

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

WA 167/08
5135786

BETWEEN	SERVICE AND FOOD WORKERS UNION NGA RINGA TOTA INC Applicant
AND	EUROPEAN MASTER BUTCHER LTD Respondent

Member of Authority: P R Stapp

Representatives: Tim Oldfield for Applicant
Karl Reipen for Respondent

Telephone Conference: Friday 12 December 2008

Determination: 15 December 2008

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] This is an application for a compliance order requiring European Master Butcher Limited to deduct union fees and pay the fees to the union. The union has relied on s 65A of the Employment Relations Act.

The facts

[2] The company trades as Matador Fresh and is located in New Plymouth. The company employs a number of employees who are members of the union (named in the statement of problem). The employees have individual employment agreements with the company. The individual employment agreements do not exclude or vary the effect of s65A of the Act. Each of the employees has given consent for their union fees to be deducted from their wages and to be remitted to the union.

[3] The respondent has agreed to comply with what the law requires.

Determination

[4] The law requires that where there has been consent given to deduct union fees the deducted fees must be paid to the union in accordance with any arrangement agreed with the union.

[5] The respondent has agreed to pay the deducted union fees to the Service and Food Workers Union Nga Ringa Tota Inc and the parties have agreed to discuss the details and the arrangement to apply.

Orders of the Authority

[6] Therefore, I order, pursuant to s 137 of the Act that European Master Butcher Limited trading as Matador Fresh is to comply with s 65A of the Act. European Master Butcher Limited trading as Matador Fresh is to pay the union deductions to the Service and Food Workers Union Nga Ringa Tota Inc for the employees who have consented to deductions being made from their wages and who are union members (named in the statement of problem).

[7] Following the telephone call with me the parties agreed to work out the details and arrangements. Under s 137 (3) of the Act this order is to be obeyed by 22 January 2009.

[8] Leave is granted for the parties to return to the Authority if there are any problems.

[9] Costs are reserved.

P R Stapp
Member of the Employment Relations Authority