

# Decision hailed as benchmark

## Tucker ruling challenged

Wellington  
The Employers and Manufacturers Association has warned employers that a landmark court ruling on forced medical examinations is not a blanket ruling.

Spokesman Murray French said the decision was indicative of which way Chief Employment Court Judge Thomas Goddard might rule in the future but it was not the final word.

In a case taken by nine employees against Hawke's Bay company Tuckers Wool Processors Ltd, Judge Goddard ruled that contract provisions requiring medical examinations as proof of illness were harsh and oppressive.

The case was sparked when their employer, W Tucker Ltd, formed a partnership with Tomoana Pelt Processors Ltd and Taranaki Farmers Co-op Wools Ltd. They alleged their new employment with Tuckers Wool Processors Ltd led to a hurried contract.

Tuckers has not yet decided on whether to appeal, but the Employers and Manufacturers Association has pledged its support.

It could seek party status in a potential appeal or support Tuckers in its case.

Mr French said the Tuckers decision considered a range of issues wider than forced medical examinations. He said the Employment Court's conclusions on commonplace provisions, including getting medical advice about employees, deserved further scrutiny.

Decision, page 3. NZPA

An Employment Court ruling in favour of nine workers at a Hawke's Bay wool scouring plant was today hailed as a benchmark for employment-contract negotiations.

The Meat and Related Trades Workers Union of Aotearoa took a case to the court on behalf of nine staff at Tuckers Wool Processors at Awatoto.

New owners of the business in 1996 introduced a contract that cut most workers' pay to \$9.50 an hour, required workers to be on call for 40 hours' work over six days each week, no overtime pay until they had done 50 hours a week (when they would get time and a quarter) and random drug testing.

In a judgement released yesterday, Employment Court Chief Judge Tom Goddard decreed the workers' five-year contract harsh and oppressive. He set it aside on the grounds it had been obtained

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by oppressive behaviour on the part of the employer, who had refused to negotiate with the workers, and ensured they were prevented from considering the contract over a fair amount of time, and had no opportunity to seek professional advice in relation to the contract.



Mr Mischefski

Judge Goddard awarded each of the nine workers \$2500 compensation.

Union organiser Eric Mischefski said today the decision was important because it set a bottom line for employers, below which the court would not accept terms and conditions of employment. It also recognised the right of unions to negotiate with employers the terms and conditions for their members.

Mr Mischefski said the contract had provided for meal and "smoko" breaks but understaffing meant workers were not able

to take them. They sometimes worked 12 to 16 hours without a break, eating their sandwiches among bales of dirty wool.

The whole business saddened him. The union had been on good terms with the previous owners of the wool scour, cousins Neil and Stewart Tucker. Trouble had started only after new partners, Te Kuiti Meats and Tomoana Pelt Processors, joined the company in late 1996. The union had already taken Te Kuiti Meats to court over other employment contracts. Mr Mischefski said.