

ATTENTION IS DRAWN TO THE  
ORDER PROHIBITING  
PUBLICATION OF CERTAIN  
INFORMATION REFERRED TO  
IN THIS DETERMINATION

Determination Number: WA 39/05

File Number: WEA 388/04

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON BRANCH**

<b>BETWEEN</b>	Gregory Bellamy (applicant)
<b>AND</b>	Aitken Transport (1994) Limited (respondent)
<b>REPRESENTATIVES</b>	Barry Henderson for the applicant Andrew Laurenson for the respondent
<b>MEMBER OF THE AUTHORITY</b>	Denis Asher
<b>INVESTIGATION MEETING</b>	New Plymouth, 7 March 2005
<b>DATE OF DETERMINATION</b>	9 March 2005

**CONSENT DETERMINATION OF AUTHORITY**

**Employment Relationship Problem**

1. The applicant, Gregory Bellamy, said that the respondent (the Company) unjustifiably dismissed him in that his redundancy was not genuine and the procedure used was unfair – statement of problem received on 26 October 2004. He sought reinstatement, compensation for humiliation, etc, and lost wages and costs.

2. The Company denied Mr Bellamy's claims – statement in reply received on 18 November.
3. The parties underwent mediation but their employment relationship problem remained unresolved.
4. The parties agreed to a one-day investigation in New Plymouth on 7 March 2005, commencing at 10.00 a.m. They usefully supplied in advance of the investigation written statements and relevant documents.

### **Settlement Reached**

5. During the investigation the parties reached a settlement and asked the Authority to issue a consent determination that recorded that settlement. I have no difficulty in accepting the parties' request and recording their settlement (the original copy of which is held by the Authority) by way of a consent order determination.
6. The parties also asked that their settlement be prohibited from publication under clause 10(2) of Schedule 2 of the Act: I accepted that request also.
7. The parties are to be commended for the manner in which they lent themselves to the investigation and for settling this matter on their own terms.

**Denis Asher**  
**Member of Employment Relations Authority**