

BUDDLE FINDLAY NEGOTIATION COMPETITION 2007

NATIONAL ROUND 3

Common facts for all negotiators

Airwave Productions Ltd owns and runs a radio station that airs in Auckland, Wellington and Christchurch. It struggled for a long time to get off the ground but in the last couple of years, Radio X has soared in popularity and become one of the top 5 radio choices for listeners in the 11-21 age bracket.

Radio X prides itself on its wholesome image and educational value. All of its shows are clean and informative, and it only plays music that does not have discriminatory or offensive language.

Jay Fay Sweeny began working for Radio X three years ago and for the last two years has been one of two presenters in the prime time slots in the morning from 6am to 10am and in the evenings from 4pm to 8pm. She provides her services to Airwave Productions as an independent contractor, and her contract has been renewed annually for the past three years.

Two weeks ago, Jay Fay was in a pub in West Auckland. After consuming what she publicly described at the time to be "her body weight in alcohol", she got into an altercation with a fellow female patron after trying to initiate a romantic liaison with the woman's husband. Unfortunately, the whole incident was caught on camera and highly disturbing images of Jay Fay dragging the woman out of the pub by the hair and kicking her in the stomach as she lay on the ground were aired on national television, published in all the local papers and featured comprehensively in the gossip columns.

While the Police have chosen not to lay charges against Jay Fay, the incident has caused a massive backlash from the public. The parents of young listeners have begun to boycott the show. As a result, Airwave Productions have undertaken extensive damage control in order to salvage the respectable and educational image of Radio X in the minds of the general public as well as its target audience.

The independent contractor agreement between Airwave Productions and Jay Fay is due to expire in one month. However, the incident amounts to a clear breach of contract which gives Airwave Productions a right to terminate according to the relevant contractual terms.

With Jay Fay's contract up for renewal anyway, the parties have arranged a meeting for their lawyers to discuss the terms of the working relationship going forward.