

**IN THE COURT OF APPEAL OF NEW ZEALAND**

**CA629/2015  
[2016] NZCA 137**

BETWEEN                      LEAN MEATS OAMARU LIMITED  
Applicant

AND                              NEW ZEALAND MEAT WORKERS &  
RELATED TRADES UNION  
INCORPORATED  
Respondent

Hearing:                      14 March 2016

Court:                              Harrison, Wild and Cooper JJ

Counsel:                      M F Quigg and J L Bates for Applicant  
P B Churchman QC and C M Kenworth for Respondent

Judgment:                      19 April 2016 at 11 am

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**JUDGMENT OF THE COURT**

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**A     The application for leave to appeal against the judgment of the Employment Court in *Lean Meats Oamaru Ltd v New Zealand Meat Workers & Related Trades Union Inc* is granted.<sup>1</sup>**

**B     The question of law for determination by this Court is:<sup>2</sup>**

**Did the Employment Court err in deciding that the relevant provisions in Part 6D of the Employment Relations Act 2000 required rest breaks to be paid at the same rate for which the employee would be paid to work?**

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<sup>1</sup> *Lean Meats Oamaru Ltd v New Zealand Meat Workers & Related Trades Union Inc* [2015] NZEmpC 176.

<sup>2</sup> Employment Relations Act 2000, s 214.

**C      There will be no order for costs on the application for leave given that the respondent's opposition was reasonable.**

Solicitors:  
Brown & Bates Ltd, Napier for Appellant  
Peter Sara Lawyer, Dunedin for Respondent