

recorded by the applicant. During that conversation, a letter was provided to the applicant with respect to a disciplinary process and there was discussion and a suspension. What occurred at that meeting is relevant to the matter before the Authority and although recorded without obtaining the permission of Mr Glading the Authority ruled recorded evidence of the meeting between the applicant and Mr Glading for the purpose of suspension admissible.

[3] The second and third transcripts result from recordings which took place on 20 October 2015 at different times by way of a cellphone. The first recording the applicant says was in order to establish proof that there was gossiping and bullying undertaken toward her by other staff. She recorded intentionally, by way of placement of her cellphone, a conversation between staff members whilst she was not present. The applicant asked that a manager listen to the recording as she had proof of the conduct she complained of.

[4] Recording others secretly when the person recording is not participating in a meeting or conversation with them is generally not admissible. It is not an action in good faith and the individuals are entitled to their privacy.

[5] The Authority has taken into account in this matter that the respondent was told about the recording shortly after it occurred and that it was to prove gossiping was continuing. The respondent raised with other staff at or about that time that they had been recorded and there were several documents provided in the respondent's bundle from staff who were concerned about this. The respondent also took legal advice. There is a lot of evidence already before the Authority about staff being recorded on the particular date. The transcript at page 116 of the applicant's bundle is admissible in the context of a claim before the Authority about how the applicant was treated in the workplace.

[6] The third transcript arose, the applicant says, from the inadvertent recording of a further conversation on that same day between Mr Glading and another staff member. It was not provided until a few days before the investigation meeting. The same concerns arise as before.

[7] I do not find that the recording of Mr Glading and the other staff member is admissible. It was inadvertent and both parties were entitled to their privacy. Unlike

the recording of the staff, the Authority would have to consider what was meant by certain comments during the inadvertent recording. The transcript found at page 114 of the applicant's bundle is inadmissible.

Helen Doyle
Member of the Employment Relations Authority