

[4] Western Bay Seafoods now acknowledges that that approach was wrong headed and that the law requires that each employee have a written employment agreement.

[5] The Statement of Problem was filed by Ms Spence on 4 May 2015 and on 27 May 2015 Western Bay Seafoods was reminded of its obligation to file a Statement in Reply which was by then overdue. Two days later on 29 May 2015, Western Bay Seafoods advised it had instructed counsel and a Statement in Reply was subsequently filed and served on 12 June 2015.

[6] Ms Bennett then participated in the telephone conference that I convened to discuss the disposition of the matter. That telephone conference took place on 1 July 2015 and in that telephone conference, the parties helpfully agreed to attend mediation in an attempt to resolve matters by agreement.

[7] The mediation which took place on 31 July 2015 resulted in a complete agreement between the parties and they have asked, by joint application, for their agreement to be recorded as a consent determination of the Authority which of course I am happy to do.

[8] I commend the parties for the commonsense way in which they have dealt with this matter.

Determination

[9] Western Bay Seafoods Limited is to pay a penalty of \$3,000 in respect of the breach of s.65 of the Employment Relations Act 2000.

[10] Western Bay Seafoods Limited will also pay to the Labour Inspector the sum of \$71.56 being the filing fee in this matter.

James Crichton
Member of the Employment Relations Authority