

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

[2015] NZERA Wellington 108
5558749

BETWEEN ANGELA WATSON
 Applicant

AND CAPITAL & COAST DISTRICT
 HEALTH BOARD
 Respondent

Member of Authority: Michele Ryan

Representatives: Andrew McKenzie, Counsel for Applicant
 Paul White, Counsel for Respondent

Investigation Meeting: On the papers

Determination: 9 November 2015

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Ms Angela Watson applies for a matter lodged with the Authority to be removed to the Employment Court without the Authority first investigating it.

[2] The respondent Coast District Health Board (CCDHB) neither opposes nor endorses the application for removal of the matter.

[3] Prior to this application Ms Watson had raised various claims of unjustified disadvantage against the CCDHB. Those matters were determined by the Authority on 4 May 2015. Ms Watson has since challenged that determination.

[4] On 28 May 2015 Ms Watson lodged a new statement of problem with the Authority. A claim for compliance was dealt with urgently, however on 3 August 2015 Ms Watson amended her statement of problem. She alleges, amongst other things, that she has now been unjustifiably dismissed.

[5] Ms Watson wishes to have her current claims heard alongside those already scheduled to be heard at the Court. Her application for removal relies on s.178(2)(c) of the Employment Relations Act 2000 (the Act) which provides:

The Authority may order the removal of a matter, or any part of it, to the Court if –

...
(c) *The Court already has before it proceedings which are between the same parties and which involve the same or similar or related issues.*

[6] Having previously investigated the claims that are now before the Court and following a review of the documentation associated with Ms Watson's current employment relationship problem, it is clear that the matters set out in the new statement of problem are intrinsically entwined with the conflict that led to Ms Watson's unjustifiable disadvantage claims.

[7] In this respect the issues leading to Ms Watson's termination of employment appear, at least in part, to be a continuation of matters that are now before the Court. I am in no doubt that the issues in both proceedings are substantially the same or very similar.

[8] I find Ms Watson's application to have her dismissal claim removed to the Court meets the threshold set out at s 178(2)(c).

[9] I note that the parties have not been to mediation as regards removal however the parties have attended mediation on 4 occasions prior to this application. I do not consider further mediation will contribute constructively to resolving the matter at this juncture. In further support of an order for removal I conclude it is neither efficient nor cost-effective to have Ms Watson's claims heard separately and in all the circumstances I find it is appropriate to have all her matters brought together.

[10] I am not unaware of any good reason not to remove Ms Watson's new claim to the Court.

[11] I therefore order the employment relationship problem between the parties as amended on 3 August 2015 (file number 5558749) to the Employment Court.

Michele Ryan
Member of the Employment Relations Authority