

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2016] NZERA Auckland 356
5617051

BETWEEN

ERIN THERESE DENT
Applicant

A N D

THE WAIKATO DISTRICT
HEALTH BOARD
Respondent

Member of Authority: T G Tetitaha

Representatives: Applicant in person
A Russell, Counsel for Respondent

Investigation Meeting: By way of teleconference

Submissions Received: 20 October 2016 from Applicant
20 October 2016 from Respondent

Date of Oral Determination: 20 October 2016

Date of Written Determination: 20 October 2016

ORAL DETERMINATION OF THE AUTHORITY

- A. Ms Dent's applications for leave and removal to the Employment Court of personal grievances are dismissed.**
- B. Costs are reserved to be determined by the Employment Court.**
- C. I remove Ms Dent's wage arrears claim relating to non-payment of a higher duties allowance to the Employment Court pursuant to s.178(2)(c) of the Employment Relations Act 2000. Costs in respect of the removal will lie where they fall.**

Employment relationship problem

[1] Ms Dent had applied for leave to raise three personal grievances out of time and for removal to the Employment Court for hearing. Those applications had been set down for hearing in November 2016.

Application for leave and removal to Employment Court

[2] Both parties appeared before me today by way of teleconference. There is agreement for dismissal of the three personal grievances identified in my previous Minute dated 12 May 2016, the application for leave and removal.

[3] Ms Dent has already advised the Authority in June 2016 the two grievances that occurred post-termination were no longer being pursued. She seeks to withdraw those grievances.

[4] The remaining grievance pertains to a letter Ms Dent wrote to Deryl Penjuli dated 13 December 2010 (not 13 March 2013 as recorded in the Minute). She confirms the grievance is about bullying by Eileen MacGowan since October 2007. That grievance is the subject of an appeal currently before the Employment Court. It does not require leave or removal.

Wage Arrears

[5] Ms Dent now raises a separate issue arising from her letter dated 13 December 2010. This is an issue of wage arrears. She alleges she was entitled to receive a higher duties allowance as set out in the parties MECCA of \$20 per day over a period of 14 months from April 2009.

[6] Mr Russell has raised an issue of whether the wages claim is statute barred. That seems to be a matter that could be dealt with by the Employment Court rather than having a separate hearing here at a future date. This is because it already has proceedings before it between the parties on related issues. The issues for the hearing in November did not deal with wage arrears.

Orders

[7] By consent the following orders are now made:

- a) The investigation meeting set down for 23 and 25 November in Hamilton is set aside.
- b) All of the witness summonses are also set aside.
- c) Dr Jonathan Phillips is to be advised he is no longer required to give evidence.
- d) Ms Dent's applications for leave and removal to the Employment Court of personal grievances are dismissed.
- e) Costs are reserved to be determined by the Employment Court.
- f) I remove Ms Dent's wage arrears claim relating to non-payment of a higher duties allowance to the Employment Court pursuant to s.178(2)(c) of the Employment Relations Act 2000. Costs in respect of the removal will lie where they fall.

T G Tetitaha
Member of the Employment Relations Authority