

**IN THE EMPLOYMENT COURT
AUCKLAND**

**AC 43C/07
ARC 39/07**

IN THE MATTER OF an application for declaration and
 permanent injunction

BETWEEN SERVICE AND FOOD WORKERS
 UNION NGA RINGA TOTA INC
 Plaintiff

AND SPOTLESS SERVICES (NZ) LIMITED
 Defendant

Hearing: 23 July 2007
 (Heard at Auckland)

Appearances: Peter Cranney and Anthea Hughes, Counsel for Plaintiff
 Shan Wilson and Katherine Burson, Counsel for Defendant

Judgment: 23 July 2007

ORAL JUDGMENT OF CHIEF JUDGE GL COLGAN

[1] I have reached a clear conclusion on the issue that has been argued comprehensively before me today. The industrial situation requires a prompt decision and its announcement, even if the detailed reasons for this addressing the parties' cases will be given subsequently.

[2] I enter judgment for the plaintiff on liability on the issue of the lawfulness of lockouts.

[3] There will be orders declaring that what Spotless Services (NZ) Limited purported to treat as lockouts to support its demands that some employees who would otherwise be on strike make themselves available to work, were not lockouts as permitted by the Employment Relations Act 2000.

[4] Although the amended statement of claim simply asks for an injunction to prevent lockouts, some refinement is required and although I will reserve leave for the parties to be heard on the final form of injunctive relief, I propose that it be as follows:

There will be an injunction that Spotless Services (NZ) Limited is not henceforth to demand, whether as part of a lockout or otherwise, that some employees who would otherwise be on strike, make themselves available to work.

[5] The plaintiff's claim for wages for employees purportedly locked out will be adjourned for proof and further argument.

[6] By consent, the injunction will operate as from 8 am on Tuesday 24 July 2007. That is part of an agreed arrangement between the parties that there will be a meeting or meetings of employees at 7 am tomorrow morning and under which the union has withdrawn notices of strike action for strikes scheduled to take place between 8 am and midnight tomorrow, 24 July 2007.

[7] Costs are reserved

GL Colgan
Chief Judge

Judgment delivered orally at 5.30 pm on Monday 23 July 2007