Employer Bulletin

Our Weekly News Digest for Employers

Friday, 16 April 2021

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Cases

Employment Relations Authority: Six Cases

Procedural deficiencies despite substantively justified dismissal

Mr Parkinson was employed by Mr and Mr McFall as a Mobile Security Guard based in Kaiapoi from 21 December 2018 until his dismissal on 6 June 2019. On 1 July 2019, Mr Parkinson raised a personal grievance through his advocate, alleging he had been unjustifiably dismissed by the McFalls, a partnership operating Waimak Patrol and Security Services.

During the recruitment period in December 2018, Mr McFall was impressed by Mr Parkinson's CV and experience in the security industry. He informally interviewed Mr Parkinson at a local café. During the interview Mr Parkinson informed Mr McFall that he was hoping to apply for a position as a corrections officer, but had to wait to apply as he did not have a clean driving licence. Mr McFall did not enquire further into the extent of Mr Parkinson's driving history. On 1 January 2019, an individual employment agreement and comprehensive set of company policies, including a safe driving policy, was signed by Mr Parkinson. The policy required employees to report infringements to a manager at the earliest opportunity, as well as notify the manager if their licence had been suspended or cancelled.

In late January 2019, Mr Parkinson indicated that he was one speeding ticket away from incurring a driving ban. Mr McFall said at the time he was shocked, and then sought and received assurance that Mr Parkinson would not speed while driving at work. On 22 May 2019, Mr Parkinson said he had called Mr McFall to tell him that he would potentially lose his licence due to speeding tickets he had incurred. Mr McFall said he had not been told prior to this date that Mr Parkinson had received any infringements although Mr Parkinson disputes this.

There had been an agreement between Mr McFall and Mr Parkinson to support an application for a limited licence to allow Mr Parkinson to continue working, however, Mr McFall was annoyed about the timing of when he was advised of the ban. This was further aggravated when Mr McFall was provided with an affidavit for him to have sworn in support of Mr Parkinson's limited licence application. Mr McFall was of the understanding that Mr Parkinson would organise having the affidavit sworn by a Justice of the Peace (JP) and he was just to show up to the appointment. Mr Parkinson did not believe this was his responsibility, nor did he organise a JP appointment to have the affidavit sworn. As a result of his frustration, Mr McFall withdrew his support for the limited licence. Mr McFall then went on to let Mr Parkinson know that because he would no longer have a licence, his employment would be terminated.

During the Employment Relations Authority (the Authority) investigation, Mr McFall told the Authority that he had viewed Mr Parkinson's vehicle GPS. He noticed several incidents of excessive speeding and decided he could not support the limited licence. Mr McFall admitted he did not put these concerns to Mr Parkinson and instead decided to terminate on the loss of licence.

The Authority accepted that the summary dismissal of Mr Parkinson was substantively justified, however, while Mr Parkinson engaged in serious misconduct without any mitigating circumstances, there were significant procedural deficiencies. The Authority did not excuse Mr Parkinson's serious misconduct or lack of full and timely disclosure. It also pointed out he was entitled to be treated fairly in terms of s103A and good faith obligations set out in the Employment Relations Act 2000. This included being given the opportunity to explain the reasons for the misconduct and what, if any, mitigating factors were present.

Therefore, Mr McFall was found to have unjustifiably dismissed Mr Parkinson. While a claim for lost wages was made by Mr Parkinson, the Authority found that the loss of remuneration was not wholly attributable to the personal grievance. Mr Parkinson had rendered himself incapable of performing his employment on an ongoing basis because of his driving disqualification. Therefore, lost wages were not awarded. Mr Parkinson was awarded $4000 for hurt and humiliation with a 20 per cent reduction for contribution.

Parkinson v Nigel and Megan McFall t/a Waimak Patrols & Security Services [[2021] NZERA 110; 19/03/2021; D G Beck]

Allowing employee to assume termination amounts to unjustified dismissal

Keightly Motors Limited (KML) is an automotive repairs and servicing business. Mr Keightly is the sole director, and he and his wife are shareholders. In May 2007 Mr Thanababu commenced employment at KML as a Mechanic. Mr Thanababu claimed that he was unjustifiably dismissed and disadvantaged by KML.

During the period in which Mr Thanababu worked at KML he claimed he and Mr Keightly enjoyed a close relationship which went far beyond that of employer/employee and was more of a friendship. They socialised together and supported each other emotionally during their respective marriage breakdowns. Mr Thanababu said that Mr Keightly invited him to stay at his home after Mr Thanababu's marriage breakup.

Mr Thanababu said the relationship between he and Mr Keightly became unpleasant when he was unable to proceed with buying a share of KML, however the Authority found that this alleged change in their relationship was not supported by the fact Mr Thanababu received salary increases in September 2018 and again in March 2019.

Following Mr Thanababu's period of absence in November 2019, he said that the relationship between he and Mr Keightley cooled and Mr Keightly refused to pay him for some period of his sickness absence. On 12 December 2019, Mr Thanababu said he had been working on a customer's vehicle when Mr Keightly spoke to him and informed him that the work needed to be completed that day. Mr Thanababu explained that the customer was happy to leave it overnight and that he was not going to stay to finish that evening because Mr Keightly does not pay him overtime.

Mr Thanababu claimed that throughout his employment he had been required to work over his minimum hours and was not paid for this time. Mr Keightly had told him that if he cannot finish the vehicle to leave, and Mr Keightly would finish the work. During the argument Mr Thanababu informed Mr Keightly that he was recording the conversation of Mr Keightly firing him, which resulted in Mr Keightly allegedly knocking the phone to the ground at which point Mr Thanababu followed the instruction to leave. Mr Thanababu regarded the incident as a sending away and considered that his employment at KML had been terminated by Mr Keightly during their heated altercation.

Mr Thanababu did not return to work until late February 2020 to organise the collection of tools with Mr Keightly. Following the incident on 12 December 2019, there was no evidence that Mr Keightly attempted to contact Mr Thanababu to ascertain the reason for his absence. By allowing Mr Thanababu to think he had been dismissed, the Authority found that Mr Thanababu had been unjustifiably dismissed.

During his employment at KML, Mr Thanababu had no employment agreement. There were a lack of wage and time records and he was not paid his notice period, the grounds for his disadvantage claims. The lack of wage and time records meant that he was unable to provide accurate dates or an amount for his claim regarding holiday discrepancies. The Authority accepted that Mr Thanababu had been disadvantaged by KML.

The Authority awarded $5,760 in lost wages, $460.80 in wage/holiday arrears and $15,000 hurt and humiliation. A penalty of $500 was ordered against KML for failure to produce wage and time records and an employment agreement. The penalty included a breach of good faith when KML failed to act in a responsive and communicative manner after the argument on 12 December.

Thanababu v Keightly Motors Limited [[2021] NZERA 95; 09/03/2021; E Robinson]

Interim reinstatement declined for reasons of practicability

RXP was employed by LHI, a Crown research agency, in a senior research position. RXP's position was disestablished following a restructuring process and his employment ended on 28 February 2021, by reason of redundancy. RXP challenged his dismissal, which he said was unjustified. He claimed the restructuring was a sham and not as result of genuine commercial reasons. He also claimed it was carried out in a procedurally unfair manner. For its part, LHI denied RXP was unjustifiably dismissed and maintained he was dismissed for genuine commercial reasons following a full and robust consultation process.

On 12 November 2020, LHI's general manager met with RXP and outlined a documented proposal to disestablish the senior research engineer role held by RXP. He presented the rationale for the proposed change. RXP was invited to consider the content of the document and to provide feedback. LHI indicated it wished to make a final decision by 24 November 2020. RXP was offered support through the companies Employee Assistance Program.

The eventual decision to disestablish RXP's role was set out in a letter dated 27 January 2021. RXP was given notice of the termination of his employment with effect from 28 February 2021. During his notice period, opportunities for redeployment were considered but nothing suitable was identified.

The question for the Employment Relations Authority (the Authority) was whether RXP's application to the Authority for interim reinstatement to his previous position should be granted. RXP needed to establish that there was a serious question to be tried, that LHI had unjustifiably dismissed him, and that the Authority should order LHI to reinstate him in the interim. In making its determination, the Authority needed to consider the balance of convenience and the impact on the parties of granting the order. Finally, the overall interests of justice needed to be considered.

For there to be a serious question, the claim could not be frivolous or vexatious. The two further questions that then needed to be answered were was there an arguable case that RXP was unjustifiably dismissed and was there was an arguable case in relation to the claim for permanent reinstatement. To answer these questions, the Authority needed to examine the employer's decision-making process and determine whether what they did was what a fair and reasonable employer would do in these circumstances. This included a consideration of the genuineness of the employer's decision based on business requirements.

RXP said the decision to terminate his employment by reason of redundancy was flawed. LHI had failed to maintain the employment relationship, did not involve the entire team in the restructuring process, failed to provide information and had an ulterior motive. He claimed LHI had failed to explore redeployment.

LHI said that the consultation process occurred over a two-month period and consisted of an exchange of views and information. LHI had substituted the decision maker in response to concerns raised by RXP. It said that the eventual decision was based upon genuine commercial needs and that similar restructuring processes were taking place in other business units.

The Authority decided that RXP had an arguable, but not strongly arguable case, that he was unjustifiably dismissed and that he may be reinstated on a permanent basis. However, there was the issue of practicability: whether RXP could be a sufficiently harmonious and effective member of LHI if he was reinstated. RXP's former position no longer existed so a

new position would need to be created, which would impact on others in the team. There was also substantial damage to the employment relationship between RXP and several managers as a result of the consultation process.

The Authority next considered the balance of convenience. This weighed the potential effect on RXP if interim reinstatement was declined against the potential effect on LHI if interim reinstatement was granted. The Authority decided that if RXP was denied interim relief and was subsequently successful in his unjustified dismissal claim, damages would be an adequate remedy.

When considering the overall justice of the case, it further decided that the employer had not made material errors, either procedurally or in its substantive decision making. The Authority noted that a hearing of the substantive claims would be possible in five months. It did not consider this to be a significant delay.

The Authority concluded that interim reinstatement ought not be ordered. Costs were reserved pending the substantive investigation.

RXP v LHI [[2021] NZERA 93; 09/03/2021; V Campbell]

Employee ordered to provide all documents from Dropbox to employer

On 7 June 2020, Mr Perrin was dismissed from employment with Key Industries Limited (Key Industries) by reason of redundancy. Key Industries alleged that Mr Perrin had breached his employment agreement, had misappropriated and misused confidential information and sought to use confidential information to set up a business in competition to Key Industries.

Mr Perrin provided Key Industries with a large quantity of documents, together with undertakings as to his future conduct. Key Industries formed an opinion that there are documents which were not provided by Mr Perrin. Key Industries also claimed that Mr Perrin had not carried out his written undertakings. Key Industries sought an order from the Employment Relations Authority (the Authority) to address the outstanding issues.

A forensic examination of Mr Perrin's devices led to the discovery of a quantity of documents which were relevant to the proceeding. Those documents were provided to Mr Perrin's then counsel, who had confirmed they were available on Dropbox. In June 2020 Mr Perrin undertook to provide a sworn affidavit which would set out specified information. That affidavit was not subsequently provided. On 20 November 2020, during a case management call with the parties, Mr Perrin was directed to lodge a sworn affidavit in accordance with the undertakings made by him in June 2020.

In December 2020, Mr Perrin lodged an affidavit with the Authority which fell short of the requirements he had committed to in his undertakings. On 10 March 2020, Key Industries emailed Mr Perrin a document that set out 11 points which Mr Perrin needed to address in order to satisfy his undertakings. Key Industries did this to provide some assistance to Mr Perrin to meet his obligations in circumstances where he was representing himself. The production of additional documents could be of assistance to Key Industries in better assessing the extent of Mr Perrin's activities and may give rise to an amended Statement of Problem. The Authority suggested the parties attend mediation following the further disclosure of additional documents.

Mr Perrin was ordered to download all documents received through Dropbox onto a USB device and provide the USB device to Key Industries. Mr Perrin was also ordered to lodge a sworn affidavit in accordance with the undertakings given in June 2020. Mr Perrin's affidavit must address each of the 11 points set out in the list he received from Key Industries.

The parties were directed to mediation. Costs were reserved.

Key Industries Limited v Perrin [[2021] NZERA 101; 12/03/2021; V Campbell]

Out of time application declined

Mr Gumbeze was dismissed on 14 December 2017 from his position as a Senior Social Worker at Oranga Tamariki – Ministry for Children (Oranga Tamariki). In early April 2020 he lodged an application with the Employment Relations Authority (the Authority). The application described the problem as Oranga Tamariki refusing to accept his personal grievance for unjustifiable dismissal. Mr Gumbeze said that Oranga Tamariki's grounds were that a letter he sent after his dismissal was insufficient to constitute a notice of personal grievance and that he was out of time to raise a grievance now.

In response, Mr Gumbeze said that any delay in raising his personal grievance was occasioned by exceptional circumstances and that it is just to grant leave for him to raise the grievance out of time. Mr Gumbeze said that his employment agreement did not include the explanation concerning the resolution of employment relationship problems required by the Employment Relations Act 2000 as he did not have a written employment agreement at the time he was dismissed.

Oranga Tamariki opposed Mr Gumbeze's application for leave and did not consent to Mr Gumbeze raising his grievance out of time. Without prejudice to that position, it said Mr Gumbeze was dismissed for a justifiable reason and in a procedurally fair manner.

The Authority considered whether Mr Gumbeze raised his personal grievance of unjustified dismissal by letter. Mr Gumbeze wrote to his regional manager on 18 December 2017 and again on 5 January 2018. In his letter sent on 5 January he advised he was putting Oranga Tamariki on notice that he was taking legal action to raise a personal grievance for an unfair process and unjustified dismissal.

The Authority outlined with reference to case law that a grievance is raised with an employer as soon as the employee has made, or has taken reasonable steps to make the employer aware of the alleged personal grievance. The Authority said Mr Gumbeze's letter did provide enough information enabling Oranga Tamariki to address the grievance. The Authority determined that Mr Gumbeze's 5 January letter was more than mere notification of an intention to raise a grievance later. Oranga Tamariki's reply did not expressly reject an attempt to reserve a right to pursue a grievance later and did not request details of the grievance.

The Authority considered whether Mr Gumbeze's employment agreement included an explanation of the services available for the resolution of employment relationship services. Mr Gumbeze had accepted an offer of employment by the Ministry for Vulnerable Children Oranga Tamariki from 1 April 2017. The offer was part of transferring the existing Child Youth and Family service to a new ministry. The offer of new employment was governed by his existing terms of employment, whether an individual employment agreement or a collective agreement.

Mr Gumbeze said he resigned from membership of the PSA in March 2017. Based on the assumption favourable to Mr Gumbeze's argument, he was employed by Oranga Tamariki on an individual employment agreement based on the previously applicable collective agreement. The individual employment agreement incorporated clause 11 of the collective agreement as a plain language explanation of the services available for the resolution of employment relationship problems. This included a reference to the period of 90 days within which a personal grievance must be raised. The exceptional circumstance advanced by Mr Gumbeze did not apply and no other exceptional circumstances were asserted. It was not necessary to consider whether it would be just to grant leave.

The Authority said if mediation was not agreed, a case management conference would be arranged. This would consider whether the matter should be directed to mediation or if arrangements should be made to investigate Mr Gumbeze's personal grievance claim of unjustified dismissal.

Gumbeze v The Chief Executive of Oranga Tamariki – Ministry for Children [[2021] NZERA 84; 03/03/2021; P Cheyne]

Additional penalties for exploitative practices

Super Ventures Limited (Super Ventures) owned and operated a Super Liquor outlet until 9 May 2019 when it changed the outlet's name to Brews Mt Albert.

On or about 7 May 20919, the Labour Inspectorate became aware through a posting on social media of possible migrant exploitation by Super Ventures. The Labour Inspector commenced an investigation by conducting a site visit on 9 May 2019 to check Super Venture's compliance with minimum employment standards and entitlements. During his visit, the Labour Inspector issued a notice to produce records including employment agreements, wages and time records, and holiday and leave records for all employees. These records were provided to the Labour Inspector with the exception of the employment agreement for Mr Goyal, an ex-employee of Super Ventures.

On 10 May 2019, the contact centre for the Ministry of Business, Innovation and Employment (MBIE) received a complaint from Mr Goyal. Mr Goyal alleged he had worked long hours without being paid minimum wage. He had also been asked to repay public holiday pay and annual leave due to his work visa being sponsored by Super Ventures. On 6 June 2019, Mr Goyal lodged his own application with the Employment Relations Authority (the Authority) against Super Ventures, seeking wage arrears and penalties for alleged breaches. The parties attended mediation. The Authority was advised on 28 January 2020 that Mr Goyal had resolved his employment relationship problems with Super Ventures and withdrawn his application with the Authority. At the same time Mr Goyal withdrew his complaint to the Labour Inspector.

The Labour Inspector conducted his investigation from 9 May 2019 until January 2020. Despite Mr Goyal withdrawing his complaint and published a formal report on 20 March 2020. In his report the Labour Inspector recorded his findings that Super Ventures had breached several minimum standards in respect of Mr Goyal's employment. While the Labour Inspector accepted the arrears of wages claims had been resolved, an application for penalties was issued to the Authority.

In its Statement in Reply, Super Ventures raised a defence, relying on s135(5) of the Employment Relations Act 2000 (the Act). It sought to have the application dismissed on the grounds that the Labour Inspector's claim was an abuse of process, however, it did not address the issue about whether the recovery of penalties had been commenced within the 12-month period required under the Act. Super Ventures was invited to lodge further submissions addressing this issue, but declined to. Super Ventures advised the Authority it no longer relied on s135 of the Act as a defence to the Labour Inspector's claim.

Super Ventures said the Labour Inspector could not bring proceedings based on the same matters and the same penalty provisions if an employee had already brought a claim. This particularly applied where that claim had been settled, however the Authority did not accept that Mr Goyal and Super Ventures could have settled any issue with respect to penalties.

As noted by the Employment Court in *A Labour Inspector v Matangi Berry Farm Limited,* any penalties imposed needed to be set by the Authority exercising its discretion. Super Ventures also submitted that if both the employee and the Labour inspector could seek penalties arising out of the same default, this would result in a double punishment. This is akin to double jeopardy, therefore the claims should be dismissed. The Authority disagreed and declined the request as Mr Goyal withdrew his claims for penalties before the Authority had a chance to investigate or determine whether penalties should be Imposed.

Super Ventures was ordered to pay penalties to the Authority totalling $10,000 after reductions for first offences and positive action to mitigate the effects of the breaches.

A Labour Inspector v Super Ventures Limited [[2021] NZERA 99; 11/03/2021; V Campbell]

For further information about the issues raised in this week's cases, please refer to the following resources:

Personal Grievances

Restructuring and Redundancy

Restraints of Trade

Employment Relations Authority

Employer Bulletin

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Employer News

Trans-Tasman Quarantine-Free Travel Stakeholder Pack available

Quarantine-free travel between Australia and New Zealand will commence from Sunday 18 April 2021 at 11:50pm NZT. This will enable those to reunite with friends and family. However, there are some differences from pre-COVID-19 travel that you need to be aware of.

A Stakeholder pack has been made available regarding the Trans-Tasman travel to assist in understanding this difference. This pack has been developed to include information on the new travel policy, a comprehensive list of FAQs and a list of resources to support public engagement. The resources include a link to a Google drive with a wide range of digital collateral, including images and videos, for print, public presentation and social media in support of quarantine-free travel.

For further information, please click the link below.

New Zealand Government [9 April 2021]

Certain security officers to be included in the category of vulnerable workers

The Employment Relations (Extending Part 6A Protections to Security Officers) Order 2021 was passed for certain types of security officers to be included in the category of vulnerable workers for the purpose of continuity of employment if employees' work is affected by restructuring. The order will come into force on 1 July 2021.

For further information, please click the link below.

New Zealand Government [1 April 2021]

Tourism Infrastructure Fund now open

Applications are now invited from all councils for a slice of government funding aimed at improving tourism infrastructure, especially in areas under pressure given the size of their rating bases.

Tourism Minister Stuart Nash has already signalled that five South Island regions will be given priority to reflect that jobs and businesses in these areas have been hardest hit by the loss of international visitors.

"The Tourism Infrastructure Fund opens today for applications," Mr Nash said. "Between $13 and $18 million is likely to be available."

"I have today released the formal Priorities Statement that sets the framework for applications. My Priorities Statement makes it clear that while all councils can apply for support with tourism infrastructure, applications from five regions will carry extra weight.

"The projects in these five regions will provide much-needed local employment as tourism towns work to diversify their economies. The new infrastructure will also ensure the quality of the visitor experience is improved for when tourists return in greater numbers," Mr Nash said.

The Fund is open for applications until Friday 30 April. For further information, please click the link below.

New Zealand Government [12 April 2021]

Construction Skills Action Plan delivering early on targets

The Construction Skills Action Plan has delivered early on its overall target of supporting an additional 4,000 people into construction-related education and employment, says Minister for Building and Construction Poto Williams.

Since the Plan was launched in 2018, more than 9,300 people have taken up education or employment opportunities in the construction sector through cross-government initiatives.

“Our priority is addressing New Zealand’s current skills shortage, so that we have the capability and capacity to meet increasing demand. By surpassing our overall target to get an extra 4,000 people into the sector, we are confident we are well on the way to creating the conditions for a high-performing construction sector in Aotearoa New Zealand,” says Poto Williams.

The Plan is a three-year programme of initiatives led by the Ministry of Social Development, Tertiary Education Commission and MBIE.

Further initiatives to grow the capacity and capability of the workforce are being supported through the Construction Sector Accord’s people development workstream via the Accord Transformation Plan. The workstream is focussed on attracting a more diverse range of people into construction opportunities, growing the size of the workforce and supporting the upskilling of people and businesses in construction.

For further information, please click the link below.

New Zealand Government [12 April 2021]

Record number of people move into work

The Government’s COVID-19 response has meant a record number of people moved off a Benefit and into employment in the March Quarter, with 32,880 moving into work in the first three months of 2021.

“The longer people remain on a benefit the more difficult it becomes for them to re-enter the Labour Market, so early interventions are vital. That’s why the Government invested in the Wage Subsidy to keep people in work, and invested an additional $150m to increase MSD’s employment and financial services as part of our COVID-19 recovery package.

“The quarterly statistics show that more people are moving off Benefit than coming on. The number of people now receiving a Main Benefit is 365,937 a fall of 23,563 from the December Quarter.

“The fall is in line with the trend we generally see in the March quarter, however signs are encouraging with 10,670 more people moving off benefit than the same period in 2019.

“The statistics for the next quarter will provide us with a more complete insight but indications are positive. This positivity is reflected in the latest jobs online data which shows vacancies increased 73.7 percent compared to a year earlier.

“Vacancies are up across all industries with most growth being seen in healthcare, manufacturing, construction and hospitality.

“While these figures are encouraging we cannot rest on our laurels. MSD will continue to prioritise linking Jobseekers into work and supporting businesses who are looking for new staff,” says Carmel Sepuloni.

For further information, please click the link below.

New Zealand Government [15 April 2021]

Legislation

Note: Bills go through several stages before becoming an Act of Parliament: Introduction; First reading; Referral to select committee; Select committee report, Consideration of report; Committee stage; Second reading; Third reading; and Royal assent.

Bills open for submissions: 13 Bills

13 Bills are currently open for public submissions to select committees.

Immigration (COVID-19 Response) Amendment Bill (16 April 2021)

Land Transport (Drug Driving) Amendment Bill (23 April 2021)

Harmful Digital Communications (Unauthorised Posting of Intimate Visual Recording) Amendment Bill (23 April 2021)

Girl Guides Association (New Zealand Branch) Incorporation Amendment Bill (28 April 2021)

Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Bill (28 April 2021)

Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Bill (29 April 2021)

Commerce Amendment Bill (30 April 2021)

Lawyers and Conveyancers (Employed Lawyers Providing Free Legal Services) Amendment Bill (7 May 2021)

Social Security (Subsequent Child Policy Removal) Amendment Bill (19 May 2021)

Mental Health (Compulsory Assessment and Treatment) Amendment Bill (19 May 2021)

Inquiry into congestion pricing in Auckland (20 May 2021)

Sunscreen (Product Safety Standard) Bill (26 May 2021)

Incorporated Societies Bill (28 May 2021)

Overviews of bills - and advice on how to make a select committee submission - available at:

https://www.parliament.nz/en/pb/sc/make-a-submission/

The Employer Bulletin is a weekly update on employment relations news and recently published legal decisions. It is EMA's policy to summarise cases that contain legal issues relevant to employers. The purpose of the Employer Bulletin is to provide and to promote best practice in employment relations. If you would like to provide feedback about the Employer Bulletin, contact advice@ema.co.nz

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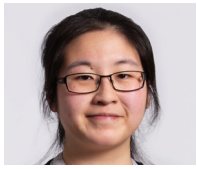

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