

Determination Number: WA 164/05

File Number: WEA 314/05

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON BRANCH**

BETWEEN	Alex Donald (applicant)
AND	Mike Clarke Decorators Limited (respondent)
REPRESENTATIVES	Vicki Eades for the applicant Nicola Clarke for the respondent
MEMBER OF THE AUTHORITY	Denis Asher
INVESTIGATION MEETING	Wanganui, 11 October 2005
DATE OF DETERMINATION	11 October 2005

CONSENT DETERMINATION OF AUTHORITY

Employment Relationship Problem

1. Mr Alex Donald said the Company had failed to comply with a mediated settlement by not paying him the agreed sum of \$250 – statement of problem received on 25 August 2005. He sought to recover that amount plus his filing fee of \$70.

2. In several telephone calls with an Authority support staff the Company agreed it owed Mr Donald some of the money but said the applicant had frustrated its efforts to pay him.
3. I convened a telephone conference call of the parties on Tuesday 27 September. Mr Mike Clarke agreed to clarify with his wife what was owed to the applicant and ensure the mediated amount plus the filing fee was paid into Mr Donald's bank account.
4. I advised the parties that, in the event payment was not effected by 10 October, I would convene an investigation into the matter in Wanganui commencing at 10.00 a.m. on the following day, Tuesday 11 October 2005: ss. 159, 160 & 173 of the Act applied.

Settlement Reached

5. During today's investigation the Company produced evidence accepted by the applicant that \$320.00 had been paid into his bank account that morning. The parties agreed that a settlement had been reached.
6. I hereby record that settlement by way of a consent order determination: clause 10 (2) of Schedule 2 of the Act applied.

Denis Asher

Member of Employment Relations Authority

