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Glasson v Southern District Health Board (Christchurch) [2018] NZERA 1043; [2018] NZERA Christchurch 43 (10 April 2018)

Last Updated: 20 April 2018

IN THE EMPLOYMENT RELATIONS AUTHORITY CHRISTCHURCH

[2018] NZERA Christchurch 43
5627656

BETWEEN KERREN GLASSON Applicant

AND SOUTHERN DISTRICT HEALTH BOARD Respondent

Member of Authority: Christine Hickey

Representatives: Bill Manning, Counsel for the Applicant

Susan Hornsby-Geluk, Counsel for the Respondent

Joint application received: 27 March 2018

Determination: 10 April 2018

DETERMINATION OF THE AUTHORITY

The application

[1] On 30 November 2017, I issued a determination in Ms Glasson's favour, finding that the APEX & South of Auckland District Health Board Sonographers Collective Agreement covered her work at Invercargill Hospital.¹

[2] During the proceedings, the parties indicated that they did not want me to determine any quantum of wage arrears owed if I found in favour of Ms Glasson as they were confident they could agree on any amount themselves. Therefore, as part of my determination I ordered the parties to attend mediation to resolve the issue of how much money the Southern District Health Board owed Ms Glasson. Failing agreement, I granted Ms Glasson the opportunity to return to the Authority in the

event the parties could not agree.²

¹ [2017] NZERA Christchurch 2014

² At paragraph [116]

[3] However, the parties have not agreed on quantum because the Respondent has lodged a de novo challenge to my determination in the Employment Court.

[4] On 23 March 2018, the parties lodged a joint application for the removal of the remaining issue of quantum to the Employment Court. The parties consider that the Employment Court should deal with the entire matter, since it has before it a challenge that will resolve the issue of which MECA covers Ms Glasson's work.

[5] The parties consider that it would be more expedient for the Court to resolve all outstanding issues, rather than the Authority dealing with the issue of quantum. For example, if the Authority proceeds to determine the issue of quantum but the Court reaches a different conclusion than the Authority on the substantive issue the Authority's decision on quantum will need to be revisited by the Court.

[6] On the other hand, if the Court reaches the same decision as the Authority it makes good sense in terms of time and resources for the issue of quantum to be argued and decided only once; that is, in the Court.

Determination

[7] [Section 178](#) of the [Employment Relations Act 2000](#) (the Act) sets out the circumstances in which the Authority can order the removal of a matter, or part of a matter, to the Employment Court.

[8] The Court already has before it proceedings which are between the same parties and which involve the same substantive issue from which any issue of quantum will flow. I agree with the parties that it is more expedient for the Court to consider the consequential issue of quantum along with the substantive issue.

[9] Therefore, under [s 178\(2\)\(a\)](#) of the Act I remove the matter to the Employment Court.

Christine Hickey

Member of the Employment Relations Authority

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