

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH OFFICE**

BETWEEN Mark Thomas Hoare (Applicant)
AND TNL Group Limited (Respondent)
REPRESENTATIVES Ben Nevell, Counsel for Applicant
Phil Butler, Advocate for Respondent
MEMBER OF AUTHORITY Philip Cheyne
INVESTIGATION MEETING 7 June 2006
DATE OF DETERMINATION 9 June 2006

CONSENT DETERMINATION OF THE AUTHORITY

[1] Mr Mark Hoare worked for TNL Group Limited as a driver but was dismissed. This problem is a personal grievance about that dismissal.

[2] At the beginning of the investigation meeting, at my invitation, the parties took some time to talk to one another about resolving the problem. The result of their discussions was an agreement that represents a full and final settlement of the issues between the parties. The agreement was reduced to writing and signed by both parties. By consent, the terms of that agreement become the orders of the Authority in this matter.

[3] I am asked to include the following terms in this determination:

- The respondent accepts that the applicant's conduct causing the accident did not constitute serious misconduct justifying his instant dismissal.
- The applicant accepts that the accident was avoidable.
- The applicant accepts that prior to the accident, the respondent raised concerns with him about his failure to secure a pallet, failure to remove a dangerous goods certificate and a failure to secure 3 curtain buckles and a roof pole.

Philip Cheyne
Member of Employment Relations Authority