

Form 4 [EXAMPLE ONLY]

Under the Employment Relations Act 2000

In the Employment Court
Wellington Registry

No: EMPC1111/2015

In the matter of: a challenge to the Employment
Relations Authority's finding that the
plaintiff was not unfairly dismissed.

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 plaintiff

And to the Registrar of the Employment Court

Statement of defence

1. I, Joe Bloggs, am the first defendant and managing director of the second defendant in this matter.
2. I deny that the plaintiff, Jane Smith, was unfairly dismissed.
3. I address the particulars raised by the plaintiff in her statement of claim as follows:

Facts

4. The defendant admits paragraphs 4 – 7.
5. The defendant denies paragraph 8. The plaintiff was not summarily dismissed. The defendant placed the plaintiff on leave until the results of the test could be verified. The plaintiff was then dismissed on 1 February 2014.
6. The defendant denies the plaintiff's assertion in paragraph 9 that the plaintiff's positive drug test was the result of eating a poppy seed bagel. After the initial positive drug reading, the sample was sent to Dr Sarah Scientist at Example Laboratories Ltd. Dr Scientist confirmed that the test result could not have been the result of ingesting a poppy seed bagel.
7. The defendant does not agree with the plaintiff's assertion in paragraph 10 that serious misconduct did not occur.

Orders sought

8. The defendant seeks that the Employment Court upheld the Employment Relations Authority's determination of 15 April 2015 and therefore decline to grant to the plaintiff relief sought in the plaintiff's statement of claim.
9. In case that the court finds that the plaintiff has a personal grievance for unjustified dismissal the defendant opposes reinstatement to the plaintiff's former position or to a position no less advantageous for the following reasons: the relationship between the plaintiff and the defendant has broken down to such an extent that it would be impossible for the plaintiff to carry out her duties effectively were she reinstated to her former position.

