

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 141/10
5291183

BETWEEN WAYNE PATRICK
 MAYNARD
 Applicant

AND

 SMILEY FARMS LIMITED
 Respondent

Member of Authority: R A Monaghan

Representatives: W Maynard in person for applicant
 Margaret Penny, advocate for respondent

Investigation Meeting: 23 March 2010

Determination: 25 March 2010

DETERMINATION OF THE AUTHORITY BY CONSENT

Employment relationship problem

[1] Wayne Maynard sought various payments of monies owed to him by his former employer, Smiley Farms Limited. He has also raised a personal grievance saying Smiley Farms constructively dismissed him.

[2] During the investigation meeting the parties resolved the claims for monies owed and agreed that the terms and conditions of settlement be incorporated into a consent order of the Authority.

[3] By consent I therefore order as follows:

- a. Smiley Farms Limited is to pay to Wayne Maynard, -
 - (i) the sum of \$247.90 in respect of a deduction made from his final pay;
 - (ii) the sum of \$55 in respect of repairs to pinholes made in walls; and

(iii) the sum of \$92.92 in respect of holiday pay recalculated.

[4] Payment is to be made to the bank account nominated by Wayne Maynard.

[5] The payment is to be made within 5 working days of the date of this determination.

Constructive dismissal

[6] Mr Maynard's personal grievance was not resolved and does not form part of this consent order. A further determination of the Authority will be issued on the grievance.

Costs

[7] Costs are reserved pending the further determination of the Authority.

R A Monaghan

Member of the Employment Relations Authority