

IN THE EMPLOYMENT COURT
AUCKLAND REGISTRY

EMPC 152/2015
IN THE MATTER OF

an application for declarations,
injunctions and compliance
orders

BETWEEN

New Zealand Meat Workers &
Related Trades Union Inc

First Plaintiff

AND

Roberta Kerewai Ratu and
others

Second Plaintiffs

AND

AFFCO New Zealand Limited

Defendant

IN THE MATTER OF

proceedings removed from the
Employment Relations Authority

BETWEEN

AFFCO New Zealand Limited

Plaintiff

AND

New Zealand Meat Workers &
Related Trades Union Inc

First Defendant

AND

The persons listed in Schedules
A-C

Second Defendants

Appearances: P Cranney and SR Mitchell, counsel for the Union and individual
employees
P Wicks QC, counsel for AFFCO New Zealand Limited

Minute: 17 November 2015

**MINUTE OF CHIEF JUDGE GL COLGAN
FOLLOWING TELEPHONE DIRECTIONS CONFERENCE
HELD AT 1 PM ON TUESDAY 17 NOVEMBER 2015**

1. The following are the circumstances in which the Court asked counsel to participate in today's directions conference.
2. AFFCO's application for an order under s 50K of the Employment Relations Act 2000 declaring that bargaining has concluded, because of difficulties in concluding bargaining, is scheduled to commence in Auckland next Monday, 23 November 2015. That hearing has been postponed once previously to allow the parties to know and take account of the full Court's judgment in the proceedings heard on 5 and 6 October 2015.
3. As counsel were advised today, judgment in that earlier proceeding has been agreed upon by the full Court and the written judgment is currently being checked by the Registry for issue as soon as possible, probably tomorrow morning.
4. That judgment will find for the plaintiffs' second and sixth causes of action, that is that the defendant locked out the second plaintiffs unlawfully and that it breached s 32 of the Act by acting otherwise than in good faith towards the plaintiffs while collective bargaining was still going on. Apart from a declaration to be made by the full Court to this effect, other remedies (including the plaintiff's application for compliance orders) will be postponed and the parties will be required to engage in further mediation to be arranged urgently.
5. In these circumstances, the full Court considered it best to advise counsel of the outcome of the case to enable them to take instructions about whether, and if so when, next week's scheduled application will be heard.
6. I record that after considering counsel's submissions, I declined to make a non-publication order about the outcomes disclosed today. There are numerous second plaintiffs who are parties entitled to give instructions to their counsel about these matters and, in these circumstances, it would be practicably impossible to make an enforceable order for non-publication, even for a period of less than 24 hours.
7. There will be a further telephone conference call with counsel on **Thursday 19 November 2015** to enable the parties to next week's litigation to make any submissions that they may wish to about its progress.

GL Colgan
Chief Judge