

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON OFFICE**

**BETWEEN** Terry Price (Applicant)  
**AND** Bruce Arbuckle t/a Able Contracting Services (Respondent)  
**REPRESENTATIVES** Vicki Eades for the Applicant  
The Respondent in person  
**MEMBER OF AUTHORITY** P R Stapp  
**INVESTIGATION MEETING** Wanganui, 10 October 2006  
**DATE OF DETERMINATION** 11 October 2006

**CONSENT DETERMINATION OF THE AUTHORITY**

**Employment relationship problem**

[1] This is an employment relationship problem between the parties in regard to the applicant alleging he has a personal grievance arising from his employment and not being paid his full wages and not being contacted to continue at work with Mr Arbuckle.

**The Authority's investigation**

[2] Mr Arbuckle appeared at the Authority's investigation meeting only after he was contacted by the Authority's support officer. He had been served with all relevant papers and with the notice of the investigation meeting by the Authority, including being personally served by the Applicant who engaged the services of a document server to ensure that service was achieved. The papers included an amended application to include Mr Arbuckle personally, and he was put on notice.

[3] Mr Arbuckle did not attend mediation when the Applicant's representative had taken the initiative and arranged for mediation to be provided by the Department of Labour.

[4] Also, Mr Arbuckle did not provide a statement in reply including not replying to the amended statement of problem. He did not provide any acceptable reasons for not doing so.

[5] He failed to deliver (or to make arrangements to have delivered) any wage and time records and any other relevant documents for these proceedings as ordered by the Authority on 23 August 2006 or to provide any reasonable explanation for failing to do so.

**Conclusion**

[6] During the investigation meeting the parties reached an agreement to resolve the employment relationship problem despite some issues emerging that were left unresolved. Their agreement included a confidentiality term. I was satisfied that the parties reached a settlement that they signed and they requested me to make a consent determination on the terms and prohibit the publication of the said terms. I agreed because I was satisfied the agreement reached resolved the employment relationship problem between Messrs Price and Arbuckle.

[7] I therefore order by consent the agreed terms to become an order of the Authority. Furthermore, I order that the agreed terms be prohibited from publication to preserve the parties' agreement to keep the terms confidential, except for any enforcement action.

P R Stapp  
Member of the Authority