

THE AUSTRALASIAN MEAT INDUSTRY EMPLOYEES' UNION

(Federal Council)



Federal Secretary
GRAHAM SMITH

227 Henley Beach Road Torrensville, SA 5034, Australia

Telephone: (08) 8274 4100

Facsimile: (08) 8274 4101

Federal President
PAUL CONWAY

Website: www.amieu.asn.au

20 February 2019

Howard Powell
Seven Point Pork Pty Ltd T/A Primo Port Wakefield Abattoir
111 Pareora Road
Port Wakefield SA 5550

By email to: Howard.Powell@jbssa.com.au

Dear Howard,

The Australasian Meat Industry Employees Union (**AMIEU**) represents our Members with respect of their employment with Seven Point Pork Pty Ltd, trading as Primo Port Wakefield Abattoir (**company**).

The AMIEU refers to our previous correspondence dated 6 February 2019 and confirms receipt of your correspondence which is dated 11 February 2019, but which was received by us on 13 February 2019.

We understand that your correspondence is ostensibly a response to our 6 February 2019 correspondence. It appears, however, to be:

1. unnecessarily verbose,
2. lacking in any real detail,
3. demonstrative of a lack of transparency on the part of the company, and
4. showing an unwillingness by the company to engage in correspondence to resolve likely disputation.

To the extent that your correspondence contains any real information, that information appears to be inaccurate.

The AMIEU is, quite frankly, baffled that the company has refused to properly respond to straight-forward questions from the AMIEU on behalf of Union Members.

The AMIEU maintains the view that the company has contravened the *Primo Port Wakefield Abattoir Enterprise Agreement - Production 2017* (**Production Agreement**) and *Primo Port Wakefield Abattoir Enterprise Agreement Maintenance 2017* (**Maintenance Agreement**) in the recent move from two shifts to a single day-shift operation and the redundancies resulting therefrom.

Consequently, the AMIEU advises as follows.

1. The parties are in dispute concerning the requirements of, and compliance with, the consultation terms of the Production Agreement and Maintenance Agreement.
2. The dismissals were not genuine redundancies as defined by section 389 of the *Fair Work Act 2009* and, as such, can be pursued by way of unfair dismissal applications.
3. The selection process undertaken by the company appears to be both directly and indirectly discriminatory, such that workers may pursue a general protections dispute or discrimination complaint.
4. The selection process undertaken by the company appears to have targeted workers who engaged, or proposed to engage, in workplace rights and industrial activities as defined by the *Fair Work Act 2009*, such that workers may pursue a general protections dispute.
5. The AMIEU reserves its right to pursue civil penalties, pursuant to sections 50 and 539 of the *Fair Work Act 2009*, with respect of the contraventions.

The AMIEU notes that you have invited us to contact you if we “need clarification or... have any other concerns” we wish to raise. Given your unhelpful correspondence, it is our view that such contact would be an exercise in futility.

The AMIEU and its Members reserve our rights to commence legal action without further notice to the company.

Please note that a copy of this correspondence, and any response by the company, will be provided to our Members.

Yours faithfully,



Kristen Rogers
National Industrial Officer
Australasian Meat Industry Employees Union