

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Victoria Louise Houry (Applicant)
AND The Yellow Boat Company Ltd (Respondent)
REPRESENTATIVES Victoria Houry In person
No appearance by Respondent
MEMBER OF AUTHORITY Dzintra King
INVESTIGATION MEETING 27 May 2005
DATE OF DETERMINATION 27 May 2005

DETERMINATION OF THE AUTHORITY

The respondent had been served with the notice of the Investigation but chose not to attend.

The applicant, Ms Victoria Houry, says she has been unjustifiably dismissed by her employer, The Yellow Boat Company Limited. She also claims one month's wages.

Ms Houry was employed as a skipper on a fixed term contract that was due to expire on 31 March 2003. Ms Houry told me that when the America's Cup finished the need for water taxis diminished. She said she was called in to the office by ms Tonia Cawood, the general manager, and told that they would have to let her go. She was told that she could not work safely because she was pregnant. Ms Houry was six months' pregnant and in good health and not experiencing any difficulties with her pregnancy. There was no opportunity for Ms Houry to obtain medical advice or seek expert opinion on whether or not the pregnancy would impact adversely on her employment, rendering it unsafe, prior to the decision being made to terminate her employment. The dismissal was unjustified.

Ms Houry said she had not been paid since the end of February and had not worked after that date. She was dismissed without notice despite there being a notice provision of one month in the contract. Ms Houry is entitled to be reimbursed her wages for the one month period. That totals \$4,160.00.

Ms Houry and her partner gave compelling evidence about the effect of the dismissal on Ms Houry. I set the amount of compensation payable pursuant to s. 123 (c) (i) at \$5,000.

Dzintra King
Member of Employment Relations Authority