

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH OFFICE**

BETWEEN Regent Night'n Day (Applicant)
AND Esme Lynn Helm (Respondent)
REPRESENTATIVES Ms Denise Lane, Advocate for Applicant
Ms Esme Helm, Respondent
MEMBER OF AUTHORITY Paul Montgomery
CONSIDERATION OF PAPERS 6 June 2006
DATE OF DETERMINATION 8 June 2006

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] The applicant alleges the respondent left her employment without giving the notice required under the terms of the employment agreement. In an application alleging a breach of the employment agreement received by the Authority on 10 June 2005, the applicant sought reimbursement of \$1,610.79 including the costs of un-returned uniform items, a shop account and the costs associated with training and certification under the licensing law requirements.

[2] Attempts to serve the papers on the respondent proved difficult and were finally served by a Baycorp document server in late May 2006. On 30 May 2006 the senior support officer received an email which read: *Hi Mr Gallon its Corey and Esme here. We have come to the conclusion that we arrange to pay four weeks wages and our accounts that are overdue. Please send any documents or attachment forms to 7 Forrester Ave, Pinehill. Regards Esme and Corey.*

The determination

[3] It is clear that the respondent acknowledges the debt and agrees to make payment on an instalment basis. The terms of such an arrangement have yet to be established. The Authority orders the respondent to pay the applicant the sum of \$1610.79 and directs the parties to mediation to formally establish and record those terms.

[4] The applicant is to contact the Mediation Service of the Department of Labour in Dunedin to arrange an agreed a date for a mediation conference.

[5] In the event the parties are unable to reach agreement on the terms, leave is reserved for either party to approach the Authority and it will determine the terms of repayment.

[6] In the event that agreed terms are achieved in mediation, the parties are advised that the record of settlement is binding and enforceable.

Paul Montgomery
Member of Employment Relations Authority