

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN Marie Patricia MacRae (Applicant)
AND Golf Park Taranaki Limited (Respondent)
REPRESENTATIVES Martin Round for the Applicant
Parry Ganda for the Respondent
MEMBER OF AUTHORITY P R Stapp
TELEPHONE CONFERENCE Wednesday, 14 December 2005
DATE OF DETERMINATION 14 December 2005

CONSENT DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] The applicant has applied (22 July 2005) for enforcement by compliance of a settlement signed and dated 14 April 2005 by a mediator from the Department of Labour.

[2] In the terms of the signed settlement the following was agreed by the parties:

The respondent will provide the applicant with a positive reference, along with a letter of acknowledgement within 14 days.

[3] The employment relationship problem lodged in the Authority was referred to mediation services to be provided by the Department of Labour.

[4] Since then the Authority has been provided with a copy of a reference dated 1 August 2004 (the applicant's service being from July 2001 to July 2004) and a letter of acknowledgement dated 14 November 2005. The applicant has complained that the signatory's title is not identified. I note that Yong Kim is the signatory of the documents. I note it is a matter of public record that Yong-wook Kim is a director of the respondent (NZ Companies Office), being the same person.

[5] The applicant has not been satisfied with the content of the two documents provided and requested that the documents be provided on letter head.

[6] I indicated to both representatives that it appears that both these documents meet the requirements of the settlement. First the reference must be a positive reference and it appears to be positive. A letter of acknowledgment is required and the letter of acknowledgement is just that. The terms of the settlement did not require any mutual agreement on anything else that would be included.

[7] Secondly, the applicant wanted the reference on letterhead and the respondent apparently has no letterhead. However, the reference and the letter of acknowledgement provide the name of the respondent, which meets the basic requirement of identifying a name from whom the reference and letter are being provided.

[8] I am satisfied that the representatives were acting for the parties. I have accepted that the applicant's representative had permission to make a decision on behalf of the applicant.

[9] The representatives reached the following agreement with me:

[10] The respondent will provide to the applicant the positive reference dated 1 August 2004 as an original document, including the name of the signatory typed on the document, and provide the letter of acknowledgement dated 14 November 2005. The respondent (through its representative) will provide these to the applicant's representative by 20 December 2005.

[11] I was satisfied that the enforcement was on a settlement signed by a mediator from the Department of Labour. I was satisfied that the arrangements reached resolves the problem.

[12] By consent I make a compliance order that the respondent (through its representative) will provide the favourable reference dated 1 August 2004 and the letter of acknowledgement dated 14 November 2005 to the applicant's representative by 20 December 2005.

[13] The mediation services of the Department of Labour was requested to offer some follow up service to the parties on the problem. The use of that service should have saved any costs to resolve the problem, which involved what the terms of settlement required, without involving the Authority. Costs are to lie where they fall.

P R Stapp
Member of the Authority