

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI
TE WHANGANUI-Ā-TARA ROHE**

[2022] NZERA 260
3175324

BETWEEN

TAYLOR PRESTON
LIMITED
Applicant

AND

NEW ZEALAND MEAT
WORKERS AND RELATED
TRADE UNION
INCORPORATED
Respondent

Member of Authority: Rowan Anderson

Representatives: Jordan Boyle, counsel for the Applicant
Peter Cranny, counsel for the Respondent

Investigation Meeting: On the papers

Determination: 21 June 2022

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] Taylor Preston Limited (Taylor Preston) and the New Zealand Meat Workers and Related Trades Union Incorporated (NZMWU) are engaged in bargaining and have not been able to conclude a collective agreement.

[2] Taylor Preston has lodged an application for facilitated bargaining based on the ground set out in sections 50C(1)(b) of the Employment Relations Act 2000 (the Act).

[3] Taylor Preston has also made an application for the Authority to accord urgency in its investigation, pursuant to clause 17 of schedule 2 of the Act, on the basis that it is necessary and just to do so.

[4] The parties have been engaged in bargaining since at least March 2020. The parties have also attended mediation on at least two occasions, including on 6 and 13 October 2021.

[5] The application made by Taylor Preston is not opposed by the NZMWU and they consent to facilitation.

[6] The parties have agreed with the Authority that this matter could be determined “on the papers” and without the need for the provision of formal submissions and/or further information. The NZMWU agreement to that approach is subject to a limitation that the ground relied upon relates to protraction only.

Findings

[7] I have carefully considered the material before the Authority. I accept that the bargaining has been unduly protracted and that extensive efforts, including mediation, have failed to resolve it. I am satisfied that the ground for referral in s 50C(1)(b) of the Act is made out. The referral to the Authority for facilitation is accepted.

[8] I have considered the application for urgency and have accorded urgency to this matter.

[9] I have considered referral to mediation. In the circumstances, and given the parties agree as to engagement in facilitation, I do not consider a direction to mediation would contribute constructively to resolving the matter.

Next Steps

[10] The Authority will communicate with the parties as to the convening of a case management conference.

Costs

[11] There is no order as to costs.

Rowan Anderson
Member of the Employment Relations Authority