1990s saw the rationalisation of the North Island industry with the withdrawal of foreign ownership and the trend towards farmer co-operatives and smaller, boutique abattoirs, the move to being an export-driven industry, and the introduction of the *Employment Contracts Act* (ECA) with its increased flexibility for employers. These changes “meant that [some] companies no longer operate[d] on a seasonal basis but ha[d] twelve-months contracts to complete” (MIA media release, 2000, 21 May). This meant increased job security for meatworkers and the change reflected similar shifts in the export section of the Australian meat processing industry where seasonality was no longer a major factor in union-employer negotiations.

Australian meat processing industry: background and current situation

The ownership and regulation of the Australian industry has changed considerably since the industry began in the 1860s. Australian-based pastoralists owned and developed the Australian industry in its formative years. The pattern changed to British ownership with the entry of companies such as Borthwicks (Harrison, 1963) and Vesteys (d’Abbs, 1970) into the industry at the turn of the twentieth century. The American-owned Swifts followed. The other main player was the Australian company, William Angliss. The foreign-owned companies operated for six to seven decades before withdrawing; export ownership again returned to Australian control in the 1970s and 1980s.

In 1984, Australia Meat Holdings (AMH) was formed as a consortium through the merger of four Australian-owned meat processing companies: Walkers, Smorgons, Tancreds, and Metro Meats. In 1988, Elders bought out the other partners but then sold AMH to the large American meat processor, ConAgra, over the period 1993-1996 (Rolfe and Reynolds, 1999), with only a ten per cent Australian equity retained (Taylor, 1998). Between 1984 and 1988, a far-reaching rationalisation of the industry followed and five of eleven AMH plants were closed, mostly in north Queensland (Rolfe, 1988; Taylor, 1998; Rolfe and Reynolds, 1999). Over 50 plants across Australia were closed in the late 1980s into the 1990s, especially in the eastern states.

In 1986, AMH purchased the British-owned Borthwicks plants in Mackay and Bowen. This gave AMH the dominant section of the north Queensland market with 56 per cent of the total processing capacity for that year and ten per cent of the export industry (Taylor, 1998). However, in 1988, the Trade Practices Commission (TPC) forced AMH to divest ownership of the Borthwicks plants and these were sold to the Japanese company, Nippon Meat Packers, which had already purchased a Queensland plant in Oakey (Taylor, 1998; Rolfe and Reynolds, 1999). Japanese business interests had begun investing in vertical integration in the industry – grazing, feedlots, abattoirs (Meat Research Corporation, 1997; Hayes et al., 1999) in the mid 1980s. Kerry Packer also began increasing his interests in the meat industry with a 55 per cent interest in Teys Bros (*The Meatworker*, 1988, 3) and ownership of Consolidated Meat Group (CMG). In August 2002, CMG merged fully with Teys Bros, under the latter company name. From the 1990s, AMH, the Australian-owned Consolidated Meat Group (CMG), and the Japanese-owned Nippon Meat Packers (MLIR, 1996: 26) had become the dominant industry players with Victorian-owned beef producer, G & K O'Connor ranking fourth. The current industry ownership remains split between the largely foreign-owned beef export industry centred in Queensland and the Australian-owned domestic beef and lamb processing industry based in New South Wales and Victoria.

It was estimated that in 1996 at least 35 per cent of all processing output in Australia was foreign-owned (MLIR, 1996), with the level of ownership in the export section of the industry now being considerably higher, exceeding 75 per cent (IBISWorld Australia, 2006). AMH remains the key player in the industry with four export abattoirs in Queensland. Since its parent company, ConAgra, entered into a 2002 joint venture resulting in ownership being transferred to the American food company Swift & Co, Swifts again has a presence in the Australian meat industry (IBISWorld, Pty Ltd 2000-2002: 18; *Australian Financial Review*, 23 May 2002).

During the 1990s and early 2000s, the Australian meat industry experienced market fluctuation as initially stock prices increased because of drought conditions and then international demand for red meat shrank with the various health scares overseas (Bovine Spongiform Encephalopathy and foot and mouth disease). The 1990s also saw deterioration in the market as consumer tastes changed from red meat to white meat (IRM, 1991). Pressure was placed on all parts of the industry, including the union and the employer bodies.

The Australian Meat Industry Council (AMIC) is the industry peak representative body for Australian-based companies involved with the processing and marketing of red meat to domestic and export markets (AMIC, 2005). AMIC was formed in 2003 as a result of the merger between the National Meat Association of Australia (NMAA) and the Australian Meat Council (AMC). The NMAA had been the employer body for the industry and was formerly known as the Meat and Allied Trades Federation (MAFTA). MAFTA was formed in 1928 but changed its name in May 1996. The employer association was also represented on the Meat Industry Consultative Committee (MICC) that was formed to promote employment relations change in the industry in the 1990s. Its current industrial relations agenda involves furthering changes aimed at making efficiency gains within the industry by utilising opportunities provided by the 2005 *WorkChoices* changes to build on the 1999 removal of the tally system from the Federal meat industry processing award by the Australian Industrial Relations Commission (AIRC) and subsequent removal from all meat industry awards (*Workplace Relations Amendment (Tallies) Act 2001*; Riley, 2002; Stewart, 2002). The tally had previously set the daily throughput in an abattoir and was a key source of AMIEU industrial strength (Jerrard, 2000).

In 2002, there was a Federal Senate investigation into the advisory and regulatory structures of the Australian meat industry. Its aim was to achieve the most effective arrangements for the allocation of export quotas of meat to both the USA and Europe, especially leading up to the finalisation of the Free Trade Agreement (FTA) between Australia and the United States in 2004. Australian based livestock producers, meat export processors, and industry representative bodies had hoped that the FTA would open more of the American red meat market to Australian producers. However, an 18 year delay before any increase in export quotas to the USA has effectively eliminated Australian expectations. Such agreements with Australia's southeast Asian trading partners, particularly China, hold promise for Australian meat exporters but there remains the threat that these countries may prefer to import live animals, rather than the processed meat, to avoid the high tariffs on processed meat (Jerrard, 2005). The New Zealand industry does not face the threat of live animal exports at this stage.

Comparative indicators between the industries regarding ownership

To date, it can be seen that rationalisation in the face of competitive pressures and ownership changes has seen a restructuring of both the New Zealand and the Australian meat processing industries. In New Zealand, ownership has remained in the hands of domestic producers, with two of them being cooperatives, while in Australia, foreign ownership again dominates after a brief respite in the 1970s and early 1980s. Both industries have followed the American path towards an oligopoly of large producers (Andreas, 1994), using sophisticated human resource management practices and strategies to manage their workforces and begin decollectivising the workplace. In this, the companies have certainly been assisted by favourable employment relations legislation in both countries.

Two decades of industrial relations changes in New Zealand

The compulsory arbitration years that began in 1891 offered New Zealand unions a raft of legal protections and rights which resulted in a number of them developing highly centralised structures and becoming dependent upon the system rather than relying upon workplace organising (Barry and May, 2003). These unions, including the Meat Union Aotearoa and its industry predecessors, were to feel the impact of this structure and strategy under the ECA.

Between 1987 and the end of the "Arbitration Era" in 1991, New Zealand industrial relations legislation underwent "two radical changes" (Geare, 2001: 307). These saw the system move away from arbitration to collective bargaining under the Labour Government's (1984-1990) *Labour Relations Act 1987* (Geare, 1989) and then the dismantling of collective bargaining and removal of statutory interference in employment relations under the National Party Government's ECA (Geare, 2001; Boxall and Haynes, 1997), prior to a third phase of change under the *Employment Relations Act 2000* (ERA).

Under the ECA, state support for unions was removed with the dismantling of the national award-system of multi-employer bargaining (Harbridge, Walsh and Wilkinson, 2002), the withdrawal of all exclusive rights of unions (Geare, 1991; Hince and Vranken, 1991), the reduced role for unions in workplace employment relations (Cullinane, 2001), and the changes to freedom of association that reversed half a century of union membership (Geare, 2001). Unions became incorporated societies and registered under the *Incorporated Societies Act 1908*, which covered "societies not established for economic gain" (Hince and Vranken, 2001: 478). In this way, there was no need for the ECA to even mention unions, thus effectively sidelining them.

These legislative changes were directly responsible for the decline in union membership in the private sector (Harbridge et al., 2002) as employers moved to individual contracts instead of collective bargaining and free-riding “substantially increased” (Harbridge et al., 2002: 65). During the 1990s, union density subsequently fell to around 17 per cent of the workforce and membership fell by 50 per cent (Harbridge et al., 2002), with the private sector suffering worst (Harbridge et al., 2002). However, union decline was not even across all sectors and depended upon a number of factors, including the industry, the size of the union and union concentration within the industry, and the union’s success in recruiting and reducing free-riders (Harbridge et al., 2002). Small unions were forced to amalgamate to survive; for example, the Meat Union Aotearoa was formed on 1 August 1994 by the amalgamation of the Auckland and Tomoana Freezing Workers Union and the West and East Coast Branches of the New Zealand Meat and Related Trades Workers Union (Cooke interview, 2002; www.meatunion.org.nz, 2005).

Collective bargaining halved between 1989-1990 and 1999-2000 and employees not covered under collective bargaining moved to individual employer contracts (Harbridge and Walsh, 2002). The decentralised system of employment relations was accompanied by significant changes to employment conditions that meant a reduction for many employees: “Even where collective bargaining has continued, a weakened union movement operating under conditions of economic recession has not been able to guarantee the protection of employment conditions” (Harbridge and Walsh 2002: 426). This has been particularly true in less skilled sectors of the economy where an excess of labour has further strengthened the employers’ position. Further, unions which had depended upon state protection to any degree faced financial hardship and reduced numbers of officials who had greater difficulty accessing workplaces (Boxall and Haynes, 1997).

The Labour-Alliance Government’s ERA, effective since October 2000, has encouraged collective bargaining, reinstated union registration, and supported the roles of trade unions but without restoring the historical forms of state protection (Harbridge and Walsh, 2002; Walsh and Harbridge 2001; Wilson, 2001). In this sense, Anderson’s (2004: 19) claim that the ERA “has returned trade unions to the centre stage of industrial relations” may be overly positive, especially as union membership figures have not increased accordingly (Anderson, 2004; Department of Labour, 2001-2005). The ERA focuses on the relationships between employers and trade unions and promotes good faith procedural requirements (Boxall, 2001). Under the ERA, bargaining still remains decentralised (Boxall, 2001), although it is now possible for unions that are large enough and industrially strong enough to negotiate multi-enterprise single employer agreements with a view to returning to a multi-employer agreement across an industry (Harbridge et al., 2002; Boxall, 2001). Harbridge and Walsh (2002) predict that the most successful unions under the ERA will be those that can successfully extend enterprise bargaining arrangements to be industry-wide multi-employer agreements. This prediction also has implications for the new competitive unionism promoted under the ERA as it is unlikely that newly established, small unions will be able to bargain on this scale, as has been shown in the meat industry.

In the North Island, the ECA took away collective bargaining rights for the Meat Union Aotearoa and individual contracts were used by employers. The North Island industry followed the pattern identified by Harbridge and Moulder (1993) where a significant collapse in collective bargaining in agriculture and food manufacturing occurred under the early years of the ECA's operation. At the time of the legislation's introduction, a new national award for the meat industry was being negotiated but the MIA advised its members that they would be in a stronger business position if they abandoned the award and the farmers and owners of the plants saw the benefit of individual contracts (Hall, 2001). From the Meat Union Aotearoa's perspective, "in 1991, industry employers in the North Island [developed] a plan to decimate the meat industry; on the day collective bargaining expired, farmer-driven change caused the take-up of individual contracts by organised employers" (Cooke interview, 2002). This coincided with the rationalisation of the industry as large urban-based plants closed and the Vestey Company withdrew from the New Zealand industry. The large plants were replaced with smaller, dispersed, regional plants at greenfield sites that were non-union and which remained non-union until the end of 2000. Despite the geographical dispersion of the industry, the withdrawal from the industry of the last international player encouraged New Zealand employers to provide a more united front to the smaller North Island industry unions than previously, thus removing from them a key source of external strength in employer fragmentation (Curtis and Reveley, 2001). Their inability to organise new sites and to resource existing union sites forced the smaller unions to amalgamate, forming the Meat Union Aotearoa, in an attempt to gain union access.

However, Aotearoa Secretary, Graham Cooke (2002), stated that

> the employees at these new sites were too scared to join and there was no right of access for the union … A worker was dismissed if he [or she] complained to the Union.

At the same time as the fear of dismissal for union membership was increasing across the industry, the New Zealand Government introduced stringent criteria for access to unemployment benefits which would have precluded dismissed unionised meatworkers (Cooke interview, 2002). Therefore, a combination of factors such as the closure of existing unionised plants and the opening of new smaller non-union plants and a more united employer front combined with the ECA and changes to the welfare system, served to de-unionise large sections of the meat industry in the North Island during the 1990s. Members at the unionised plants that continued to operate retained their membership of the Meat Union Aotearoa (Cooke interview, 2002) but the union was in a relatively powerless position and could not retain the conditions that had been won over the years prior to the ECA.

Under the ECA, the North Island meat industry employees' wages were further reduced by decreases in hourly rates and the loss of the forty hour week, the loss of penalty rates and shift allowances, the loss of extra holiday leave for shift workers, and pressure not to report accidents because this reduced productivity (Cooke interview, 2002; Hall, 2001). This also increased employee turnover, with an estimated 50 per cent turnover in plants on the North Island (Hall, 2001), which made recruiting and organising a more difficult task and negated the union's ability to engage in effective industrial campaigns. It also affected management's business strategy and increased hiring costs, thus negating many of the productivity gains being made in other areas.

While strikes and stop work meetings decreased during the 1990s, the South Island officials do not believe that it was necessarily due to the ECA (Eastlake interview, 2002; Niles interview, 2002). Instead, the rationalisation of the industry, the weakened position of the North Island union, and the changes to the national welfare system probably combined to limit industrial unrest. In the South Island, the NZ Meatworkers' Union was able to keep "hard won conditions in most documents" (Eastlake interview, 2002) because it retained larger numbers of members at the existing plants and large numbers at a workplace grant industrial strength to a union and strengthens its ability to protect its members. The *threat* of industrial action therefore remained a weapon in such larger trade unions' armoury.

In the South Island, the voluntary unionism under the ECA did not result in the mass exodus of NZ Meatworkers' members predicted by Government and industry employers because of the extensive range of services, the union's ability to continue communicating with the large employers in the 'usual way', and the "'proud tradition' of the Meatworkers" (Eastlake interview, 2002; Niles interview, 2002). The retrospective view of the NZ Meatworkers' officials, expressed in late 2002, was that the employers:

> "… should have stopped payroll deductions [for union membership] under the Act if politicians wanted to attack unions such as meatworkers. Hard won conditions stayed in most documents covering the industry but only with a return to the 'old ways'.… Small groups of workers are hard to service in some industries, for example, timber with only two to three people per site. Large groups of workers give more muscle and this was meatworkers' experience [in the South Island].

During the ECA era, membership of the NZ Meatworkers' Union stayed high – around ninety per cent density (NZ Meatworkers' Union Annual Figures, 1992-2000; Eastlake interview, 2002) - which enabled it to retain a relatively significant position within the industry. This allowed it to use its industrial strength for the benefit of its members, if needed. There were some South Island plant closures, largely due to receivership and the changing nature of the export market that halved sheep numbers, costing membership jobs and numbers. The South Island experience was vastly different from that of the North Island. Some new boutique plants have opened in Nelson and other locations but, under the ERA, these have been unionised.

The NZ Meatworkers' Union does not see the potential for new unions to form under the ERA as a threat to its position "due to nature of industry [in the South Island]" (Eastlake interview, 2002). It identified only one small plant in the North Island where a new union - the Te Kuiti Beef Workers Inc - had formed and which the Meat Union Aotearoa unsuccessfully attempted to have deregistered (Barry and May, 2002; May et al., 2002). The Meat Union Aotearoa identified a further two instances where companies set up new unions: one company set up a greenfield site and encouraged workers to join the Engineers' Union and Wallace Meats set up a union on site in competition with the Meat Union Aotearoa. The latter situation meant that effective negotiations could not occur because employees were split, reducing the outcomes of bargaining for both groups. However, employees in the Meat Union Aotearoa faired slightly better which encouraged members of the new union to join either the Meat Union Aotearoa (Cooke, 2002) or the NZ Meatworkers' Union. These two unions formed a joint agreement in 2002 to cover this site. The Meat Union Aotearoa also acknowledged that there was little that could be done about free riders but favoured the approach promoted by the Dairy Workers' Union requiring non-unionised employees to donate to a union cause if they did not want to join the union for collective agreement coverage.

The ERA has supposedly introduced a fairer employment law framework for all parties (Boxall, 2001; Wilson, 2001), despite the large number of ECA reforms that have been carried over into the ERA (Roth, 2001). Harrison (2001: 86) argues that North Island employers have not acted in good faith because the maintenance of "the reciprocal duties of good faith towards each other" required by the ERA has not occurred. The NZ Meatworkers' Union believes that "in general, employers [in the South Island] seem to be attempting to conduct their businesses in good faith … but membership density might be responsible [for this]" (Eastlake interview, 2002) as the South Island Union was able to retain a much higher density during the ECA years than its North Island counterpart. The Secretary of the Canterbury Branch of the NZ Meatworkers' Union believes that:

> "…good rapport with employers and a good relationship is needed [for good faith bargaining and] changes in law mean that the good faith of the past should continue and has [done so] before it became part of the law. Some times employers want to set everything down, for example, times and numbers of meetings, agenda, and so on. This is a threat for both parties." (Niles interview, 2002)

This is because it reduces flexibility for both parties and undermines the trust in the relationship that necessarily underpins good faith.

The return to collective bargaining has had positive union outcomes. Industry seasonality continues to allow employers to use shortage of stock as a threat (Cooke interview, 2002). On the South Island, the union is negotiating agreements across each employer, which takes time but has the benefits of a core agreement across several plants owned by one company (34th Annual Report of the NZ Meatworkers and Related Trades Union, 2005). The long-term objective of the NZ Meatworkers' Union is for industry wide agreements across each island.

The ERA reinstated union access to workplaces so that all former non-union sites were again accessible to the unions and employees at previously non-unionised sites rejoined the Meat Union Aotearoa (Cooke interview, 2002). The NZ Meatworkers' Union acknowledged that while there were:

> "…more rights now,… previously [the union] used delegates at the workplace [in lieu of Organisers]. Only if there was a nonunionised workplace to enter, was there a problem, and there was only one non-unionised plant in the South Island and this has now changed under the ERA". (Eastlake interview, 2002)

The NZ Meatworkers' General Secretary also acknowledged that legislation is not always to blame for difficulties in relations between the union and an employer because there may be occasions when "an Organiser might not get along with an employer and personality differences need to be allowed for" by the union's executive (Eastlake interview, 2002).

In 2002, Secretary, Graham Cooke, foreshadowed a crisis in succession planning for the Meat Union Aotearoa caused by an ageing membership leading to a dearth of younger union officials and by the union's restrictive rules as to who could stand for an elected position; namely, only meatworkers engaged in the industry, not union-appointed, were eligible for nomination. He recognised that the changes in the industry in the North Island and in the New Zealand employment relations legislation generally had a greater impact on the union than was the case for the NZ Meatworkers' Union in the South Island. His long term plan to protect the Meat Union Aotearoa's membership necessitated working more closely with the NZ Meatworkers' Union. The culmination is seen in the recent amalgamation of the two New Zealand unions under the auspices of the South Island union (34th Annual Report of the NZ Meatworkers and Related Trades Union, 2005). The decision of the Meat Union Aotearoa to become a branch of the NZ Meatworkers' Union strengthens the industrial and bargaining strength of the union and achieves "unity among meatworkers" in New Zealand (34th Annual Report of the NZ Meatworkers and Related Trades Union, 2005) with only one industry union, a situation similar to that in Australia.

Two decades of employment relations changes in Australia

Since 1904, the Federal conciliation and arbitration system has had wide-ranging impacts upon the Australian meat industry. Historically, wages and conditions in the industry were by "a multiplicity of award coverage at Federal, State, and enterprise level" (Industries Assistance Commission, 1989: 21) - forty-five Federal awards still covered the meat processing industry as recently as 1994 (Productivity Commission 1998). Initially, the industry was State-regulated with wages boards and State-systems of arbitration operating. From 1965, the industry generally fell under Federal jurisdiction (Productivity Commission, 1998).

During the Prices and Incomes Accord years of the 1980s prior to enterprise bargaining, meatworkers in the export section benefited from the competitive nature of the industry as the market grew (Curran interview, 2003). The *Industrial Relations Act 1988*, under s112 and s115, permitted parties to establish employment conditions without the requirement that a log of claims or a dispute exist (Hawke and Wooden, 2001). These sections allowed formal negotiations to occur above the existing award conditions. However, above award negotiations had been carried out in strongly unionised industries, such as the meat industry, prior to these provisions and continued without recourse to the Act or the AIRC. These informal agreements had substantive impact on employment conditions in the industry and were aimed at protecting the tally system, job control, working hours, and union preference clauses.

The AMIEU was able to negotiate for higher wages at a workplace level because employers competed for experienced meatworkers to meet productivity targets (Anear interview, 1997; Curran interview, 2003). This was facilitated by the strong workplace delegate structure within the export section of the industry. The AMIEU effectively bypassed the Australian Council of Trade Union's (ACTU) policy of wage restraint but could not formalise these agreements under the award system without breaching the Accord. This pattern of informal agreements was underpinned by the AMIEU's militancy which meant that a threat of interrupting throughput during the peak season further increased the likelihood of gaining higher wages, especially in a tight labour market.

In 1989, the meat processing industry was "characterised by a highly unionised labour force and a high degree of industrial unrest" (Industries Assistance Commission, 1989: 21). This pattern was also identified by the AIRC in 1991 and by the AMIEU itself, which stated that "relations between the Union, workers and employers [were] steadily becoming even more strained" (IRM, 1991: 11). The AMIEU did not identify specific causes beyond the general "system" and "employers" (IRM, 1991: 11). Since the early 1990s, the industry has negotiated wages and conditions at the workplace under Federal and State enterprise bargaining frameworks (Productivity Commission, 1998). However, the pattern of industrial relations prevailing in the Australian meat industry remains adversarial, despite the adoption of enterprise bargaining and the subsequent restrictions of the *Workplace Relations Act* (Anear interview, 1997; Jerrard, 2000; Stewart, 2002).

The system of enterprise bargaining was introduced for a number of reasons, including the internationalisation of the Australian economy, the push by employers for more flexibility, and the political lobbying and new managerialism of the Business Council of Australia (BCA), as well as the attempt by the ACTU to renew union solidarity after its erosion behind centralised wages fixing (Briggs, 2001). It was accompanied by a continuation of the ACTU-driven policy of union amalgamations (Griffin, 2002; Hose and Rimmer, 2002). AMIEU officials believed that the ACTU-proposed amalgamation with the general Australian Workers' Union (AWU) would weaken its industry position through loss of identity and militancy, the bases from which its industrial strength derived (Day, interview, 1996; Meicklejohn interview, 1997). The members were convinced of this and voted against amalgamation.

Enterprise bargaining agreements during the initial phase were 'in addition to' the existing award system in many industries. In the meat processing and export industry, enterprise bargaining was regarded both warily and opportunistically by the AMIEU because it saw a way to roll awards over into enterprise bargaining agreements and continue over-award direct bargaining. The passing of the *Industrial Relations Reform Act 1993* did not impact significantly upon enterprise bargaining arrangements in the meat industry.

As rounds of bargaining progressed, the AMIEU and most of the industry employers, found that enterprise bargaining did not fulfil the promises made in the early 1990s. The outcomes from bargaining were a number of separate enterprise agreements which, apart from the initial AMH agreements (preamble, C No. N1216 of 1996), had few variations in content, despite the time and resources put into the negotiations by the AMIEU and employers' representatives. Consequently, industry level negotiations throughout the 1990s would have benefited all parties except AMH by using less AMIEU and employer time and resources. The employers operated on different scales of economy so smaller companies could not afford to invest in the technology required to follow AMH's lead, meaning these "industry employers saw the bargaining process as a means of cost cutting" (Meicklejohn interview, 1997) rather than workplace reform aimed at increasing productivity.

The industry was still coming to terms with the enterprise bargaining process when further legislative change occurred. The *Workplace Relations Act 1996* (WRA), particularly the introduction of Australian Workplace Agreements (AWAs), has promoted a pro-employer agenda that raises the question of the legitimacy of collective bargaining and union involvement in workplace negotiations (Deery and Mitchell, 1999; Lee, 2002). The AMIEU has, on occasion, utilised AWAs for the protection of its members (Jerrard, 2000) when employers have attempted to use individual contracts to undermine industry wages and conditions. Where the union has been vulnerable is in protecting ongoing employment of its members, with a number of smaller, rural abattoirs putting meatworkers on daily and short term contracts. This strategy negates the union's position at the workplace because the contracts undermine the delegate structure at the workplace. These contracts, when used in conjunction with freedom of association provisions under the WRA, can severely limit union access to workplaces. The freedom of association provisions, while theoretically aimed at providing employees with a choice of union membership, were actually aimed at making union recruitment more difficult (Lee and Peetz, 1998).

The WRA provided for protected industrial action during bargaining periods. However, the use of this provision has operated to the detriment of unions as employers increasingly resorted to lockouts. In the meat industry, a number of Federal Court hearings resulting from this provision have seen the AMIEU utilising a legalistic strategy when dealing with employers. Restricted right of entry and the changes to union security arrangements, particularly closed shops and different forms of union preference in employment, have also provided hurdles for unions to overcome (Weeks, 1997). While the AMIEU has not directly suffered as a result of these provisions, it regards the award simplification process as a direct attack upon it (Richardson interview, 2003). The 2001 amendments to the WRA removed tallies from meat industry awards and undermined the union's industrial strength and its ability to control throughput.

Although the Australian meat industry has had no single national system for determining wages and conditions (Shaw, 1997), this is set to change with the passing of the Federal Government's *WorkChoices* reforms which are aimed at providing a single unified employment relations system that effectively overrides the State systems. *WorkChoices* also aims to further reduce trade union influence at the workplace and restrict union operations in general both directly and indirectly, through reducing the role and powers of the AIRC.

Assessing the meat industry unions' strategies

The key meat industry unions in both New Zealand and Australia still retain elements of their traditional militancy which continues to underpin relations with employers. Overall, the strategies adopted have been in *response* to changes in the external environment, notably with regard to legislation, but also with regard to industry ownership changes and restructuring over the last two decades.

Meat Union Aotearoa

In New Zealand, the changes in the 1990s impacted more upon the Meat Union Aotearoa because a combination of the ECA, industry rationalisation and new employer strategy served to ‘create’ the amalgamated union in 1994 and then to further undermine the new union’s industry coverage and position. Despite the amalgamation, it lost the ability to organise effectively under the ECA when the larger urban-based abattoirs were replaced by the growth of numerous smaller, non-union, greenfield plants across the North Island. Subsequently, the decline in membership and industry position meant that the Secretary was forced to seek new ways of positioning the union, including the long term plan to amalgamate with the NZ Meatworkers’ Union.

The ECA provided minimal opportunity through the legal system (Cooke interview, 2002) and the Meat Union Aotearoa was forced to work directly with employers in partnership arrangements in the few remaining unionised plants in the North Island. Under the ERA, the union attempted to return to the solid organising combined with servicing typical of the ‘classic’ union strategy (Boxall and Haynes, 1997) and experienced some resurgence in membership, but not enough to negate the benefits of amalgamation.

NZ Meatworkers’ Union

The NZ Meatworkers’ Union fared better under the ECA because the South Island industry structure remained relatively stable, enabling the union to retain most of its membership and therefore a higher degree of industrial effectiveness. While the union could not make gains on behalf of its members during the 1990s, it “did not lose ground for members” (Eastlake interview, 2002). In hindsight, this is a significant achievement resulting in a stronger position for the union under the ERA. In particular, the retention of membership density meant that it emerged from the ECA era in a relatively strong position and did not need to rely on the ERA to regain membership. The major ERA benefit was probably an increase in industrial strength for the NZ Meatworkers’ Union that enabled a move towards multi-workplace agreements as a result of the return to collective bargaining.

AMIEU

While the AMIEU made over-award gains on behalf of its members in the 1980s, the union was unable to have these ratified by the AIRC and included in industry awards. Consequently, under enterprise bargaining, many of the gains were lost when the union’s bargaining position was weakened due to changing industry structure and market demands resulting in plant rationalisation and job losses. Despite this, the union retained the use of industrial action as part of its overall strategy, supplemented under the WRA, with reliance upon legal actions to challenge the employers’ position of strength. The union faces further changes under the *WorkChoices* changes, pending the outcome of the High Court legal challenges by the State Governments and the AWU to be heard in May 2006.

Overall, the AMIEU and the NZ Meatworkers' Union have achieved more successful outcomes despite their weakened industry positions resulting from a combination of legislative and economic changes. The Meat Union Aotearoa, however, was unable to retain its industry position and its independence as a stand alone union, preferring a pragmatic amalgamation with the NZ Meatworkers' Union to ensure ongoing protection of its members.

Assessing amalgamations

As Hose and Rimmer (2002) point out, it is the officials who drive amalgamation moves but they cannot force members to vote one way or the other. Members have to want to amalgamate because the outcome will directly benefit them. In the case of the Meat Union Aotearoa members and officials, amalgamation with the NZ Meatworkers' Union provided unity across the industry and membership. The amalgamation partner was an existing industry union that was not dissimilar in identity and operation to their own union. The amalgamation also provided greater financial reserves and other resources to fund campaigns and membership of a union proven to be fairly successful in retaining its industry position, membership density, and negotiation outcomes during the fairly hostile employment relations climate of the 1990s.

By comparison, the AMIEU response to proposed amalgamation was agreement by officials and membership to oppose amalgamation. The AMIEU membership response may reflect the conservatism of union members who fear change (Hose and Rimmer, 2002; Tomkins, 1999) or, as identified by the AMIEU, it may reflect a strong sense of tradition within the membership and a sense of meatworker identity which the members and officials knew would be lost during an amalgamation with the AWU (Day interview, 1996; Anear interview, 1997; Luck interview, 1997; Meicklejohn interview, 1997; Curran interview, 2003). Given the history and tradition within the AMIEU, it was likely that the latter was a key driver of the anti-amalgamation vote.

A key difference between the New Zealand situation and the Australian one is found in the 'choice' of amalgamation partners. In New Zealand, the initial amalgamation to form the Meat Union Aotearoa involved three small unions within the industry amalgamating as a result of the hostile employment relations climate under the ECA and the need for the smaller unions to merge to ensure long-term viability and at least some degree of protection for members. The second New Zealand amalgamation in 2005 saw two industry unions *choose* to amalgamate. In Australia, an industry union was to amalgamate with a general union with limited meat industry coverage and the amalgamation was not initiated by the partners but was driven by the ACTU. Given the differences in circumstances surrounding amalgamations in the two countries, the different outcomes are explained.

Winners and survivors

From the discussion and analysis of the strategies adopted by the unions covering the New Zealand and Australian meat processing industries, it can be concluded that while they may not be winners, the unions are definitely survivors. The industry winners in each country are the companies who control the respective export markets. They have used their industry dominance to maintain profitability through industry rationalisation and by introducing new work practices and technologies to cut costs.

The role of legislation in promoting employment relations changes favourable to employers has been an important factor in shaping the industry in each country, but the impact of such legislation on the industry's unions has been shown to be quite different between the two Islands of New Zealand. The essentially different experience has resulted in the amalgamation of the two New Zealand unions to offer unified industry coverage across the whole country. In Australia, the experience of the AMIEU shows some similarity with that of the NZ Meatworkers' Union in that both were relatively successful in retaining industry coverage and density and both were able to adapt to changing legislation and bargaining conditions.

Finally, the issue of foreign versus domestic ownership was discussed in the article to highlight industry differences between the two countries. However, it appears that the issue may be better framed as 'who is a good employer' rather than 'is the employer a foreign-owned company'? This is particularly important as bargaining in good faith to achieve mutually satisfactory outcomes for the employer and for the union and its members remains central to determining wages and conditions in both New Zealand and Australia.

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