

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH OFFICE**

BETWEEN Thomas Morrison Kerr (Applicant)
AND Mid Canterbury Aero Club Inc (Respondent)
REPRESENTATIVES Andrew Shaw for Applicant
Neil McPhail for Respondent

MEMBER OF AUTHORITY Helen Doyle

CONSIDERATION OF PAPERS 22 December 2005
DATE OF DETERMINATION 22 December 2005

CONSENT DETERMINATION OF THE AUTHORITY

- [1] The applicant, Thomas Kerr, claims that the respondent, Mid Canterbury Aero Club Incorporated, breached a consent order of the Authority dated 19 September 2001.
- [2] An investigation meeting was scheduled for 28 February 2006.
- [3] The representatives for both the applicant and the respondent have advised the Authority that the matter has now been settled between the parties and have asked that the Authority record the settlement by way of a consent order in the terms set out in a letter from the applicant's counsel dated 20 December 2005 and an attached draft declaration.
- [4] The Authority records the terms of settlement from both the letter and the draft declaration. The terms of the settlement become the orders of the Authority by consent.
- [5] The Authority makes the following declaration about the consent order of the Authority dated 19 September 2001:
- Mid Canterbury Aero Club Incorporated is in breach of a consent order of the Authority dated 19 September 2001 by way of the following acts:
- 1.1 On 1 December 2002, Mr Brian Fielder, the then President of the respondent, breached the consent order by making disparaging comments about the applicant in a conversation with Mr Maurice Fletcher.

- 1.2 On 7 January 2003, Mr Philip Evers-Swindell, at that time being the immediate past President of the respondent, and the signatory to the agreement confirmed in the consent order, breached the consent order by making disparaging comments about the applicant in a conversation with Mr Maurice Fletcher.
- 1.3 These comments were disparaging of the applicant and breached the previous consent order of the Authority dated 19 September 2001, which specifically required that the parties would not make disparaging comments about the other.
- [6] The Authority orders that Mid Canterbury Aero Club Incorporated comply from the date of this consent order with the terms of the consent order of the Authority made on 19 September 2001 and not make further disparaging remarks about Thomas Kerr.
- [7] The respondent will pay the sum of \$2,250.00 plus GST to Lane Neave's Trust Account as a contribution to the applicant's legal fees within seven days of the sealing of this order.
- [8] The respondent will pay the sum of \$1,500.00 to the applicant's bank account as compensation for hurt, humiliation and injury to feelings pursuant to section 123 (1)(c)(i) of the Employment Relations Act 2000 within seven days of the sealing of this order.
- [9] The respondent will withdraw its counterclaim against the applicant.
- [10] The applicant will not directly or indirectly contact the respondent or any of its members. The parties acknowledge that potential employers may contact the respondent without the applicant's authorisation, in which case the respondent will confirm that the applicant was employed by the respondent and nothing more.
- [11] The applicant will withdraw its claim against the respondent.
- [12] This consent order is full and final settlement of all matters between the parties.

Helen Doyle
Member of Employment Relations Authority