

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH OFFICE**

BETWEEN McLeod Personnel Limited (Applicant)
AND Lynda White (Respondent)
REPRESENTATIVES Janet Copeland, Counsel for Applicant
Patrick McPherson, Counsel for Respondent
MEMBER OF AUTHORITY Helen Doyle
DATE OF DETERMINATION 9 June 2004

DETERMINATION OF THE AUTHORITY MADE WITH CONSENT OF THE PARTIES

[1] In my determination dated 5 April 2004 I made findings with respect to breaches by the respondent of express/implied obligations in her employment agreement with the applicant.

[2] I then in accordance with my determination held telephone conferences with counsel for the applicant and counsel for the respondent to discuss the question of damages.

[3] I have since been advised by the parties that they have reached a settlement of the proceedings and they have asked that the Authority issue a consent determination in accordance with the terms of settlement signed by counsel for the applicant and counsel for the respondent. I now make the following orders:

- (i) Lynda White is to pay McLeod Personnel Limited the sum of \$45,000 as reimbursement of legal costs incurred and as damages for the employment agreement term breaches found by the Authority in respect of the taking of the Respondent's clerical test.
- (ii) The agreed sum is to be paid in two equal instalments of \$22,500 each with the first payment directly to the Respondent by 5 July 2004 and the second payment by 2 August 2004.
- (iii) The respondent will withdraw and discontinue the proceedings CRC 7/04 – Lynda White v McLeod Personnel Limited (de novo challenge to determination) forthwith.

Helen Doyle
Member of Employment Relations Authority