

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

[2013] NZERA 142
5370968

BETWEEN

MATTHEW IETRI
JASON CLOSE
ANTHONY SIMPSON
RANDOPH MULIAGA
Applicants

AND

NEW ZEALAND VAN LINES
UNION INCORPORATED
Respondent

Member of Authority: P R Stapp

Representatives: Graeme Clarke Advocate for Applicants
Henry Hohaia and Naomi Clarke for Respondent

Investigation Meeting: 8 November 2013

Determination: 8 November 2013

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] This employment relationship problem is about the applicants' claim that the New Zealand Van Lines Union Incorporated is not operating independently and at arm's length of the employer. Also they claim that the union has not been operating properly in accordance with its rules and objectives.

[2] The union accepts that there have been difficulties in the past and part of that involves the running of the union and the future running of the union may be affected by time commitments of its officers.

Issues

[3] During the investigation meeting agreement was reached on what should happen next in the matter.

The facts

[4] The applicants are members of the New Zealand Van Lines Union Incorporated (the Union). This is a registered union under the Employment Relations Act. It is an incorporated society and registered as such. Its members come from various places around New Zealand where New Zealand Van Lines Limited operates. Four applicants that had been originally included in the application have either resigned and finished work at Van Lines and or are no longer members of the union. They have been struck out of this action by consent.

[5] Henry Hohaia is currently the union's chairperson. Naomi Clarke is currently the union's Secretary/Treasurer. They have agreed with the applicants to participate in a revision of the union rules. The applicants and their representative will present to Mr Hohaia and Ms Clarke proposed rules for the union, and Mr Hohaia and Ms Clarke have an opportunity to arrange any input and comment before the revised rules are presented to all the union's members for consideration.

Determination

[6] By consent the parties will consider a revision of the union's rules and to put proposed rule changes to the full membership of the union under the existing rules to fully consider and vote on.

[7] In the meantime the Authority's consideration of whether or not the union has been operating independently and at arm's-length of the employer will be adjourned sine die. The applicants' right to return to the Authority on that matter is reserved sine die.

[8] Costs are reserved.

P R Stapp

Member of the Employment Relations Authority