

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI  
OTAUTAHI**

[2026] NZERA 271  
**3459844**

BETWEEN	WORKERS FIRST UNION INCORPORATED Applicant
AND	ANDERSON SUPERMARKETS LIMITED Respondent

Member of Authority:	Alyn Higgins
Representatives:	Michaela Fenton, counsel for the Applicant Dean Kilpatrick and Jane Freeman, counsel for the Respondent
Investigation Meeting:	On the papers
Submissions received:	21 April 2026 from the Applicant 29 April 2026 from the Respondent
Determination:	4 May 2026

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**DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1] This is an application for a referral to facilitation pursuant to s 50B Employment Relations Act 2000 (the Act) made by the Workers First Union Incorporated (the Union) in relation to bargaining with Anderson Supermarkets Limited (ASL) for a new collective agreement (CA) covering supermarket workers at Richmond Pak n Save. The last CA expired on 31 March 2025.

[2] The grounds of the application are that bargaining has been unduly protracted and extensive efforts (including mediation) have failed to resolve the difficulties that have precluded the parties from entering into a new CA.

[3] The grounds on which the Authority may accept a reference to facilitation are set out in s 50C (1) of the Act. In the present application the following grounds under s 50C (1) (b) are relevant:

- (b) that—
  - (i) the bargaining has been unduly protracted; and
  - (ii) extensive efforts (including mediation) have failed to resolve the difficulties that have precluded the parties from entering into a collective agreement

[4] The Union’s application for referral was only supported by its statement of problem. In a memorandum dated 29 April 2026 ASL agrees to facilitation.

### **Background**

[5] The Union’s application for referral provides that bargaining was initiated by the Union on 30 January 2025. ASL’s claims were provided on 4 April 2025 and the Union’s claims were provided on 8 April 2025. The parties first met for bargaining on 10 April 2025.

[6] Mediated bargaining took place on 6 June and 31 July 2025.

[7] The parties met again for bargaining again on 14 October 2025. A further session of mediated bargaining was held on 6 November 2025.

[8] On 23 October 2025, the Union informed ASL that it intended to apply for facilitation and sought ASL’s agreement to attend facilitation. By email dated 10 November 2025, ASL replied to the Union that it “has no objection in principle to agreeing to attend facilitation”.

[9] In its submission, ASL says that it made an offer to settle dated 10 November 2025, and a further offer was made to the Union with respect to pay on 17 April 2026. This offer was accepted by the Union the same day.

[10] Despite these efforts no new CA has been reached.

[11] The Union says that the parties are having serious difficulties and disagree in the following main areas; the level of wage increases and the term of a CA.

### **Bargaining has been unduly protracted**

[12] A number of bargaining sessions and mediations have failed to resolve the issues precluding the parties from concluding a new CA.

[13] I accept that bargaining has been unduly protracted.

### **Extensive efforts by the parties have failed to resolve the difficulties**

[14] When considering difficulties and the efforts made by the parties, the focus of the Act is on the achievement of a CA not on the bargaining process.<sup>1</sup>

[15] Although the material I have considered focuses on the steps taken to date and the substantive issues between the parties, it is also clear that bargaining for some 12 months has not concluded a CA.

[16] I have also considered that the parties have attended mediation during bargaining.

[17] I accept that extensive efforts by the parties have failed to resolve the differences.

### **Outcome**

[18] For the above reasons, I am satisfied that sufficient grounds under s 50C of the Act have been met. A reference to facilitation is accepted and it is now appropriate that the parties engage in facilitation.

### **Next steps**

[19] The Authority will convene a case management conference with the parties to discuss arrangements for facilitation. In accordance with s 50D of the Act, the member of the Authority who facilitates collective bargaining will not be the member who accepted the reference for facilitation.

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<sup>1</sup> *Service and Food Workers Union Ngā Ringa Tota Inc v Sanford Limited* [2012] NZEmpC 168 at [70]

## **Costs**

[20] The Union has asked for costs in its application however the Authority's approach to facilitation referrals is that the parties bear their own costs.<sup>2</sup>

Alyn Higgins  
Member of the Employment Relations Authority

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<sup>2</sup> See Practice Direction of the Employment Relations Authority Te Ratonga Ahumana Taimahi, February 2024, page 5 at [6].