

Determination Number; WA 141/05

File Number: WEA 140/05

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

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON BRANCH**

BETWEEN	Kellie Harper (applicant)
AND	Byron Taverns Limited (respondent)
REPRESENTATIVES	Hamish Kynaston for the applicant Alan Cressey for the respondent
MEMBER OF THE AUTHORITY	Denis Asher
INVESTIGATION MEETING	Wellington, 30 August 2005
DATE OF DETERMINATION	30 August 2005

CONSENT DETERMINATION OF AUTHORITY

Employment Relationship Problem

1. Ms Kellie Harper said, amongst other things, that she was unjustifiably dismissed by the Company – statement of problem received on 19 April 2005.
2. The Company rejected Ms Harper's claims – statement in reply received on 11 May.

3. The parties underwent mediation but their employment relationship problem remained. The parties subsequently agreed to a one-day investigation in Wellington on 30 August.

Settlement Reached

4. During the investigation the parties arrived at a settlement that they asked be recorded by way of a consent determination. I agreed to that request. The Authority has the original settlement on its file. A term of the settlement is the withdrawal of the respondent's dismissal of the applicant: the termination of the employment relationship will be deemed a resignation. The other terms of the settlement are confidential. The parties ask that the other, confidential detail of the settlement be prohibited from publication. I agreed to that request also: Clause 10(2) of Schedule 2 of the Act applied.
5. The parties are to be commended for this outcome.

Denis Asher
Member of Employment Relations Authority