

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

CA 130/09  
5121662

BETWEEN                      LEANNE GAIL DREDGE  
Applicant

AND                              PAYGLOBAL LIMITED  
Respondent

Member of Authority:      Helen Doyle

Representatives:            Scott Wilson, Counsel for Applicant  
Tim McGinn, Counsel for Respondent

Submissions received:      11 August 2009 from Applicant  
31 July 2009 from Respondent

Determination:              14 August 2009

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**DETERMINATION OF THE AUTHORITY**

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**Employment relationship problem**

[1]     A meeting to investigate the employment relationship problem between Ms Dredge and PayGlobal Limited was to be held by the Authority on 4, 5 and 6 August 2009.

[2]     On 7 July 2009, Mr Wilson advised the Authority by email that Ms Dredge would not be continuing with her claim and asked that the email be treated as a discontinuance and withdrawal of the proceeding.

[3]     On 8 July 2009, Mr McGinn, advised the Authority by email that there was an outstanding issue between the parties. Mr McGinn said that counsel had accepted a final position that Ms Dredge be allowed to withdraw her proceeding without any costs on the basis that this was a full and final settlement. To that end, he said in his email that a draft record of settlement was provided to Mr Wilson but was never signed.

[4] A telephone conference was held on 28 July 2009 with the Authority and Mr McGinn and Mr Wilson to determine how to resolve the matter. It was agreed that both counsel would provide memoranda as to their understanding of what was agreed and then the Authority would determine the matter on the papers and make any appropriate orders.

[5] Memoranda were duly received from Mr McGinn and from Ms Dredge.

#### **Background to email from Mr Wilson to the Authority**

[6] On 2 June 2009, Mr Wilson telephoned Mr McGinn to advise that Ms Dredge would consider withdrawing her proceedings if there were no issues as to costs.

[7] Mr McGinn said in his memorandum that he advised Mr Wilson in response that he would recommend to his client that it should accept the outcome if a record of settlement of all matters was signed, given the history between the parties.

[8] On 3 June 2009, Mr McGinn said that he advised Mr Wilson by telephone that the respondent would allow the applicant to withdraw her claim provided that a record of settlement was signed and lodged with the Mediation Service to ensure matters were at an end. Mr Wilson said that he would first obtain instructions.

[9] On 4 June 2009, Mr McGinn emailed Mr Wilson as to whether he had received instructions to accept the terms discussed and says in his memorandum that Mr Wilson telephoned to advise that he had instructions to accept the terms. Later that same day, Mr McGinn sent an email to Mr Wilson recording confirmation by telephone that Ms Dredge was prepared to enter into a record of settlement to record the agreed outcome and attaching to his email a draft record of settlement.

[10] Ms Dredge sets out in her memorandum that she was not comfortable with and would not sign the record of settlement provided under cover of the email from Mr McGinn. Ms Dredge sets out in her memorandum the reasons for withdrawing from the proceeding and says that none of them are that she reached a full and final settlement with the respondent. Ms Dredge does accept that she confirmed with Mr Wilson that she would agree to full and final settlement in lieu of being pursued for costs. She also states that she will not be pursuing her case any further past this point.

[11] This matter needs to be finalised between the parties. Ms Dredge is not happy to sign the recorded terms of settlement but I am confident that I can deal with the matter in a way that reflects what was agreed to in this determination.

### **Determination**

[12] I find that the parties agreed in early June 2009 that Ms Dredge would withdraw her proceeding before the Authority and that each party would bear their own costs in relation to that proceeding. It was agreed that this was in full and final settlement of the proceeding between the parties in file No 5121662.

[13] The proceeding in file number 5121662 between the parties is hereby withdrawn on the basis of the agreement I have found set out above and there are no outstanding issues of costs, and I so order.

Helen Doyle  
Member of the Employment Relations Authority