

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

[2015] NZERA Christchurch 156  
5582941

BETWEEN            RONALD THOW  
                                 Applicant

A N D                    CANTERBURY DISTRICT  
                                 HEALTH BOARD  
                                 Respondent

Member of Authority:    Helen Doyle

Representatives:        Lynda Ryder, Counsel for the Applicant  
                                 Penny Shaw, Counsel for the Respondent

Date of Determination:    16 October 2015

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**CONSENT DETERMINATION OF THE AUTHORITY**

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[1]    An investigation meeting was scheduled for 16 October 2015 in relation to an application by the applicant for injunctive relief.

[2]    The parties advise the Authority that orders can be made by consent in relation to the application for injunctive relief.

[3]    By consent, and by this determination, these are the orders of the Authority in this matter:

- (a)    The applicant will return to work on Monday 19 October 2015 at 10am.
- (b)    The respondent will provide the applicant with full-time suitable alternative administrative duties from that date to be worked Monday to Friday each week.
- (c)    The applicant will provide a medical certificate on or before 10am 19 October 2015 as to whether a graduated return to work is required.

- (d) Subject to the applicant working full-time, he will be paid his full salary from 19 October 2015. If a graduated return to work is required the applicant will be paid his current salary on a pro rata basis.
- (e) The applicant agrees to submit to a medical assessment with a cardiologist in relation to his fitness or otherwise to undertake restraints.
- (f) The respondent undertakes to arrange for the cardiologist to consult with the applicant's general medical practitioner in order to provide a joint assessment of the applicant's fitness or otherwise to undertake restraints.
- (g) The respondent will meet all costs incurred in relation to the medical assessments.
- (h) The applicant shall remain in alternative duties until 31 March 2016 or when he is assessed as being fit to undertake restraints, whichever is earlier.
- (i) The respondent agrees to return the applicant to the Assessment Treatment & Rehabilitation Unit as a full-time Behaviour Support Facilitator when he is assessed as being fit to undertake restraint.

[4] The injunction application is withdrawn.

[5] Costs are reserved.

[6] The Authority has set a date on 19 April 2016 for an investigation meeting to deal with the substantive issue about the justification of the respondent not permitting the applicant to return to work earlier.

[7] I congratulate the parties for reaching agreement on the above orders.

Helen Doyle  
Member of the Employment Relations Authority