

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

[2014] NZERA Wellington 104  
5524726

BETWEEN            TE KUITI MEAT PROCESSORS  
                                 LIMITED  
                                 First Applicant

AND                    NEW ZEALAND MEAT  
                                 WORKERS AND RELATED  
                                 TRADES UNION INC.  
                                 Second Applicant

Member of Authority:    G J Wood

Representatives:        Tim Cleary for First Applicant  
                                 Peter Cranney for Second Applicant

Investigation Meeting:    By way of conference call and on the papers

Submissions Received:    21 October 2014

Determination:            21 October 2014

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**DETERMINATION OF THE AUTHORITY**

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[1]     This was a joint application by the applicants, Te Kuiti Meat Processors and the Meat Workers Union, for a reference to facilitation, which was heard and determined on an urgent basis at the parties' request.

[2]     The applicants have applied for facilitation under s.53 of the Act. They rely on s.50C(1)(b); i.e. that the bargaining has been unduly protracted and that extensive efforts (including mediation) have failed to resolve the difficulties that have precluded the parties from entering into a collective agreement.



## The facts

[3] The facts have been agreed as set out below:

- Te Kuiti Meat Processors is an employer with a meat processing plant at Te Kuiti employing approximately 280 employees at peak season.
- The Meat Workers Union is a registered union with approximately 80 members currently employed at the Te Kuiti plant.
- The collective agreement applying to the Te Kuiti plant expired on 9 November 2011.
- By notice the Meat Workers Union initiated bargaining with Te Kuiti Meat Processors for a collective agreement for its members employed by Te Kuiti Meat Processors.
- On 23 November 2011 the parties signed a bargaining process agreement. Bargaining occurred on 23 November 2011. No collective agreement was agreed.
- The parties bargained again throughout December 2011 and in March, May, June, October and November 2012. Further bargaining meetings were held in January, July, September and October 2013.
- The parties then attended mediation on 18 March 2014. Subsequently there were further bargaining meetings in May and September 2014. No collective agreement has yet been agreed.
- On 8 October 2014 Te Kuiti Meat Processors resolved to restructure the plant's operations but the union objected to aspects of the proposed restructure. Te Kuiti Meat Processors wishes to negotiate a collective agreement that reflects its restructuring proposals and the Meat Workers Union wishes to bargain with Te Kuiti Meat Processors over these issues.

- The parties agree that further mediation would be less constructive than facilitation.

[4] The Authority should be loath to reject an application where all parties to the collective bargaining both wish facilitation to occur. In any event I am satisfied that the criteria in s.50C(1)(b) have been met. For the parties to have bargained for over three years without a collective agreement clearly shows that there has been unduly protracted bargaining. I also note that the parties have attended mediation and have made many efforts over the course of bargaining to resolve matters between them. In these circumstances this is a clear case for reference to facilitation.

### **Determination**

[5] I therefore refer the bargaining for a collective employment agreement between Te Kuiti Meat Processors Limited and the New Zealand Meat and Related Trades Union Inc to the Authority for facilitation.



**G J Wood**  
**Member of the Employment Relations Authority**

