rr 5, 6

Form 1

Application to Authority

*Section 158, Employment Relations Act 2000*

Between Your name

 Address

 Address

 **Applicant**

 And Limited liability company

 Address

 Address

 **Respondent**

Statement of Problem

Filed by your name

**To** the Employment Relations Authority

And

**To** the Respondent

**Statement of problem**

**NOTE**: You are the Applicant, and the other party is the Respondent.

1. The problem or matter that I wish the Authority to resolve is:
	1. The Applicant has been unjustifiably dismissed in that

Ideas:

… the Applicant’s employment was terminated in circumstances that were neither fair nor reasonable.

… the Applicant resigned following the unfair and unreasonable behaviours of the Respondent, which were of such a significance that the Applicant had no other option but to resign.

* 1. The Applicant has been unjustifiably disadvantaged in that

You should be able to copy and paste this from your personal grievance.

* 1. The Respondent has breached its obligations of good faith in that

Ideas:

… the Respondent failed to be active and constructive in maintaining the employment relationship.

… the Respondent intended to mislead or deceive the Applicant.

1. The facts that have given rise to the problem or matter are:
	1. You should be able to copy and paste the facts from the personal grievance. If you have not used a template from Ashleigh the Associate, please download the Personal Grievance template to read about how to list your facts.
	2. Refer to yourself as the Applicant and refer to the employer as the Respondent.
	3. If you make a statement which has a supporting document, I recommend that you mark this beside the statement. **[DOC “A”]**
	4. This will make it easier for someone to find the supporting evidence to each of your claims. **[DOC “B”]**
	5. Make sure you include additional facts from after the personal grievance was risen.
	6. The Applicant raised a Personal Grievance on 1 January 2021. **[DOC “C”]**
	7. The Applicant invited the Respondent to mediation.
	8. The Respondent provided a response to the Personal Grievance on 14 January 2021. **[DOC “D”]**
	9. The Respondent did not agree to attend mediation.
	10. Make sure you provide evidence about the hurt and humiliation. For example, you could say something like: The sudden loss of the Applicant’s employment has caused her a significant amount of hurt and humiliation. The Applicant is suffering financial hardship, and is concerned about her ongoing ability to meet her financial obligations.
	11. If you have found a new job, put this in here too. IE: The Applicant found alternative employment on 1 March 2021. However, the Applicant’s new role is paid at a considerably lesser rate than the Applicant’s employment with the Respondent.
2. I would like the problem or matter to be resolved in the following way:
	1. A determination of unjustified dismissal.
	2. A determination of unjustified disadvantage.
	3. A determination that the Respondent breached its obligations of good faith
	4. Lost wages, pursuant to section 123(1)(b) of the Employment Relations Act 2000.
	5. Loss of benefit, pursuant to section 123(1)(c)(ii) of the Employment Relations Act 2000.
	6. Compensation in the amount of $10,000 - $30,000, pursuant to section 123(1)(c)(i) of the Employment Relations Act 2000

Compensation is measured in “bands” with low being between approximately 0 - $10,000, medium between $10,000 and $20,000 and high between $30,000. If you are claiming a high amount of hurt and humiliation you may want to attach medical evidence.

* 1. Costs
	2. Reimbursement of the filing fee, in the amount of $71.56
1. I attach a copy of the applicable employment agreement and the following documents that I think are relevant to the problem or matter:
	1. Explain the documents
	2. Mark the documents with the corresponding letter – you can mark the documents electronically or by printing, marking, scanning.
	3. EG Personal Grievance, 1 January 2021
	4. EG Response to Personal Grievance, 14 January 2021

**Mediation**

Have the parties tried to resolve this problem or matter by using mediation services provided by the Ministry of Business, Innovation, and Employment?

Yes/No

If the answer to this question is “Yes”, please provide the date or dates of the mediation:

Have the parties tried to resolve this problem or matter by using mediation services provided by someone other than the Ministry of Business, Innovation, and Employment?

Yes/No

If you, the applicant, have answered “No” to both the question in paragraph 5 and the question in paragraph 6, please indicate why you have not used mediation services to try to resolve the problem or matter

Have you, the applicant, taken any other steps of any kind to resolve the problem or matter?

Yes/No

If the answer to this question is “Yes”, specify the other steps taken:

**Prescribed fee**

This application is accompanied by the prescribed fee.

**Address for service**

This application is lodged by the Applicant. The address for service is ADDRESS. The telephone number is PHONE NUMBER.

Date:

Signed:

 .

Notice to respondent

1. If you intend to respond to this application, you must, within 14 days after the date of the service of this application on you, lodge 2 copies of a statement in reply with an officer of the Employment Relations Authority at Christchurch / Wellington / Auckland.
2. The term **days** does not include any day in the period beginning with 25 December in any year and ending with 5 January in the following year.
3. You will be notified of the place, date, and time at which the Authority will conduct any investigation meeting in respect of this application.

Date:

Signature:

(Officer of the Employment Relations Authority)