

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Alex McFarlane (Applicant)
AND Flesh Limited t/a Flesh Club and Lounge (Respondent)
REPRESENTATIVES John Shadbolt for Applicant
Ken Nicolson for Respondent
MEMBER OF AUTHORITY Alastair Dumbleton
INVESTIGATION MEETING 21 June 2006
DATE OF ORDER 22 June 2006

CONSENT ORDER OF THE AUTHORITY

[1] The applicant Mr Alex McFarlane brought to the Authority for resolution a claim that he had been unjustifiably dismissed by the respondent Flesh Limited.

[2] At the investigation meeting the first issue was whether that particular grievance had been raised within 90 days, as required by s.114 of the Employment Relations Act 2000. After examining witnesses on that point I orally gave my finding that it had not. I noted however that the statement of problem about the claim of unjustified dismissal referred to an appended letter which had been sent to the employer and which raised an unjustified disadvantage grievance. This had been sent in August 2004, well within the 90 day period, after Mr McFarlane had been suspended but while he considered himself to be still employed.

[3] On that basis, and invoking s.122 of the Act, the Authority indicated that it would continue investigating the problem but as an unjustified disadvantage claim.

[4] At my urging, the parties and their representatives Mr Shadbolt and Mr Nicolson then commenced discussions with a view to resolving the grievance themselves. They duly advised me that settlement had been reached by them and they asked for an order to formally record it.

[5] By consent, an order is made of the terms of settlement recorded in annexure "A" to this determination.

[6] An order under clause 10(2) of Schedule 2 of the Employment Relations Act 2000 is also made, permanently prohibiting publication of the contents of annexure "A."

A Dumbleton
Member of Employment Relations Authority