

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2011] NZERA Auckland 83  
5331796

BETWEEN	NORTHERN AMALGAMATED WORKERS' UNION Applicant
AND	SOUTHERN PAPRIKA LIMITED Respondent

Member of Authority: Alastair Dumbleton

Representatives: Michael Kyriazopoulos and Ray Bianchi, advocates for  
Applicant  
Sheryl Lewis, advocate for Respondent

Determination: 4 March 2011 (On Papers)

---

**DETERMINATION OF THE AUTHORITY**

---

**Application for facilitation**

[1] Application for facilitation was made by the Northern Amalgamated Workers' Union under various grounds as set out at s 50C of the Employment Relations Act 2000.

[2] In responding to the application Southern Paprika Limited indicated that facilitation was desirable so that the parties could move forward to the first collective agreement covering the company's employees who are members of the union.

[3] During a telephone conference on 4 March 2011, the parties' advocates agreed that the Authority could determine the application on the papers without needing to hear from them in person.

**Determination**

[4] I have considered the material supplied by both parties and I am satisfied that grounds under s 50C(1)(b) exist to enable the Authority to accept the reference for facilitation. Those grounds are that bargaining has been unduly protracted and that extensive efforts, including mediation, have failed to resolve the difficulties that have so far prevented the parties from settling a collective agreement.

[5] I note that while the employer states it welcomes the Authority's assistance to facilitate bargaining, it does not feel the bargaining so far has been unduly protracted. Whether merely protracted or unduly protracted, it is a matter of circumstance and degree and I have determined the situation to be the latter as required by the Act.

[6] Shortly arrangements will be made with the advocates to bring them into contact with another Member of the Authority who will provide facilitation. That process will then commence according to the arrangements made in conjunction with the Member.

A Dumbleton  
**Member of the Employment Relations Authority**