

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON BRANCH**

<b>BETWEEN</b>	Richard Kirk (applicant)
<b>AND</b>	David Lee-Jones (respondent)
<b>REPRESENTATIVES</b>	the parties represented themselves
<b>MEMBER OF THE AUTHORITY</b>	Denis Asher
<b>INVESTIGATION MEETING</b>	Palmerston North, 18 January 2005
<b>DATE OF DETERMINATION</b>	20 January 2005

**CONSENT DETERMINATION OF AUTHORITY**

**Employment Relationship Problem**

1. The applicant, Richard Kirk, said that the respondent, David Lee-Jones, deducted rent from his wages in breach of their employment agreement and thereby caused him to resign – statement of problem received on 6 September 2004. He sought compensation for lost wages and humiliation.
2. Mr Lee-Jones agreed he had effected rent deductions as he wanted to review the applicant's free use of the farm cottage but otherwise denied Mr Kirk's allegations – statement in reply received on 22 September 2004.

3. The parties underwent mediation but their employment relationship problem remained.

### **Investigation**

4. The parties agreed to a one-day investigation in Palmerston North on 18 January 2005. They usefully supplied in advance of the investigation written statements and bundles of documents.

### **Settlement**

5. During the investigation the parties arrived at a settlement. They also asked that their written, signed off settlement – the original of which is held by the Authority – be recorded by way of a consent order. Their request is granted. By consent the terms set out in the settlement are the orders of the Authority in this matter.
6. The parties also requested that the Authority apply clause 10 (2) of Schedule 2 of the Act to order that the terms of settlement in respect of this employment relationship problem be sealed on the Authority's file and that there be an order prohibiting publication. This request is also granted.
7. The parties are to be commended for settling this matter on their own terms and for their helpful conduct before and during the investigation.

**Denis Asher**

**Member of Employment Relations Authority**

