

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
OFFICE**

BETWEEN Patrick Nicholas (Applicant)

AND Byrne Investments Limited t/a Cottage Brick and Blocklayers
(Respondent)

REPRESENTATIVES Tony Kurta for applicant
Scott Paterson for respondent

MEMBER OF AUTHORITY Ken Raureti

CONFERENCE CALLS 10 November 2006 & 19 December 2006

DATE OF DETERMINATION 18 January 2007

CONSENT DETERMINATION OF THE AUTHORITY

[1] The Authority held two conference calls with Mr Kurta and Mr Paterson to progress Mr Nicholas' alleged employment relationship problem. During those conference calls, they engaged in discussions to resolve the problem themselves. The outcome of the 19 December 2006 conference call was Mr Paterson made an offer of settlement to resolve the matter which had to be conveyed to Mr Nicholas.

[2] If Mr Nicholas accepted the offer, his representative (Mr Kurta) was to confirm that acceptance to the Authority, at which time the Authority would do a Consent Determination setting out the terms of their agreement. If the offer was not accepted by Mr Nicholas, the Authority was to arrange a further conference call to schedule the matter for investigation.

[3] Mr Kurta has advised the Authority that his client has accepted the offer of settlement. The terms of their settlement agreement are recorded by the Authority, and shall be the determination of their employment relationship problem.

- i) The parties have successfully resolved their employment relationship problem on the following agreed terms.
- ii) Byrne Investments Limited has agreed to pay Patrick Nicholas the total sum of \$1000.00 by way of three separate instalments. The first instalment shall be \$600.00 paid by direct credit to Mr Nicholas' bank account no later than 26 January 2007. The second instalment shall be a payment of \$200.00 paid by direct credit to Mr Nicholas' bank account no later than 26 February 2007, and the third and final instalment shall be a payment of the balance of \$200.00 paid by direct credit to Mr Nicholas' bank account no later than 26 March 2007.
- iii) The foregoing amounts shall be paid without deduction in accordance with section 123 (1) (c) (i) of the Employment Relations Act 2000.
- iv) The terms of settlement are in respect of all employment related matters between the parties, and are full, final and binding.

- v) The above terms of settlement are recorded and signed by the Authority, and shall be the determination of their employment relationship problem.

Ken Raureti
Member of Employment Relations Authority