

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON BRANCH**

BETWEEN	Denis Smith (applicant)
AND	Levin Meats Limited (respondent)
REPRESENTATIVES	Phillip Drummond for the applicant Carey Lye for the respondent
MEMBER OF THE AUTHORITY	Denis Asher
INVESTIGATION MEETING	Palmerston North, 29 March 2005
DATE OF DETERMINATION	30 March 2005

CONSENT DETERMINATION OF AUTHORITY

Employment Relationship Problem

1. By way of an urgent application Denis Smith brought a claim that Levin Meats Limited had unjustifiably dismissed him – statement of problem received on 7 February 2005. He sought reinstatement, compensation for humiliation, etc, and lost wages and costs.

2. The Company said it had justifiably dismissed Mr Smith – statement in reply received on 14 February.
3. The parties underwent mediation but their employment relationship problem remained unresolved.
4. The parties agreed to a one-day investigation in Palmerston North on 29 March, commencing at 10.00 a.m.

Settlement Reached

5. During the investigation the parties reached a settlement. Part of that settlement includes the Company's agreement to reinstate Mr Smith as a "B Grade Worker". The parties asked the Authority to issue a consent determination that recorded that settlement. I have no difficulty in accepting the parties' request and recording their settlement (the original copy of which is held by the Authority) by way of a consent order determination.
6. The parties also asked that the detail of their settlement, other than Mr Smith's reinstatement, be prohibited from publication under clause 10(2) of Schedule 2 of the Act: I accepted that request also.
7. The parties are to be commended for the manner in which they lent themselves to the investigation and for settling this matter on their own terms.

Denis Asher

Member of Employment Relations Authority

