

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN	Michael Cummings (applicant)
AND	Department of Labour (respondent)
REPRESENTATIVES	Michael Cummings represented himself Jenny Waterworth for the respondent
MEMBER OF THE AUTHORITY	Denis Asher
DATE OF DETERMINATION	17 August 2004

CONSENT DETERMINATION OF AUTHORITY

Employment Relationship Problems

1. The applicant, Michael Cummings, said the respondent (the Department) constructively dismissed him – statement of problem received on 7 May 2004. He sought compensation for duress and stress.
2. The Department said the applicant has raised his grievance out of time and that the matter had been fully and finally settled – statement in reply received on 25 May 2004.

3. The parties underwent mediation in respect of this employment relationship problem but it remained unresolved.

Investigation

4. During a telephone conference call on 24 June the parties agreed to a one-day investigation into this matter on Friday 13 August 2004, commencing at 10.00 a.m. in Wellington.
5. In advance of the investigation the parties usefully provided various materials including from the respondent an outline of its legal position and, from the applicant, a witness statement.
6. Following a subsequent and further telephone conference, the parties confirmed to the Authority they had arrived at a settlement. The investigation was abandoned.

Settlement

7. As set above, the parties have arrived at a settlement. They have asked that their settlement, the details of which have been recorded by the Authority as well as the parties, be recorded by way of a consent order. Their request is granted.
8. The parties are to be commended for settling this matter on their own terms and for their courteous and helpful conduct during the investigation.

Denis Asher

Member of Employment Relations Authority