

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH OFFICE**

CA 78/10
5297130

BETWEEN NATIONAL DISTRIBUTION
UNION
Applicant

AND FOODSTUFFS SOUTH
ISLAND LIMITED
Respondent

Member of Authority: Helen Doyle

Representatives: Peter Cranney, Counsel for Applicant
Neil McPhail, Advocate for Respondent

Investigation Meeting: 29 March 2010 in Christchurch

Determination: 29 March 2010

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] The National Distribution Union (the Union) applied to the Authority for reference for facilitation to assist in resolving difficulties in concluding a collective agreement with Foodstuffs South Island Limited.

[2] The Union relies in making its application for reference for facilitation on the grounds set out in s.50C(1)(b) of the Employment Relations Act 2000 that the 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 collective agreement.

[3] Foodstuffs South Island Limited (Foodstuffs) oppose the application for reference for facilitation and say that the grounds set out in s.50C(1)(b) are not made out in terms of the bargaining between it and the Union.

Investigation process

[4] During the investigation meeting information was provided to the Authority about the bargaining that had taken place to that point in time between the Union and Foodstuffs following the initiation of bargaining, by the Union under s.42 of the Employment Relations Act 2000, on 31 December 2008.

[5] A discussion then took place and it was agreed that the parties would attend further mediation.

[6] The application for reference for facilitation is therefore adjourned until Friday 7 May 2010 to enable mediation to take place. On 7 May 2010 the Authority will, if necessary, hold a further investigation meeting to deal with the application for reference for facilitation.

Helen Doyle
Member of the Employment Relations Authority