

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKĀURAU ROHE**

[2024] NZERA 57
3170382

BETWEEN

MARK HENDRY
Applicant

AND

TRANSPORTATION
AUCKLAND
CORPORATION LIMITED
Respondent

Member of Authority: Nicola Craig

Representatives: The Applicant in person
Andrew Caisley, counsel for the Respondent

Investigation Meeting: On the papers

Submissions received: 26 January 2024 joint memorandum of the parties
2 February 2024 from the applicant
2 February 2024 from the respondent

Date of Determination: 2 February 2024

CONSENT DETERMINATION OF THE AUTHORITY

[1] By way of Direction dated 18 October 2023 the Employment Relations Authority directed the parties to attend mediation in connection with these proceedings.

[2] In accordance with that Direction, the parties attended mediation on 23 November 2023. The parties also engaged in subsequent discussions through the mediator.

[3] As a result of the mediation and the subsequent discussions, the parties have been able to resolve all matters at issue in these proceedings. The full terms of

settlement are set out in a Record of Settlement (s 149 agreement) signed by the mediator on 26 February 2024.¹

[4] One of the terms of settlement is that the parties have jointly requested that the Authority issue a determination by consent. The Authority has agreed to do so.

[5] The Authority hereby records that the Applicant's dismissal by the Respondent, which took effect from 19 April 2022, was agreed by the parties to be unjustified.

[6] The parties have determined their own remedies for the unjustified dismissal, and any and all matters covered by the proceedings on Employment Relations Authority file number 3170382. As a result, at the request of the parties, the Authority will not determine remedies.

[7] There are no issues as to costs.

Nicola Craig
Member of the Employment Relations Authority

¹ Employment Relations Act 2000, s 149.