

Form 1 [EXAMPLE ONLY]

Under the Employment Relations Act 2000

In the Employment Court
Wellington Registry

No: /

Election to have matter heard in the Employment Court

Between Jane Smith.
of
21 Example Street
Central City
Wellington
Plaintiff

And Joe Bloggs
of
22 Example Street
Central City
Wellington
First Defendant

And The Joe Bloggs Company Limited
of
23 Example Street
Central City
Wellington
Second Defendant

To the defendant

And to the Registrar of the Employment Court

Statement of claim

Section 179, Employment Relations Act 2000

Election

1. I, the plaintiff, by filing this statement of claim, elect to have the Employment Court at Wellington hear a matter dealt with in a determination of the Employment Relations Authority.

Determination

2. I attach a copy of the determination to which this election relates.
3. This election relates to the whole of that determination
(~~or the following part of that determination~~), namely,

Particulars of claim

4. The plaintiff was employed by the defendant as a pilot starting in May 2010. The plaintiff was employed pursuant to an employment agreement dated 1 May 2010.
5. On 1 January 2014 the plaintiff was dismissed for serious misconduct consisting of piloting an aircraft while under the influence of illicit substances.
6. Following a flight from Timbuktu to Auckland on 1 January 2014, the plaintiff was asked to undergo a standard drug test.
7. The drug test resulted in a positive test for heroin.
8. The plaintiff was summarily dismissed by Joe Bloggs, owner and managing director of the defendant company.
9. The plaintiff claims that the positive test was as a result of eating a poppy seed bagel approximately one hour before commencing the flight.
10. The plaintiff denies that the serious misconduct occurred.
11. The plaintiff brought her claim in the Employment Relations Authority. The Authority upheld the defendant's decision to dismiss the plaintiff and dismissed the plaintiff's personal grievance.

Hearing de novo

12. I seek a full hearing of the entire matter (a hearing de novo).

~~or~~

~~*Hearing only in respect of certain issues*~~

~~12. I do not seek a full hearing of the entire matter (a hearing de novo). I seek a hearing only in relation to certain issues involved in the matter.~~

Relief Sought:

13. The plaintiff seeks the following orders:

- a. That the plaintiff has a personal grievance for unjustified dismissal.
- b. Reinstatement to the plaintiff's former position or to a position no less advantageous.
- c. Compensation in the sum of \$100,000 for humiliation, loss of dignity, and injury to feelings pursuant to section 123(1)(c)(i) of the Employment Relations Act 2000.
- d. Reimbursement for lost earnings in the sum of \$71,417 pursuant to section 123(1)(b) of the Employment Relations Act 2000 for the period from the date of the dismissal on 1 January 2014 to 1 October 2014 when the plaintiff obtained new employment.
- e. Interest on any lost earnings awarded.
- f. Any other relief the Court deems fit to grant e.g. costs.

Prescribed fee

14. The prescribed fee accompanies this statement of claim (*or* has already been paid).

Signature of plaintiff *Jane Smith* .

Date: 1 May 2015

Notice to the defendant

- (1) If you intend to defend the proceedings, you must, -
 - (a) within 30 clear days after the date of the service of this statement of claim on you, file a statement of defence with the Registrar of the Employment Court at Wellington; and
 - (b) without delay, serve 1 copy of that statement of defence on the plaintiff.

- (2) If you fail to file a statement of defence, you may defend the claim only with the leave of the Court.

- (3) You will be notified of the place, date, and time of the hearing of the claim and of any management meeting in respect of the hearing of the claim.

Registrar of the Employment Court:

Date:

This statement of claim is filed by Jane Smith, whose address for service is 21 Example Street, Central City, Wellington, and whose telephone number is 021 234 5678, and whose fax number for service is 04 567 8901, and whose e-mail address for service is jane.smith@example.com.