

24 January 2019

Kristen Rogers
National Industrial Officer
Australasian Meat Industry Employees Union
227 Henley Beach Road
South Australia 5034

Telephone: +61 8 9426 6611
Direct: +61 8 9426 6802
Facsimile: +61 8 9321 2002
Email: rharding@jacmac.com.au

Our Ref: RLH:RLH:7166381
Contact: Renae Harding

Dear Ms Rogers

**The Western Australian Meat Marketing Co-operative
Limited (WAMMCO) - Katanning**

1. We refer to your letter to our offices dated 22 January 2019.
2. We refer to the matters set out in your letter relating to the discussions which took place on 17 January 2019. We are instructed that:
 - (a) Mr Bessell, two Australasian Meat Industry Employees Union (AMIEU) organisers and one AMIEU member met on 17 January 2019 regarding current negotiations for the meat processing enterprise agreement.
 - (b) During those discussions, Ms Debra Kennedy, asked Mr Bessell when the parties could next meet to discuss the outcome of the extensive costing analysis that Mr Bessell was going to undertake as part of those negotiations.
 - (c) Mr Bessell advised that he was unable to provide a further date at this stage, because, determining the correct payments to our WAMMCO's employees arising from the recent Fair Work Commission proceedings identifying both underpayments and overpayments was a priority for WAMMCO and that he would be involved in that process. He relayed that it was intended each employee's weekly pay would be reviewed by way of explaining the magnitude of the task. At no time did Mr Bessell advise that the calculations were already being performed on a weekly basis.
 - (d) When Ms Kennedy enquired as to how the investigation was progressing, Mr Bessell:
 - (i) advised that at this early stage, as a part of his own research, he had taken one employee's wage history and applied what he believed to be the correct payment rates to ascertain an indicative outcome;
 - (ii) advised that his calculations revealed an approximate underpayment value of \$1,200 together with an approximate overpayment value of \$7,500;
 - (iii) advised that these values were not representative of the remaining employees; and

- (iv) requested that this information not be conveyed to the individual employee at this stage as WAMMCO remained uncertain of the review methodology and subsequent outcomes.
3. We are instructed that:
- (a) WAMMCO has not yet established the basis nor the method for conducting the calculations;
 - (b) the calculations are not significantly advanced; on the contrary Mr Bessell has only conducted one initial calculation and WAMMCO is still determining how to conduct the calculations; and
 - (c) the periods relating to any underpayments and overpayments are likely to differ for each employee.
4. In the meantime, we are able to advise that we are instructed that:
- (a) the errors relating to the ordinary time hourly rates will only have commenced on or after 14 August 2017, though the date of commencement may vary for each employee depending on their respective commencement date;
 - (b) the overpayments relate to incorrect higher overtime rates that have been paid to employees. We currently understand the earliest date of any overpayment is likely to be 18 August 2014, with the actual dates varying from employee to employee;
 - (c) the ordinary time hourly rates have been increased, effective from 14 January 2019, and so there will be no ongoing errors in this regard.
5. We hope that this helps to clarify the current status of these matters and explain why WAMMCO requires a further period to consider the issues raised in your correspondence, review its records, provide us with instructions and obtain advice and to then instruct us to provide a response to you.
6. As we previously advised, WAMMCO is conscious of ensuring that it correctly complies with its obligations under the *WAMMCO International (Katanning) AMIEU Processing Agreement 2013*. However, given there are approximately 280 employees, coupled with the complexity of the matters referred to above, it will not be in a position to respond to all of the matters set out in your letter by Friday, 25 January 2019.
7. In light of the above, and given that WAMMCO has now increased the ordinary time hourly rates, we believe it is reasonable that WAMMCO is provided with a further period to properly respond to the matters raised in your letter dated 10 January 2019 and advise that WAMMCO will endeavour to respond as previously proposed by 7 February 2019.

Yours faithfully



Jackson McDonald