Under the Employment Relations Act 2000

BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE

BETWEEN	Mary-Ann Miki
AND	Borg Industries Ltd
REPRESENTATIVES	Simon Adams for Applicant Terry Daley for Respondent
MEMBER OF AUTHORITY	Y S Oldfield
INVESTIGATION MEETING	26 March 2007
DATE OF DETERMINATION	27 March 2007

DETERMINATION OF THE AUTHORITY

1. Ms Miki, her union[1] and four others were parties to an employment relationship problem lodged with the Authority on 9 November 2006. An investigation meeting was set down for 23 November 2006. The short notice was because of a concern that the respondent might soon be subject to insolvency proceedings. In a determination dated 7 December 2006, I noted:

   "Two of the five applicants failed to attend the Authority investigation meeting. Mr Adams told me that one of them, Ms Miki, was unable to get time off her new job….

   …

   The Authority will take no further action in respect of the claims of [Ms Miki] *at this stage. However, in recognition of the fact that the meeting was set down at very short notice I have decided not to dismiss* [her] *claims. If* [she wishes] *the Authority at any time to resume the investigation of* [her] *employment relationship problem* [she] *should advise accordingly."*

2. In due course Mr Adams advised that Ms Miki wished to take up this opportunity and an investigation meeting was set down for Monday 26 March at 2.00pm. However, Ms Miki failed to attend. Mr Adams (who is her union organiser) did attend and advised that he had spoken to her the previous working day (Friday 23 March) when she had confirmed earlier advice to him that she was able to attend. I advised that I would delay the start of the meeting for half an hour in case she had been unavoidably delayed. During this time Mr Adams made repeated attempts to contact her without success. As I advised him and Mr Daley then, the matter is now treated as dismissed.

Y S Oldfield
Member of Employment Relations Authority

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[1] The NZ Engineering, Printing and Manufacturing Union