

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN Diane Lynette Bray (Applicant)
AND Woodlink International Ltd (First Respondent)
AND Harry Memelink (Second Respondent)
REPRESENTATIVES Gail Irwin for the applicant
No appearance for the respondents
MEMBER OF AUTHORITY G J Wood
DIRECTIONS 22 April 2005
CONFERENCE
DATE OF 22 April 2005
DETERMINATION

ORDER OF THE AUTHORITY

1. This matter was filed with the Authority on 15 December 2004. The matter was originally set down for a conference call, but not until 24 February, as the second respondent Mr Memelink, who also represents the first respondent, was overseas throughout January. The applicant, Ms Bray, complained about this as she believed Mr Memelink was in the country in this period, which Mr Memelink denied.
2. Unfortunately this conference call did not go ahead because Ms Bray obtained a representative, who could not make the conference call. This led to an amended statement of problem, which was filed on 23 March. On 2 April Mr Memelink provided an amended statement in reply, denying most of the allegations pertaining to the matter.
3. Dr Irwin, who now represents Ms Bray, quite properly sought to have the matter dealt with by mediation in the first instance. As Mr Memelink would not advise the Authority's support staff of a date he was available to attend mediation, a directions conference was scheduled for 22 April. However, in an attempt to simplify the process and avoid the need for a directions conference just over the scheduling of a

mediation, Mr Memelink, who had advised that he was prepared to attend mediation, was written to with three dates on which he could accept mediation, otherwise a conference call would take place.

4. The only response the Authority received to this correspondence was that Mr Memelink was still waiting for his lawyer to give him dates which did not clash with his overseas travel. Unfortunately it appears that Mr Memelink's overseas travels coincided with the conference call held on 22 April, as that was the reason given by his secretary for his unavailability. This was the first time the Authority has been told of this. Mr Memelink has also never informed the Authority who he and the first respondent are represented by.
5. On the conference call, Dr Irwin, in an attempt to try and resolve this matter, agreed that a direction to mediation on 11 May was acceptable to her client.
6. This matter has dragged on for far too long and it appears that this is largely the result of the respondents' (in)actions. I therefore order the parties to attend mediation on 11 May 2005 at 9am at the offices of the Wellington Mediation Services, Level 7, 85 The Terrace, Wellington. At that mediation the parties must, pursuant to s.159(2) of the Act, attempt in good faith to reach an agreed settlement of their differences.
7. I place the respondent parties on formal notice that their conduct with respect to failing to progress the matter to mediation to date has implications under s.181 of the Act in terms of the requirements on parties to facilitate rather than obstruct the Authority's investigations and to act in good faith towards each other during the investigation.
8. Should mediation on 11 May be unsuccessful for whatever reason, Ms Bray will be entitled to ask the Authority to hold an urgent conference call to seek directions for an investigation into this employment relationship problem.

G J Wood
Member of Employment Relations Authority