

Attention is drawn to the order prohibiting publication of certain information in this determination

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

CA 105/08
5085998

BETWEEN

MARTIN McATEAR
Applicant

AND

NEW ZEALAND
ALUMINIUM SMELTERS
LIMITED
Respondent

Member of Authority: Helen Doyle

Representatives: Tony Wilton, Counsel for Applicant
Barry Simmonds, Advocate for Respondent

Investigation Meeting: 13 February and 16 May 2008 at Invercargill

Determination: 21 July 2008

DETERMINATION OF THE AUTHORITY

Prohibition from publication

[1] I prohibit from publication any details from the applicant's medical records that I have not disclosed as part of this determination.

The employment relationship problem

[2] The applicant, Martin McAtear, was employed by the respondent at its aluminium smelter at Tiwai Point. Mr McAtear has been employed at the smelter for 23 years and until March 2007 was employed as a process controller in the carbon bake MRU. It is in that area that Mr McAtear says actions occurred on the part of his employer that were unjustified and disadvantaged him. Mr McAtear is now employed in a different area in the smelter.

[3] Mr McAtear raised a personal grievance with his employer in February 2006 that he had been disadvantaged by the unjustified actions of his employer. The grievance involved allegations about the actions of Mr McAtear's crew leader, Douglas Ronald, and supervisor, David Carrick. The only matter that Mr McAtear is still pursuing is a claim that he was not rotated off the heat of the carbon bake fires during the summer of 2005/2006 when he asked Mr Ronald and Mr Carrick to be rotated. Mr McAtear says that the situation continued after the grievance was raised and he was not rotated away from the fires. Mr McAtear says that as a result he suffered from a heat rash that then became ulcerated.

[4] A further personal grievance of disadvantage was then raised with respect to an incident which Mr McAtear said took place on 18 October 2006 when he was directed to lift some flue caps by Mr Ronald. Mr McAtear had a medical certificate that he was to avoid heavy lifting. He said he suffered a further injury to his arm as a result of the instruction.

[5] New Zealand Aluminium Smelters (the aluminium smelter) says that Mr McAtear failed to carry out the reasonable expectation that the aluminium smelter had to avoid exacerbating his injuries, that any exacerbation of his injuries was not attributable to the aluminium smelter and that the aluminium smelter took no action that affected his employment to his disadvantage.

The issues

[6] The first issue is whether there was an action on the part of the aluminium smelter that disadvantaged Mr McAtear in his employment or conditions thereof.

[7] If there was an action on the part of the aluminium smelter that caused Mr McAtear disadvantage in his employment, then the next issue is whether the action was unjustified. The question of whether an action is justifiable or not is determined under s.103A of the Employment Relations Act 2000 on an objective basis. This requires the Authority to consider the employer's action and ask the question whether that was what a fair and reasonable employer would have done at the time the action occurred.

[8] Mr Wilton submitted correctly that if the Authority then reaches the point of determining remedies, Mr McAtear cannot be compensated for the consequence of injury by accident in terms of the ulceration and the aggravation of the arm injury. An

award of compensation can still be made if Mr McAtear suffered injury to feelings, loss of dignity and humiliation that can be separated out from the injury itself. There needs to be consideration of the evidence in support of an award of compensation and whether there are any issues of contribution.

Actions on the part of the aluminium smelter with respect to rotation

[9] Douglas Ronald has worked at the aluminium smelter for 25 years and has been a crew leader since 13 July 2003. Mr Ronald moved from leader of Crew 4 to Crew 3 in the carbon bake MRU on 16 June 2005. Mr McAtear was the process controller on Crew 3.

[10] The process controller has the primary function of working on and managing fires. The process controller also had responsibility for training and up skilling other team members in this aspect of their job and vacation students each December/January. The role of process controller is seen as different from the role of operator and the additional responsibilities are reflected in the placement of the process controller in a higher salary band.

[11] In order to carry out his functions, Mr McAtear had to spend time in carbon bake on a hot surface working above extremely high temperatures.

[12] Mr McAtear suffered from a heat rash as a result of sweating in the hot temperatures particularly over the summer months. Prior to Mr Ronald's movement from Crew 4 to Crew 3 in June 2005, Mr McAtear had essentially self-managed his condition by periods away from the fire. He would achieve this by requesting rotation from the fireman position to the crane operator's role whilst at work and during periods of leave he would be away from the heat. On occasion, Mr McAtear would obtain some cream from the on-site medical centre for the rash.

[13] Terry Reeves was the crew leader of Crew 3 until 31 May 2005. In Mr McAtear's work performance review with Mr Reeves on 23 August 2004, Mr Reeves noted under ideas for improving work performance that *I will commit to ensuring all functions are rotated periodically as manning allows, to ensure that no one person is doing the same task for extended periods. This is especially relevant for firepersons in the heat of summer.*

[14] Mr McAtear accepted that Mr Reeves was in all likelihood unaware of the fact that he suffered from a rash. He described Mr Reeves as *pretty liberal* in terms of rotation. In that way Mr McAtear found the rash was manageable.

[15] The evidence supports that there was no formal system of rotation for the process controller away from the fires to the crane. Mr McAtear would request his crew leader to rotate away from the fires and Mr Reeves would accommodate these requests if he could.

[16] Mr Ronald said in his evidence that when he became crew leader in July 2005, he was advised by the superintendent, Mr Carrick, that he *expected process controllers to be on fires*. Mr Carrick confirmed in his evidence that that was his view of the role of the process controller. Mr Ronald said that there were business reasons why rotation was not always possible. Rotation was particularly difficult when there was not a full complement on the crew because of sickness, leave and such like.

[17] There is no dispute that Mr McAtear raised with Mr Ronald that he wanted to be rotated from the fires prior to the summer months. The issue was also raised in the 2005 preparation notes for the performance review which record in para.17 that Mr McAtear asked about rotation of personnel on the fire. The answer was:

This will happen when we have enough people trained in the various tasks. Rotation of PC through the crane driver role will not happen as often but will be sufficient to ensure he maintains expertise in the crane driver role or if any situations arise where the fireman needs to be moved out of the heat off the fires for medical reasons.

[18] I note at this point that this response was referred to by Mr McAtear in his 2006 work performance review which took place in September of that year. Mr McAtear asked Mr Ronald, referring back to the 2005 work performance review, why that item in relation to job rotation had not been adhered to and *do you still insist that a fireman must have a medical condition before he is moved off the fires*. The answer from Mr Ronald to that, as recorded was *the PC's role is predominantly on the fires*.

[19] Mr Ronald said that Mr McAtear would before the summer of 2005 make comments *at times I get a rash ...* in relation to wanting to rotate off the fires. He said that Mr McAtear never said that he had a rash and therefore needed to be moved off

the fires. Mr Ronald said that, had he made a comment of that nature, then he would have sent him to the on-site medical centre.

[20] Mr Carrick was also aware that Mr McAtear wanted to be rotated off the fires and said that Mr McAtear raised this with him and maintained that it was his right to move off the fires. Mr Carrick said that he told Mr McAtear that he would be rotated off the fires to meet the needs of the business or if there was a work restriction for him to be moved. Mr Carrick said it was not until a discussion with Mr McAtear on 17 February 2006 that he became aware that Mr McAtear suffered from a heat rash.

[21] There is a matter in dispute about whether Mr McAtear gave Mr Ronald a medical certificate from his own doctor dated 13 February 2006 which confirmed that Mr McAtear was suffering from a rash which was likely to be aggravated by the heat. The rash was described in the 13 February 2006 medical certificate as *prominent* by the doctor.

[22] Mr McAtear said in his evidence that he gave the certificate to Mr Ronald who was seated in the crew leader's office working on the computer. Mr McAtear said that he told Mr Ronald that he should be rotated off the fires in light of the medical certificate and that Mr Ronald told him he would *get to it*. Mr McAtear said that Mr Ronald had his back to him throughout the conversation.

[23] In his written evidence Mr Ronald denied that he had seen the certificate before it was handed in as part of the mediation process.

[24] Mr Ronald said in answer to questions at the Authority investigation meeting that it was not the normal certificate he would see and that if he had seen it he would have remembered it. Mr Ronald said that it *did not sound like him* in terms of Mr McAtear's evidence as to the exchange, and that he would not normally behave like that.

[25] There is an issue as to when Mr McAtear gave the certificate to Mr Ronald as Mr McAtear had his four days off from 13 February and returning on 17 February 2006. The pattern of work for Mr McAtear was four 12 hour shifts and then four days off.

[26] Having heard the evidence I find, on the balance of probabilities, that it is more likely than not that Mr McAtear did present Mr Ronald with the medical certificate. I find that it is more likely that he did so on 17 February 2006.

[27] The reasons I have reached that finding are as follows. Mr McAtear was clearly suffering from a rash at the time and would have wanted to give something to Mr Ronald to support the need to be rotated away from the fires before he commenced his next shift on 17 February 2006. The medical certificate from Dr De Croos specifically set out issues of concern. I conclude it was something additional provided to Mr McAtear by Dr De Croos in my view to enable matters to be brought to the attention of his employer. It can be contrasted, for example, with the very short certificate from Dr De Croos for Mr McAtear's one day absence on 12 February 2006 which gives no detail at all.

[28] Mr McAtear was also very clear about the exchange with Mr Ronald. There is a possibility that Mr Ronald, on the other hand, may have been preoccupied at the time. There is also a real likelihood that Mr Ronald simply overlooked the medical certificate and was not prompted to have regard to it again because, as it turned out, Mr McAtear was then away from work from 18 February 2006 and did not return back to the workplace until 29 March 2006.

[29] On the same day that I found it more likely than not that Mr McAtear gave the medical certificate to Mr Ronald, there was a meeting between Mr McAtear, Mr Ronald and Mr Carrick to discuss another matter. Towards the end of that meeting, Mr McAtear raised the matter of shift rotation and his rash. Mr Carrick insisted that Mr McAtear go to the on-site medical centre which he did.

[30] The medical records from Mr McAtear's attendance at the medical centre on 17 February 2006 support that Mr McAtear's consultation was with a nurse from that centre. It was noted in the records that the rash on that day was very red with some skin loss. It was also noted in the records that Mr McAtear had an appointment with his own doctor that day and that the superintendent was to arrange for work away from the heat. Mr McAtear did not return to work that day and went to his own doctor who put him off work until 24 February 2006.

[31] On 20 February 2006, Mr McAtear had an appointment with Dr Martin Peterson who is a qualified doctor and specialist occupational health physician at the

on-site medical centre at the aluminium smelter. Dr Peterson examined Mr McAtear and found that he had a severe rash that was ulcerated. The medical notes during that consultation record that Mr McAtear had been asking Mr Ronald for more frequent rotation but had not had success with that. The notes also record that there were suggestions about clothing options and Dr Peterson was to investigate that matter. It was also recorded that there was an intention to make an appointment with a dermatologist and to discuss the matter with Mr McAtear's manager.

[32] Mr McAtear was provided with a medical certificate that he was unfit for duty from 20 to 26 February 2006. Mr McAtear then had a period of annual leave and was declared fit for work on 29 March 2006. The appointment with the dermatologist did not take place at that time because the rash had cleared up. I am satisfied that the modification of clothing was requested and was under way at that time.

[33] Mr Carrick accepted that he did have a discussion with Dr Peterson about Mr McAtear being rotated out of the fireman's role and he also discussed that matter with the manager of carbon bake, Ryan Cavanagh.

[34] On 8 May 2006, Mr McAtear again raised the issue of not being rotated off the fires at a fair treatment interview.

[35] In May 2006, the rash returned but there is no evidence to support that Mr Ronald or Mr Carrick had knowledge of this at that time.

[36] In September 2006, the issue of rotation was raised by Mr McAtear in his work performance review with Mr Roland.

[37] On 12 December 2006, the rash returned. Dr Peterson sent an email to Mr Cavanagh on 12 December 2006 advising him that Mr McAtear's skin rash was back again and raising the issue of rotation into the crane to reduce exposure to heat again.

[38] Mr Cavanagh confirmed to Dr Peterson that the smelter would pay for the dermatologist appointment which was raised again at that time. He indicated in terms of rotation that Mr Carrick would have to advise on that.

[39] Mr Carrick said in his evidence that he could not recall exactly what he said to Mr Cavanagh at that time, but said that he was not necessarily left with the impression that Mr McAtear would be rotated.

[40] Mr McAtear did not want Dr Peterson to send a letter that he had prepared in December 2006 to Mr Carrick recommending Mr McAtear be transferred to another position which reduced his exposure to heat. Mr McAtear explained in his evidence that all he required was rotation away from the fires and that he did not want to be removed altogether from carbon bake.

[41] Mr McAtear did attend the dermatologist in December 2006 and it was confirmed that the rash was due to heat.

[42] On 13 June 2007, Mr McAtear's claim for ACC cover for chafing/dermatitis complication by ulceration was accepted and classified as a personal injury caused by a work-related gradual process, disease or infection.

Conclusions about actions with respect to rotation

[43] I have considered the actions on the part of Mr Ronald and Mr Carrick against the background of knowledge that Mr McAtear suffered from a heat rash, particularly in the summer months, and had requested rotation away from the heat for that reason. There had been some difficulties in the relationship between Mr McAtear, Mr Ronald and Mr Carrick although I have not been required to investigate and make conclusions about the difficulties. I accept that there are probably quite different views as to why the difficulties existed.

[44] The aluminium smelter has an obligation to provide healthy and safe work conditions for its employees and not expose them to risk of injury or further injury.

[45] The aluminium smelter clearly places considerable importance on providing a healthy and safe workplace. There is a medical centre on-site, the aluminium smelter has its own doctor and there are regular safety meetings for employees. In a hot work environment, staff are encouraged to take breaks and keep their fluid levels up and there is a heat stress video available for employees to watch. Some good steps were taken when Mr McAtear went to the medical centre about his heat rash. He was referred to a dermatologist. Dr Peterson undertook discussions with Mr McAtear's own doctor, and there were arrangements for modification to clothing. Dr Peterson

talked to Mr Carrick and the general manager of the area in which Mr McAtear worked. The cost of the appointment with the dermatologist was accepted by management of the aluminium smelter without any fuss. The appointment with the dermatologist was, at that time, prior to the claim for ACC for the rash having been accepted

[46] Dr Peterson confirmed and I accept his evidence that he had not previously seen a rash as severe as Mr McAtear from staff in carbon bake.

[47] Mr Carrick and Mr Ronald had a firm view that Mr McAtear as a process controller would only be rotated off the fires to keep up skills, for a business reason or if there was a work restriction for medical reason which would have to be supported by a medical certificate.

[48] An analysis of the records provided to the Authority, support that Mr McAtear had considerable periods away from the fires for reason of annual and sick leave. There were some shifts undertaken on cranes during June 2006. There was a dispute as to whether for six days in January 2006 Mr McAtear was spare man. Mr McAtear does not accept that that was the situation.

[49] The records were provided to the Authority to obtain some understanding of Mr McAtear's evidence that he was *kept continually on the fires* from the time of Mr Ronald's appointment. From an objective perspective, the evidence of Mr McAtear that he was continually on the fires from 2005 until 2007 is an overstatement.

[50] On the other hand, there were no specific steps, that could be identified from the evidence, taken by Mr Ronald and Mr Carrick in terms of rotation of Mr McAtear off the fires to prevent or minimise the heat rash before it got to the point of requiring medical intervention. There was no investigation undertaken in the workplace as to what was required in order to prevent or minimise the heat rash in terms of rotation away from the heat and whether the business needs of the smelter could be worked around that.

[51] I accept Mr Wilton's submission that the failure to take any positive steps after the request from Dr Peterson with respect to rotation supports a deliberate course of behaviour to not rotate Mr McAtear rather than mere negligence. This disadvantaged Mr McAtear because he was not able to manage the rash or at least see if the rash

could be managed before it got to the point of requiring medical intervention and time away from work.

[52] I find that the action that disadvantaged Mr McAtear was the breach of the aluminium smelter's obligation to provide a safe workplace by failing to take steps to prevent or minimise his heat rash and rotate him away from the fires.

Actions with respect to the lifting of the flue caps

[53] In September 2006, Mr McAtear injured his right elbow in a non-work accident and he was put on limited duties. One of the work restrictions was that he was unable to lift weights greater than 5kgs.

[54] During the night shift of 17 October 2006, Mr McAtear aggravated his arm injury while working on a fire change and he reported this to the medical centre. The security officer telephoned Mr Ronald and advised him prior to the night shift of 18 October 2006 that Mr McAtear should not be doing heavy lifting until he could obtain some medical advice as to his elbow.

[55] During the night shift of 18/19 October, there was an exchange between Mr Ronald and Mr McAtear.

[56] Mr McAtear said that he was advised by Mr Ronald to lift some flue caps. He said that he told Mr Ronald immediately that he could not do that because of the restrictions on lifting heavy weights. Mr McAtear said that Mr Ronald had some new cap lifters which he wanted to try. Mr McAtear said that while the caps were not heavy, due to his arm injury he could not extend his arm to lift them and that was the only way that it could be done due to the excessive heat and a fear of blow-back from the flame from the flue top.

[57] Mr McAtear said that he was asked three times to *give it a go* and, after the third time, fearful that he would be disciplined, went out and tried to lift the caps and injured his arm. Mr McAtear said that he went to see Mr Ronald who was in the washroom and advised him that he had hurt himself. Mr McAtear said that Mr Ronald responded *don't fuck me around Marty*, brushed past him and went out. Mr McAtear emailed Mr Carrick and copied in senior management, human resources and his Union organisers. Mr McAtear also completed a near hit incident report form and an incident report.

[58] Mr Ronald's view of the exchange in the incident is quite different from that of Mr McAtear. Mr Ronald accepts that he approached Mr McAtear to see if he would be able to assist with the vent later in the shift. Mr Ronald said that Mr McAtear was unsure and said that he would try lifting a couple of flue caps prior to the vent. Mr Ronald said he told Mr McAtear that he was going to the roster 2 workshop to get the extended lifters which would help make lifting easier and suggested that Mr McAtear wait until he got back.

[59] Mr Ronald said that he returned with the lifters and was in the washroom when Mr McAtear came through and said something like *I don't know why we're doing this. I've already told you that I cannot do it.* Mr Ronald said that he responded saying *don't fuck me around Marty. Are you prepared to try this or not?* Mr Ronald said that Mr McAtear did not answer his question and he asked twice more before he responded saying he was not prepared to do it.

[60] The evidence was consistent that both Mr Ronald and Mr McAtear agreed that after that exchange Mr McAtear remained in the control room whilst the vent was undertaken. Mr Ronald said that he immediately realised after swearing at Mr McAtear that he had made a mistake in using that sort of language.

[61] Mr Carrick investigated the matter. He said that the facts provided to him by Mr McAtear and Mr Ronald differed and he was unable to find a third party to verify what had occurred. Mr Carrick said it was difficult to make a call on the sequence of events and whether the cap was lifted by Mr McAtear and, if it was, whether it was lifted with long or short lifters. Mr Carrick altered the near hit report submitted by Mr McAtear.

[62] The aggravation to Mr McAtear's arm injury was accepted as an ACC claim.

Conclusions as to actions with respect to lifting the flue caps

[63] Given the different versions of events from Mr Ronald and Mr McAtear as to what took place on the shift in question I have had particular regard to documents prepared close to the time that the event occurred.

[64] I have relied on the email that Mr McAtear sent to Mr Carrick on 19 October 2006. The contents of the email support Mr McAtear's evidence that, when asked, he told Mr Ronald that he would not lift the flue cap as this would aggravate his injury. I

prefer Mr McAtear's evidence to that of Mr Ronald that he responded in this way and that he felt under some pressure to *give it a go*.

[65] I accept that Mr McAtear did, on the balance of probabilities, attempt to lift a flue cap. The evidence supports, however, that it is more likely that Mr McAtear did attempt to lift the flue caps whilst Mr Ronald was getting the extended lifters. I have reached that conclusion because the email Mr McAtear sent to Mr Carrick states that Mr McAtear explained to Mr Ronald what had occurred after he came back with the new hooks and that Mr Ronald then swore at him. The evidence has never been, from either party, that Mr Ronald swore at Mr McAtear before he injured his arm.

[66] I accept that Mr Ronald probably anticipated accompanying Mr McAtear whilst he attempted using the long cap lifters. I am not satisfied from the evidence that Mr Ronald understood fully what Mr McAtear had done whilst he was away getting the long cap lifters in those circumstances. Mr Ronald swore at Mr McAtear and he accepted that that was unacceptable.

[67] Placing pressure on an employee who is suffering a known injury to undertake an action that could aggravate that injury disadvantages that employee.

[68] I find that the action that disadvantaged Mr McAtear was the breach of the duty by the aluminium smelter to avoid exposing him to unnecessary risk of further injury to his elbow by requesting that he undergo a task.

Were the actions unjustifiable?

The rotation

[69] I find the action of failing to rotate Mr McAtear away from the heat was unjustified because it was not what a fair and reasonable employer would have done in all the circumstances that existed at the time.

[70] I accept Mr Wilton's submission that a fair and reasonable employer would have taken some steps to investigate rotation in terms of the known risk of heat rash for Mr McAtear to prevent or minimise injury and/or further injury.

The lifting of the flue caps

[71] Mr Ronald knew that Mr McAtear had, during the previous night shift, aggravated his arm injury. Mr Ronald was told by the medical centre before the night shift of 18 October 2006 that Mr McAtear was to avoid heavy lifting until he was able to obtain medical advice.

[72] In those circumstances, a fair and reasonable employer would not have asked an employee to perform a task which he was reluctant to do and which required lifting at a reasonably difficult angle. The action of the employer in those circumstances was unjustified.

[73] Mr McAtear has a personal grievance as he was disadvantaged by the unjustified actions of his employer.

Remedies

[74] Mr McAtear seeks a compensatory payment of \$10,000 under s.123(1)(c)(i) of the Employment Relations Act 2000.

[75] I understand from Mr McAtear's evidence that his humiliation, loss of dignity and injury to feelings came about because he was not rotated away from the fires as he had been previously and therefore suffered a serious heat rash. Mr McAtear is not entitled to be compensated for the injury itself. I am satisfied that there is evidence with respect to the humiliation and injury to feelings that flowed from the refusal by Mr Ronald and Mr Carrick to rotate Mr McAtear away from the heat of the fires and the injury itself is capable of being separated from that in this matter.

[76] The Authority is required to consider, under s.124 of the Employment Relations Act 2000, whether Mr McAtear contributed toward the situation that gave rise to the grievance.

[77] The aluminium smelter says that Mr McAtear contributed to the situation by seeing his own doctor, refusing on occasion to allow Dr Peterson to examine him and not permitting Dr Peterson to send a letter that would have effectively transferred Mr McAtear out of carbon bake. Notwithstanding those matters, however, Mr Ronald and Mr Carrick did have knowledge that Mr McAtear suffered from heat rashes. The evidence supports that it is likely that Mr McAtear's susceptibility to a heat rash

increased during the later period of his time in the carbon bake. It is my view, however, that would only have been clear after December 2006. A transfer away from carbon bake was a significant step and one that Mr McAtear wanted to avoid and believed that he could have avoided with rotation away from the fires in the summer months.

[78] I do not find, in the circumstances of this case, that Mr McAtear's actions contributed to the personal grievance I have found that there was a failure to take any positive steps to see if the rash could be managed by rotation away from the heat.

[79] Mr McAtear's compensation is limited to the humiliation, loss of dignity and injury to feelings when he did not have his request for rotation properly investigated and/or implemented.

[80] In all the circumstances, I am of the view that Mr McAtear should receive the sum of \$5,000 by way of compensation for that matter.

[81] I have found that Mr McAtear was submitted to an unjustified action on the night shift of 18/19 October 2006 when he was asked to attempt something he felt he would not be able to do given his injury. In a workplace, an employee is also required to take steps to ensure his or her own safety at work. Mr McAtear should have refused to undertake the task and then have complained to Mr Carrick the following day about the request and pressure he was under from Mr Ronald.

[82] Mr Ronald was reprimanded for swearing at Mr McAtear by Mr Carrick and that was a reasonable step for the aluminium smelter to take in that regard. The changing of the near hit report was the subject of the aluminium smelter fair treatment process and Mr Carrick apologised to Mr McAtear in a formal letter for the way that process that led to the change was undertaken.

[83] In those circumstances, and given that Mr McAtear cannot be compensated for the aggravation to his elbow injury, I am not satisfied that the evidence supports an award of compensation for the circumstances that led to the elbow injury.

[84] I make no separate award for compensation for the personal grievance arising from the events of the 18 and 19 October 2006 shift. In terms of the personal grievance with respect to rotation away from the heat I order New Zealand Aluminium Smelters Limited to pay to Martin McAtear the sum of \$5,000 without

deduction being compensation for humiliation, loss of dignity and injury to feelings under s.123(1)(c)(i) of the Employment Relations Act 2000.

Costs

[85] I reserve the issue of costs.

Helen Doyle
Member of the Employment Relations Authority