

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Andrea Hudson (Applicant)
AND Air New Zealand Limited (Respondent)
REPRESENTATIVES Anne-Marie McNally, Counsel for Applicant
Kevin Thompson, Counsel for Respondent
MEMBER OF AUTHORITY Vicki Campbell
INVESTIGATION MEETING 24 May 2005
SUBMISSIONS RECEIVED 8 June 2005 and 15 June 2005
DATE OF DETERMINATION 5 July 2005

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] Ms Andrea Hudson worked for Air New Zealand Limited (“Air NZ”) as a Customer Service Agent (“CSA”) for an average of 30 hours per week. As the title suggests Ms Hudson’s work had a strong emphasis on direct customer contact. Ms Hudson was trained in check-in functions, dealing with arrivals and departures, meeting aircraft and as a gate agent and boarding agent with responsibilities for the departure of an aircraft at the gate. Ms Hudson is a competent speaker of French, German and Italian and speaks a little Spanish.

[2] During 2004 Ms Hudson was given training and undertook duties as a Leading Airline Clerk (LAC). An LAC is paid extra when employed on LAC functions. Generally a person with LAC training is able to perform more responsible functions.

[3] Air NZ enter into contracts with other airlines which use Auckland International Airport, to provide ground handling and customer services functions such as check-in and aircraft boarding for passengers of the Airlines.

[4] After receiving three complaints about Ms Hudson’s interactions with staff and customers, Air NZ set up a disciplinary process which resulted in Ms Hudson being dismissed for serious misconduct. Ms Hudson claims the dismissal was unjustified and is seeking reinstatement.

[5] Air NZ says in response that the dismissal was justified in all respects.

The Complaints

[6] Ms Katharine Cooper, Duty Manager based at the Auckland International Airport, received three complaints about Ms Hudson within a number of days of each other in November 2004. The complaints related to:

- an incident where Ms Hudson had allegedly pushed a colleague while undertaking boarding duties on behalf of Air Tahiti Nui and the customer airline considered Ms Hudson's behaviour to be unprofessional;
- LAN Airline had received complaints from passengers regarding the manner in which Ms Hudson had treated them at check-in; and
- Passengers of an Air Tahiti Nui flight had been charged for departure tax where none was due and complained of bad service.

[7] On receipt of the complaints Ms Cooper determined that further investigation was warranted.

Complaint from Air Tahiti Nui regarding the pushing incident

[8] An incident occurred on 7 November 2004 whereby Ms Hudson stopped Mr Salem Loumachi, another Air NZ employee, from gaining entry to an Air Tahiti Nui flight at a time when she [Ms Hudson] had been requested to close the door to allow the aircraft to move away from the gate.

[9] The Air Tahiti Nui flight had been delayed in its departure for unrelated reasons. Mr Loumachi was the Boarding Agent for the flight while Ms Hudson was the Gate Agent. As Boarding Agent, Mr Loumachi was collecting the boarding coupons from passengers as they boarded the flight. After all passengers had boarded he discovered he had two coupons missing. Mr Loumachi wanted to access the aircraft to retrieve the coupons and had received permission from the Airline representative to do so. However, Ms Hudson had received instructions to close the door of the aircraft so that it could move away from the gate to a layover bay to enable another aircraft to approach the gate.

[10] It was at this point that the incident between Ms Hudson and Mr Loumachi occurred. It was common ground that there were raised voices between the two Air NZ employees. Ms Hudson says she held up her outstretched hand to stop Mr Loumachi from boarding the aircraft. Mr Loumachi says Ms Hudson pushed him. The incident was witnessed by Ms Natalie Davies, the Air Tahiti Nui duty supervisor responsible for the flight.

[11] Following the incident Mr Loumachi complained to Ms Jill Rorke, the supervisor in charge of both Ms Hudson and Mr Loumachi on that day. Ms Rorke told both employees, at different times that she would meet with them both at the same time the following day.

[12] On 8 November 2004 both employees reported, as required, to Ms Rorke. Ms Rorke sought an explanation from both employees. Ms Hudson recalls that the discussion was constructive with both employees freely expressing their views of what occurred. The meeting resulted in Ms Hudson apologising to Mr Loumachi which was accepted by Mr Loumachi.

[13] Mr Loumachi practices the Muslim faith. Each year Muslims fast from dawn until sundown, abstaining from food and drink. The fast occurs in the month of Ramadan and the practice is referred to by the name Ramadan. Ramadan is regarded as a method of spiritual self-purification whereby participants cut themselves off from worldly comforts to gain true sympathy

with those who go hungry, and to grow in their own spiritual life. Ms Hudson told Ms Rorke that perhaps Mr Loumachi was not quite himself as a result of his observation of Ramadan.

[14] On that same day, 8 November 2004, Ms Lorraine Sellwood the Air Tahiti Nui Station Manager sent an email to Air NZ outlining the events as relayed to her by Ms Davies. Ms Sellwood told Air NZ that while Air Tahiti Nui was happy with Ms Hudson's work they had experienced other situations with Ms Hudson's relationships with other staff previously and that the incident "...must be addressed for all concerned."

[15] Ms Cooper interviewed Ms Davies on 18 November 2004 regarding the incident. In the record of the interview Ms Cooper records that Ms Davies was concerned that the raised voices could be heard by the First and Business class passengers and that some of the passengers may have seen Ms Hudson push Mr Loumachi. Ms Davies considered Ms Hudson's behaviour to be unprofessional. Ms Davies is also recorded as saying she thought Mr Loumachi had antagonised Ms Hudson without meaning to.

LAN complaints from Business Class passengers

[16] On 18 November 2004 Ms Elisa Ramos de Murray, Airport Manager for LAN Airlines, emailed Air NZ and relayed complaints she had received from passengers travelling in Business Class. In an interview with Ms Cooper on 29 November 2004, Ms Ramos de Murray told Ms Cooper check-in took 45 minutes, that the passengers had requested their frequent flyer numbers be added into the computer system and that Ms Hudson had told the passengers that if they didn't have their frequent flyer cards, then she could not enter the numbers. Ms Ramos de Murray told Ms Cooper that there were two other couples waiting to be checked in and that when she [Ms Ramos de Murray] arrived at the counter the couples gave her "...a hard time." about the treatment they had received from Ms Hudson when checking in for their flights. Ms Ramos de Murray told Ms Cooper that this was not the first time she had experienced difficulties, with Ms Hudson and requested Ms Hudson be removed from the LAN counter. When asked by Ms Ramos de Murray if she knew why Ms Hudson did not want to check the passengers in she told Ms Cooper that she wasn't sure but that wasn't the main issue. The feedback from the passengers was that Ms Hudson had been rude.

[17] Ms Hudson's recall of the incident was not complete. However, Ms Hudson recalled that there was a problem with the frequent flyer number in that the passengers did not have frequent flyer cards but they had told her the number was the same as the passport number. Ms Hudson says that as she had not been rostered onto the LAN counter for some time she was not aware that this was the case. Ms Hudson says that in addition to this, she thinks the passengers were missing their onward ticket from Santiago and she was unable to check them through to Buenos Aires. Ms Hudson rang Ms Ramos de Murray to attend to the problems and recalls that she [Ms Ramos de Murray] took quite some time to reach the counter and that by the time she arrived the passengers were upset about having to wait so long. Ms Hudson disputed that the passengers were kept waiting for 45 minutes as she says she was only on the counter for 30 minutes before she was asked to attend other duties.

Complaint regarding payment of departure tax

[18] On or about the same time as the other two complaints were being received by Air NZ, Air Tahiti Nui provided a copy of a letter from one of its passengers regarding an incident which occurred on 10 October 2004 in which Ms Hudson had advised the passengers that they had to pay departure tax and provided an explanation for the reasons for this. In their complaint the passengers state "At this point, apart underlining the really bad service given by this woman at the checking in desk (please instruct her very carefully)[sic]..." The passengers had not been in New Zealand for more than 24 hours

and were not required to pay the departure tax, information they discovered after they arrived at their destination.

[19] Ms Hudson could not recall the incident. The passengers had arrived in New Zealand on 9 October and departed on 10 October 2004.

Justification for the dismissal

[20] The Authority is required to test the justification of the dismissal pursuant to section 103A, which was enacted on 10 December 2004 as an amendment to the Employment Relations Act 2000. Section 103A states:

For the purposes of section 103(1)(a) and (b), the question of whether a dismissal or an action was justifiable must be determined, on an objective basis, by considering whether the employer's actions, and how the employer acted, were what a fair and reasonable employer would have done in all the circumstances at the time the dismissal or action occurred.

[21] Therefore the key issue for this determination is whether, in all the circumstances the actions of Air NZ and how Air NZ acted was what a fair and reasonable employer would have done. The emphasis provided by s.103A is on the employer. I have considered the test for justification under the following headings:

- the circumstances known at the time the decision to dismiss was made;
- the process followed by Air NZ; and
- the decision to dismiss.

The circumstances

[22] In considering the *...circumstances as they were known...* to the employer at the time the decision to dismiss was made I have given consideration to the employee's history with the employer, the size and nature of the employer's organisation and the industry in which the organisation operates.

[23] Ms Hudson had received a written warning in 2002 for as a result of complaints received from three customer airlines – Air Tahiti Nui, Air Calin and Air Vanuatu. Following the issuing of the warning Ms Hudson was provided with additional training to assist Ms Hudson with her interpersonal skills. Ms Hudson has also completed a conflict resolution seminar.

[24] In October 2003 Ms Hudson was issued a final written warning for a serious breach of Air NZ's policy in that she twice went airside without any valid work reason to do so and brought a package from airside to landside without approval. The warning puts Ms Hudson on notice that any further breaches of company rules may result in disciplinary action including dismissal.

[25] Ms Cooper told the Authority that following the issuing of the warnings Ms Hudson demonstrated an improvement in her behaviour. This is consistent with evidence that Ms Hudson was made an LAC during 2004 and in the early part of December that year was also publicly acknowledged and thanked for her services to Singapore Airlines.

[26] Air NZ operates in a competitive service industry. Air NZ relies on the relationship between its employees and its customers to ensure the continuation of contracts for the provision of services to Airlines at check-in, arrival and departure. The reliance on such relationships is

reflected in Air NZ's Code of Conduct Policy. The Policy sets the standards expected of Air NZ Employees and includes requirements to:

- *provide Air New Zealand's internal and external customers with a consistently high level of service; and*
- *to preserve the best interests of Air New Zealand, acting as an ambassador for the business.*

[27] Failure to comply with the code of conduct is specified as being one of the reasons disciplinary action may occur. Others include:

- *personal harassment or assault;*
- *actions which discredit the company;*
- *threatening the well-being of employees or customers of the Company;*
- *undermining the trust and confidence of the employment relationship.*

[28] The disciplinary policy also makes it clear to Air NZ Managers that the disciplinary process is the most serious action to be taken against an employee and should be seen as a final resort. Dismissal is to be regarded as *...appropriate only in the most serious of cases*; is the strongest sanction available; and is only to be used where the conduct of the employee destroys the *"...very substance of the employment relationship*.

[29] In relation to warnings, the policy does not provide for time limits on warnings. Instead, the document states:

...the specific circumstances of each occasion giving rise to the warning need to be considered when determining whether a warning may, or may not, have lapsed over the passage of time since being issued.

The process

[30] On 7 December 2004 Ms Cooper wrote to Ms Hudson setting up a formal disciplinary meeting to discuss the three complaints received. Ms Cooper attached copies of the complaints and the minutes of the meetings held with the various complainants. Ms Hudson was reminded that she was subject to a final written warning issued on 15 October 2003.

[31] A meeting was held on 14 December 2004. Ms Hudson chose to have Ms Rorke attend the meeting as her support person. Ms Hudson was given a full opportunity to discuss the complaints received from Air Tahiti Nui and LAN Airlines. On 17 December 2004 Ms Hudson was advised that her roster would be rearranged so that she did not work for either of the two airlines involved. Ms Hudson was reminded that her job was in jeopardy depending on the outcome of the investigation.

[32] A further meeting was held on 20 December 2004. Again Ms Rorke attended the meeting as Ms Hudson's representative. At the beginning of the meeting Ms Cooper distributed typed notes from the previous meeting and allowed Ms Hudson and Ms Rorke an opportunity to review the notes. After reconvening the meeting Ms Hudson requested that some amendments be made to the minutes. Amendments were made to the minutes.

[33] Ms Cooper then advised Ms Hudson that she had found that the complaint regarding the pushing incident was a serious breach of customer service and that Ms Hudson's explanations were not acceptable. Ms Cooper advised that based on the information from Ms Davies and Mr Loumachi it was the company's view that the push was *...deliberate, intentional and showed no regard for*

Air NZ's reputation in front of the customers. Ms Cooper advised Ms Hudson that her apparent lack of acceptance and understanding of the seriousness of the behaviour was of grave concern.

[34] Ms Hudson believed that the incident with Mr Loumachi had been addressed and resolved on 8 November 2004 when Ms Rorke interviewed both employees and an apology was provided and accepted.

[35] Ms Cooper's view was that the complaint dealt with by Ms Rorke was a complaint by a fellow employee whereas the complaint she was investigating was a complaint from a customer, and this complaint had not been addressed.

[36] In relation to the two other complaints Ms Cooper advised that Ms Hudson had not fulfilled the obligation to perform to the standard required by the company and that her lack of recognition of this obligation caused grave concern.

[37] Ms Cooper advised Ms Hudson that due to the final written warning, and other requests by airlines not to have Ms Hudson work on their flights, the company was in a situation where Ms Hudson's employment was not sustainable, and that Air NZ was giving consideration to terminating her employment. An adjournment was allowed in order for Ms Hudson to prepare submissions she wished Air NZ to consider before that decision was made.

[38] Following a brief adjournment Ms Hudson requested a further adjournment to allow her time to seek union assistance. Air NZ allowed the adjournment and it was agreed the meeting would reconvene on Wednesday 22 December 2004. It was also agreed that Ms Hudson did not have to complete her usual duties on 21 or 22 December 2004, to allow her time to prepare for the next meeting.

[39] On 21 December 2004 Ms Cooper confirmed the adjournment in a letter to Ms Hudson in which she reiterated the complaints under investigation. Ms Cooper also attached a copy of the minutes from the meeting held the previous day.

[40] On 22 December 2004 Ms Hudson attended the meeting as agreed, with Mr Shane Edmonds, a union delegate, as her representative. Mr Edmonds, on Ms Hudson's behalf, discussed the issues and reiterated Ms Hudson's previous responses. In particular, Mr Edmonds asked Air NZ to consider the impact of Ramadan on Mr Loumachi's reactions and that he had provoked Ms Hudson to react the way she had when she attempted to stop him from entering the aircraft on 7 November 2004. Mr Edmonds also told Air NZ that in his view the time which had elapsed between the incidents complained of by both LAN Airlines and the "bad service" complaint received from Air Tahiti Nui was too long ago. The meeting was adjourned until 23 December 2004 after Mr Edmonds asked that Ms Rorke be interviewed as part of the investigation process.

[41] Later that day Ms Cooper interviewed Ms Rorke. Ms Rorke told Ms Cooper that she had mentioned the matter in passing to Ms Cooper before she had met with the two employees, but was unsure about whether or not she had made a comment in the performance database. Ms Cooper conceded that she had not linked the information provided by Ms Rorke with the complaint from Air Tahiti Nui. Ms Rorke advised Ms Cooper that she was surprised with the whole incident as she thought it seemed to be over-exaggerated.

[42] In the minutes of her meeting with Ms Rorke, Ms Cooper has recorded a suggestion made by Ms Rorke that Mr Loumachi's immersion in Ramadan may have affected his reaction to the incident. In answer to questions from Ms Cooper, Ms Rorke also relayed the opinion of another manager had mentioned to her [Ms Rorke] that Mr Loumachi may have been hungry.

[43] On 23 December 2004 Ms Hudson with Mr Edmonds met once again with Ms Cooper to discuss the interview notes from Ms Rorke's interview and to allow Ms Hudson the opportunity to have further input into the disciplinary decision making process.

[44] After an adjournment Ms Cooper advised Ms Hudson that her employment was to be terminated forthwith. Ms Hudson and Mr Edmonds were advised that Ms Cooper would leave and return shortly to make arrangements to uplift Ms Hudson's security card and access cards and to arrangements for property held by her. Ms Cooper left and did not return. An hour after Ms Cooper had left, Mr Edmonds had to arrange for the duty manager to assist in getting Ms Hudson out of the employer's premises.

[45] On 24 December 2004, Ms Cooper wrote to Ms Hudson confirming that her employment was terminated and access to staff travel privileges has been forfeited.

The decision to dismiss

[46] It is a well accepted principle that there is a need to have a relationship of trust and confidence in an employment relationship. The decision to dismiss was based on Ms Cooper's determination that she had lost all trust and confidence in Ms Hudson's ability to do the job as a result of the complaint about pushing a work colleague in front of a customer and two complaints of bad service.

[47] Ms Cooper confirmed Ms Hudson's dismissal in writing on 24 December 2004. In her letter, Ms Cooper advised, in relation to Ms Hudson's explanation that she was provoked by Mr Loumachi, that her suggestions had not been corroborated by witnesses. This assessment of the information received by Air NZ is at complete variance to what Ms Davies told Ms Cooper on 18 November 2004. The notes of that interview show that Ms Davies told Ms Cooper herself that she thought that Mr Loumachi had antagonised Ms Hudson, albeit, without meaning to.

[48] The assessment is also inconsistent with Ms Rorke's observations to Ms Cooper that Mr Loumachi's immersion in Ramadan may have impacted on his reaction to the incident.

[49] Ms Hudson says the incident was dealt with when the two employees met with Ms Rorke, the acting manager on 7 and 8 November 2004, provided their explanations about what had occurred and an apology was given and accepted. Ms Cooper did not agree that the matter had been dealt with and told the Authority that she had received a formal complaint from a customer and that the complaint deserved more than a formal apology. Ms Cooper confirmed that while the raised voices between the two employees was a minor matter, the more serious matter was the push.

[50] The Authority must have regard to the nature and degree of the alleged misbehaviour and its significance in relation to the position held by the employee and the business of the employer. What is required, if the response of dismissal is warranted, is that the misbehaviour must go to the heart or root of the contract between them or be such that it constitutes a serious breach of the employment agreement (*North Island Wholesale Groceries Ltd v Hewin* [1992] 2 NZILR 176).

[51] The business of the employer is to provide services to passengers of Air NZ and customer airlines. Ms Hudson's role was integral to that service delivery. There was no evidence in the initial complaint from Air Tahiti Nui that any of its passengers had actually witnessed the pushing incident. Ms Davies had suggested that they may have seen it. There is also no evidence that Air Tahiti Nui had requested Air NZ not to roster Ms Hudson on their services. What Air Tahiti Nui

did request was for Air NZ to address the matter. Ms Rorke addressed the matter with Ms Hudson, after mentioning it to Ms Cooper.

[52] I am satisfied that a fair and reasonable employer would have considered the push incident was closed on 8 November 2004. The complaint from the customer arrived on the same day as the matter was being dealt with. Ms Cooper did not interview Ms Rorke before she embarked on a disciplinary process, even though she was aware, from her interview with Mr Loumachi that Ms Rorke had dealt with the matter on 8 November 2004. At the very most, a fair and reasonable employer would have thanked the customer for raising the matter and would have notified the customer that the incident had been dealt with.

[53] Ms Cooper conceded at the investigation meeting that the complaints from LAN Airlines and Air Tahiti Nui were not viewed as seriously as the pushing incident. In the case of dismissal for misconduct Ms Hudson was entitled to be provided with sufficient particulars about the allegations against her, to enable her to respond accordingly. Ms Hudson was unable to answer the Air Tahiti Nui complaint relating to “bad service” as there was no information available to her (or the Authority) as to what the bad service actually was. One is left to assume it was the advice provided to the passengers of the requirement to pay the departure tax.

[54] The complaints from LAN Airlines and Air Tahiti Nui are complaints relating to Ms Hudsons’ performance. In the past when such matters have been raised with Ms Hudson, additional support and training has been provided which has resulted in a demonstrable improvement in Ms Hudsons’ performance.

[55] Ms Cooper told the Authority that the final written warning was taken into account when the decision to dismiss was made. The Policy manual is silent on how long a warning can be considered fresh. Immediately following the issue of a final written warning I accept the employment relationship becomes appreciably less secure. However, as time passes warnings have less effect and must be given lesser consideration. In this case, the warning was 14 months old. Air NZ had provided Ms Hudson with the opportunity to work in a more responsible position and agreed that Ms Hudson had shown definite improvements in her performance after training and coaching. I am satisfied that in this matter, the warning issued in October 2003 had become effectively exhausted by the passage of time. I am satisfied that Air NZ was influenced in its decision to dismiss by the existence of the warning.

[56] At best a fair and reasonable employer, the size of Air NZ and with the resources available to it, would have given Ms Hudson a warning and sought improvement in her customer service relationships.

[57] Standing back and looking at the employment relationship problem objectively, I am satisfied Ms Hudson has been unjustifiably dismissed and remedies are available to her.

Remedies

Reinstatement

[58] To remedy her personal grievance Ms Hudson seeks reinstatement to her position. Air NZ strongly oppose reinstatement on the basis that the required trust and confidence in Ms Hudson no longer exists.

[59] It is easy for an employer to say it has lost trust and confidence. The problem for Air NZ opposing reinstatement in this case is that the opposition derives from the conclusions it reached that Ms Hudson had been guilty of serious misconduct. I have found that not to be so.

[60] I am not persuaded that reinstatement is impracticable. Air NZ is a large organisation which employs approximately 400 customer service agents. I feel confident that it can accommodate Ms Hudson and her skills within the organisation. Ms Hudson is required to have a security clearance in order to perform her work. The Authority understands this could take up to 20 days to arrange.

Air New Zealand is ordered to reinstate Ms Hudson to her former position or to a position no less advantageous than the one held at the time of the unjustified dismissal by 1 August 2005.

Reimbursement of lost wages

[61] Ms Hudson has lost wages as a result of her dismissal. The amount lost has been quantified as being \$10,310 gross as at 8 June 2005. This does not take into account the period between 9 June and 31 July 2005, for which Ms Hudson is entitled to be reimbursed.

Air New Zealand Limited is ordered to calculate and pay to Ms Hudson lost wages for the period 9 June to 31 July 2005 together with the sum of \$10,310.00 pursuant to section 123(b) (subject to my findings on contribution).

Compensation

[62] Ms Hudson seeks compensation pursuant to section 123(c)(i). In considering this remedy it is fair to Air NZ that I take into account the fact that Ms Hudson has been given reinstatement, an invaluable remedy in itself, and one that should prevent longer term financial losses that might otherwise have been compensated for. I am satisfied that Ms Hudson suffered hurt and humiliation when she was dismissed on 23 December 2004.

[63] After advising Ms Hudson that her employment was to be terminated Ms Cooper left Ms Hudson and Mr Edmonds waiting to be advised of the arrangements to uplift Ms Hudson's security and access cards and to arrange for property held by her to be returned. Ms Cooper, without any notification to Mr Edmonds or Ms Hudson, left the work site and never returned. It was left to Mr Edmonds to sort out a way to have Ms Hudson leave the premises. Ms Hudson's security card had been taken off her and it was needed to enable her to exit from the premises. This is a totally unsatisfactory way to end an employment relationship.

Having regard to all of the circumstances Air New Zealand is ordered to pay to Ms Hudson \$5,000 under section 123(c)(i) within 14 days of the date of this determination (subject to my findings on contribution).

Contribution

[64] Section 124 of the Employment Relations Act requires the Authority to take into account the extent to which the actions of the employee contributed towards the situation that gave rise to the personal grievance and if the actions so require, for the remedies to be reduced accordingly.

[65] In this case, it was alleged Ms Hudson had not provided service to customers to the standard expected by Air NZ. I am satisfied that on the balance of probabilities, Ms Hudson has shown a lack of understanding as to how her actions may be viewed by customers of Air NZ, and Air NZ was entitled to address Ms Hudson's conduct. Ms Hudson must be held to be responsible for the service she provides on behalf of Air NZ. I find that Ms Hudson did not meet the expected standard, but not to the extent that her dismissal was justified.

[66] Ms Hudsons' employment record shows the difficulties she has had in meeting the level of customer service required by Air NZ. To be fair, her record also demonstrates significant improvements when matters have been raised with her, and these improvements have been recognised by Air NZ. I am satisfied that it is just to reduce the remedies available as a result of Ms Hudson's conduct in relation to the pushing incident and the two written complaints about her service to passengers of Air NZ's customers. Ms Hudson's awards for lost wages and compensation is to be reduced by 10%.

Costs

Costs are reserved.

Summary

[67] Air New Zealand Limited is ordered to calculate and pay to Ms Hudson lost wages for the period 9 June to 31 July 2005 (less 10% contribution) together with the sum of \$9,279.00 (being \$10,310 less 10%) pursuant to section 123(b).

[68] Air New Zealand is ordered to pay to Ms Hudson \$4,500 (being \$5,000 less 10%) under section 123(c)(i) within 28 days of the date of this determination.

Vicki Campbell
Member of Employment Relations Authority