

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2025] NZERA 408

3388384

BETWEEN WORKERS FIRST UNION
Applicant

AND CARDINAL LOGISTICS LIMITED
Respondent

Member of Authority: Andrew Dallas

Representatives: Sabrina Sachs, counsel for the Applicant
Brendan Furness for the Respondent

Investigation Meeting: On the papers

Date of Determination: 10 July 2025

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Workers First Union, formerly First Union (Workers First) has made application for facilitation of its collective bargaining with Cardinal Logistics Limited (Cardinal) for which serious problems have been encountered. The parties are seeking to replace Cardinal Logistics and First Union, 1 April 2020 to 31 March 2023.

Background

[2] Since bargaining was initiated on 6 March 2023, the parties have engaged in five days of bargaining. Mediated bargaining between the parties also took place.

[3] Mediated bargaining did not resolve matters and was followed by a strike and then a lockout. Workers First said both the strike and lockout were acrimonious.

[4] It is unnecessary to recount the detail here but Workers First contend that other aspects of the bargaining have also led to acrimony between the parties.

Application for facilitation

[5] Workers First asserts two grounds under s 50C of the Employment Relations Act 2000 (the Act) for referral:

- (i) the bargaining has been unduly protracted and extensive efforts (including mediation) have failed to resolve the difficulties between the parties: s 50C(1)(b); and
- (ii) a strike and lockout has occurred in circumstances where the bargaining was protracted or acrimonious: s 50C(1)(c) of the Act.

[6] While not supporting the contentions contained in Workers First's statement of problem, Cardinal does not oppose referral to facilitation and considers it to be "a necessary next step" in the bargaining.

Should facilitation be granted?

[7] In considering all the circumstances, including hearing from the parties, and taking a commonsense assessment of the overall bargaining difficulties between them, I find the ground set out in s 50C(1)(b) and s 50C(1)(c) of the Act are made out. Consequently, it is appropriate to order that the parties now engage in facilitation to assist them in a pathway to settlement of their differences, including potential ratification of a replacement collective agreement.

Next steps

[8] The Authority will convene a case management conference with the parties as soon possible to discuss arrangements for facilitation including the timing and the venue of such.

Costs

[9] There is no order for costs.¹

Andrew Dallas
Chief of the Employment Relations Authority

¹ See, <https://www.era.govt.nz/assets/Uploads/practice-direction-of-the-employment-relations-authority.pdf> at [5]