

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKĀURAU ROHE**

[2025] NZERA 394
3227679

BETWEEN	GATE GOURMET NEW ZEALAND LIMITED Applicant
AND	AVIATION WORKERS UNITED INCORPORATED Respondent

Member of Authority:	Peter Fuiava
Representatives:	Brian Dickey, Penny Swarbrick and Matt McGoldrick, counsel for the Applicant Michael O'Brien, counsel for the Respondent
Investigation Meeting:	On the papers
Determination:	4 July 2025

CONSENT DETERMINATION OF THE AUTHORITY

[1] In a joint memorandum dated 30 June 2025, the parties advised that they have reached an agreed resolution to the application before the Authority.

[2] As part of that resolution the parties seek jointly, and by consent, that the Authority make a compliance order in the terms set out in the schedule to this consent determination.

[3] The parties agree that the terms of the compliance order are not subject to any order prohibiting publication.

[4] Further, once the compliance order is issued, the matter can be withdrawn from the Authority with no issues as to costs between the parties.

Schedule – Terms of Compliance Order

[5] Gate Gourmet New Zealand Ltd (“Gate Gourmet”) carries on business as a supplier of food catering services to passenger aircraft at Auckland Airport. Aviation Workers United Inc (“AWU”) is a small union that has no members other than those employed or formerly employed by Gate Gourmet.

[6] Gate Gourmet and AWU are parties to a collective agreement that provides, among other things that AWU and its officers must:

- a) Act in a way that protects Gate Gourmet's reputation and relationships, including Gate Gourmet's relationships with the AWU and its members;
- b) Act in good faith towards Gate Gourmet; and
- c) Be open and honest in all communications with Gate Gourmet and its representatives.

[7] AWU admits that between 2022 and 2024, as set out in Gate Gourmet’s Statement of Problem, some of its communications breached its obligation of good faith in section 4 of the Employment Relations Act 2000 (the Act) and were in breach of the collective agreement between the parties in that it:

- a) Communicated with non-union employees of Gate Gourmet in a way which was disparaging towards Gate Gourmet, and which undermined the employment relationship.
- b) Made threatening, insulting and abusive communications to and about Gate Gourmet and its employees and others connected with Gate Gourmet (including directors, contractors and legal representatives) in a way which was disparaging, and which undermined the employment relationship.
- c) Communicated directly with Gate Gourmet on specific matters after Gate Gourmet requested all communications on those specific matters go through Gate Gourmet’s legal representatives.

[8] For completeness, none of those communications referred to at a) to c) above were sent by AWU's legal representatives.

[9] The parties agree that it is appropriate for the Authority to issue an order for the purpose of ensuring the AWU complies with its obligations of the duty of good faith and the collective agreement between the parties, and to prevent further such non-observance or non-compliance by the AWU with the Act and the collective agreement.

Compliance Order

[10] At the parties request, and pursuant to s 137 of the Act, the Authority grants a compliance order on the following terms:

10.1 AWU is required to comply with its obligation of good faith pursuant to section 4 of the Act and the terms of the collective agreement between Gate Gourmet and AWU by:

- a) Refraining from threatening, disparaging and offensive communications to Gate Gourmet and its employees, contractors, directors and legal representatives; and
- b) Refraining from directly contacting Gate Gourmet's employees, contractors and directors on matters on which Gate Gourmet is legally represented and has requested AWU communicate with its legal representatives.

10.2 The time within which this compliance order is to be complied with is as from today's date, and for so long as Gate Gourmet and the AWU are in an employment relationship as defined by section 4(2) of the Act.

[11] I commend the parties for resolving this employment problem between themselves.

Peter Fuiava
Member of the Employment Relations Authority