

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON BRANCH**

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| BETWEEN | Anthony Cox (applicant) |
| AND | Acer Tree Services Limited (respondent) |
| REPRESENTATIVES | Anthony Cox represented himself Anthony Bishop for the respondent |
| MEMBER OF THE AUTHORITY | Denis Asher |
| INVESTIGATION MEETING | Wellington, 27 April 2005 |
| DATE OF DETERMINATION | 27 April 2005 |

CONSENT DETERMINATION OF AUTHORITY

Employment Relationship Problem

1. Mr Cox said the Company had not complied with a mediated settlement – statement of problem received on 10 March 2005.
2. The Company said that, at the time of the settlement, its director – Mr Anthony Bishop – believed there were funds available to meet the settlement but, because of unexpected financial obligation, the Company had no funds and had ceased trading –

statement in reply received on 31 March and letter from accountant received on 27 April.

- 3 There was no benefit in referring the parties to mediation given the employment relationship problem arose from the failure to comply with a mediated settlement: s. 159 of the Act applied.

Settlement Reached

4. During today's investigation the parties arrived at the following settlement:
 - a. Mr Bishop personally undertook to make weekly payments of \$25.00 commencing on 28 April 2005 into Mr Cox's bank account;
 - b. Mr Bishop will continue to make automatic weekly payments of \$25.00 until he has paid to Mr Cox a sum equivalent to the mediated settlement amount plus \$70.00 (the filing fee);
 - c. The parties are to attempt to reach agreement in the meantime on any additional monies to be paid by Mr Bishop to Mr Cox; and
 - d. Mr Cox's compliance application is adjourned indefinitely.
5. The parties are to be commended for this outcome.

Denis Asher
Member of Employment Relations Authority