

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2019] NZERA 719
3068712

BETWEEN	LIAM HARRISON Applicant
AND	APM WORKCARE LIMITED Respondent

Member of Authority: Vicki Campbell

Representatives: Ronald Jones for Applicant
Ray Parmenter for Respondent

Investigation Meeting: 6 December 2019

Determination: 18 December 2019

PRELIMINARY DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Mr Harrison claims he was unjustifiably dismissed and that one or more conditions of his employment were affected to his disadvantage by the unjustified actions of APM Workcare Limited and that APM breached its statutory duties of good faith.

[2] I convened an investigation meeting on 6 December and investigated Mr Harrison's claims. During the course of the investigation it became apparent that Mr Harrison had recorded a large number of meetings with his manager and wished to rely on the consequent recordings to support his claims.

[3] Mr Harrison's evidence was that the recordings did not contain any identifying details of clients of APM or any medical information pertaining to those clients. He assured both the Authority and APM that he had edited all recordings before he left the worksite after each meeting. Mr Harrison was directed to provide copies of all recordings to the Authority together with a transcript of each recording.

[4] It has now become apparent that the recordings may not have been edited in line with the assurances provided by Mr Harrison.

[5] Pursuant to cl 10(1) of the Second Schedule to the Employment Relations Act 2000 (the Act) the recordings and associated transcripts are not to be published.

[6] The parties should alert their transcription services of these orders prohibiting publication.

[7] Access to the registry file is restricted until for orders of the Authority are made.

Vicki Campbell
Member of the Employment Relations Authority