

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T. Nos 4743 and 4744 of 1993

IN THE MATTER OF applications by
the Australasian Meat Industry
Employees Union, Tasmanian Branch
to vary the Abattoirs Award and
the Meat Trades Award

re apprentices

COMMISSIONER GOZZI

HOBART, 25 January 1994

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: I'll have appearances in those matters, please.

MR J. SWALLOW: SWALLOW J.E., AMIEU.

COMMISSIONER GOZZI: Thank you, Mr Swallow.

MR M. FLYNN: FLYNN, MICHAEL DENNIS, for the Meat and Allied Trades Federation of Australia, Tasmanian Division, commissioner.

COMMISSIONER GOZZI: Thank you, Mr Flynn. Any objection to these matters being joined for hearing?

MR SWALLOW: No, sir.

COMMISSIONER GOZZI: If not, they are joined for hearing purposes. Mr Swallow?

MR SWALLOW: The union's application, Mr Commissioner, is in line with what the union, or in fact what the industry is all about.

We've - the position with slaughtering apprentices - there is no prescribed training now, but somehow or other these backyard slaughter houses are able to put an apprentice on and they seem to disappear after about 12 months, and of course all that happens is that they are used as cheap labour.

There is nothing in the Industrial and Commercial Training Act that allows for apprentices in the area of slaughtering, because there is no prescribed training and, likewise, there is nothing in the Act for smallgoods apprentices, and the same things happens there; there is just the odd occasion where an apprentice bobs up, they don't seem to last the distance, they are obviously only used as fill-in positions, there is no indentures at the end of the training, and -

COMMISSIONER GOZZI: I didn't realise that.

MR SWALLOW: Yes. There has been no prescribed training for slaughtering and smallgoods. I'd say for slaughtering it would be a good 20 years, and for smallgoods there hasn't been any for a good 10 years.

COMMISSIONER GOZZI: Well, how do they qualify then? How do they become trades -

MR SWALLOW: Well, they don't. There is no mechanism for them.

COMMISSIONER GOZZI: So, the general butcher in the Meat Trades Award, how do you become a general butcher?

MR SWALLOW: Well, there's technical training involved.

COMMISSIONER GOZZI: Right.

MR SWALLOW: You see?

COMMISSIONER GOZZI: Through TAFE?

MR SWALLOW: Through TAFE, yes.

COMMISSIONER GOZZI: But not for -

MR SWALLOW: Not for slaughtering, smallgoods.

COMMISSIONER GOZZI: So, if there is no training, how can they be employed as apprentices?

MR SWALLOW: That's the sixty four dollar question. The Act says they can't, but yet they are.

COMMISSIONER GOZZI: So how do they learn if there is no apprenticeship for them?

MR SWALLOW: They don't.

COMMISSIONER GOZZI: So, why have we got a clause in the award? You see, I feel as though I am scratching something that is going to turn into a - I am not sure if I should scratch it too hard.

MR SWALLOW: No, I understand what you are saying.

COMMISSIONER GOZZI: Yes.

MR SWALLOW: Yes. It should be removed. Both of them.

COMMISSIONER GOZZI: So why don't we do that?

MR SWALLOW: That would be -

COMMISSIONER GOZZI: I mean, why amend something - gee - we'll just go off the record for a moment.

OFF THE RECORD

COMMISSIONER GOZZI: I would just like to indicate that following discussions with the parties the commission is in agreement to amend the application for the variation in the Meat Trades Award in the following terms:

Employees employed as apprentices and who do not receive accredited off-the-job technical training shall be paid the

relevant tradesperson's rate of pay as set out in clause 8 - Wage Rates.

Now, again for the purpose of the record, is there any objection to the application being amended in that way?

MR SWALLOW: No, not from the union's side.

MR FLYNN: Well, commissioner, I would just like to put on record a submission I have been asked to lay before you today. I think that before I put this I must say that having heard the argument off the record - as I say, I have been asked to put this on record - I will be in a position to agree to that clause.

However, I have been asked by one of the employers of these apprentices that may be in question in the area of smallgoods, to advise you that in some instances employees on the job may be, and are, suitably qualified to train apprentices.

In that instance, and without a lot of trouble, employees can become trained trainers by completing a 3-day course with an accredited training organisation, and I couldn't vouch for sure, commissioner, but I believe that there may be trained trainers in place with some of these smallgoods apprentices that may exist around the State at the present time.

However, as I indicated, commissioner, I was asked to put that on the record so that the commission is aware that the employers are actually carrying out training in the workplace, albeit not to perhaps the standard that Mr Swallow is seeking, and that we have not discussed off record, and that I am now in a position to agree with.

Thank you, commissioner.

COMMISSIONER GOZZI: Alright. Thank you, Mr Flynn.

I suppose really if the employers want to train their apprentices then that is all to the good, and it wouldn't appear to be a significant or a great burden, even, for them to have those tradespersons accredited to do the training if, as you say it only takes a 3-day course.

MR FLYNN: That's correct, commissioner, and I have actually done the trainer training course myself. I don't really feel qualified to train a smallgoods apprentice, but I suppose I have the technical ability to actually carry out training courses.

But I might add that the aim of the union and of MATFA through the Training Board is to advance the interests of training within the meat trades, and therefore at a previous hearing we agreed to insert clauses for career start

traineeships which we are really on the brink of those commencing in the trades areas that we have been discussing this morning, being slaughtering initially and smallgoods at some later date within a couple of months.

We are really only waiting for the red tape to be cut, commissioner, within the bureaucracy of the State Government before that gets under way.

So we will be happy to report to you in a month or so's time that they are under way, and this little hiatus we have run into today is now a thing of the past.

COMMISSIONER GOZZI: That's very good. So the career start training scheme will really take over the training aspects of these apprentices?

MR SWALLOW: In all areas.

COMMISSIONER GOZZI: In all areas. That's very good.

Alright, well look, the variation in the meat trades as we have got it, is that reflected the same in the Abattoirs Award? What do we do with the Abattoirs Award?

MR FLYNN: You would have to change the words

MR SWALLOW: Yes.

COMMISSIONER GOZZI: Alright, we'll just go off the record again for a moment.

OFF THE RECORD

COMMISSIONER GOZZI: Again following further off-the-record discussion, the application for the Abattoirs Award is agreed to be amended in the following terms:

Amend Division I, Apprentices, to include a new proviso which will read: 'PROVIDED THAT - employees employed as apprentices and who do not receive accredited off-the-job technical training shall be paid the relevant tradesperson's rate as set out in Clause 8 - Wage Rates'.

Is there any objection to that amendment from anybody?

MR SWALLOW: No.

MR FLYNN: No.

COMMISSIONER GOZZI: No, okay, so the application is amended accordingly.

And, similarly, going back to the Meat Trades Award, rather than putting a new subclause in Division G we'll put a proviso in there and that proviso will read for the Meat Trades Award: 'PROVIDED THAT - employees employed as apprentices and who do not receive accredited off-the-job technical training shall be paid the relevant tradesperson's rate of pay as set out in Clause 8 - Wage Rates'.

So, to all intents and purposes, the variations for both the Abattoirs and the Meat Trades Awards are written in identical terms and will go in the appropriate divisions of those respective awards.

Now, it is my understanding that those variations are requested to be made so as to prevent the employment of apprentices on the apprentice rate but who do not receive the appropriate technical training.

And that's intended to eliminate that practice.

But, in any event, as I understand from you, Mr Flynn and Mr Swallow, the career start traineeship scheme will be put in place in the next few weeks, which will overcome the problem.

Alright, any view about operative date? Mr Swallow?

MR SWALLOW: From today.

COMMISSIONER GOZZI: Mr Flynn?

MR FLYNN: Commissioner, I guess that I have only got the concern of the employers that have these apprentices. I only know of one employer who has a smallgoods apprentice. I'd like to give him some notice of this, and I don't particularly want to see the apprentice disadvantaged, nor the employer, I suppose, either.

I guess any date you make it, commissioner, is going to be seen to be disadvantaged by that person, anyway, or by that employer.

I'll be advising the day that the decision has been made, anyway.

COMMISSIONER GOZZI: Well, in the circumstances, what I will do is make it the first full pay period to commence on or after today's date.

MR SWALLOW: Very good.

COMMISSIONER GOZZI: And the decision and order will issue in due course.

Okay, we can now go on with the other matter.

HEARING CONCLUDED