

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKAURAU ROHE**

[2025] NZERA 405
3032274

BETWEEN

MELISSA BOWEN
Applicant

AND

BANK OF NEW ZEALAND
Respondent

Member of Authority: Peter van Keulen

Representatives: Michael O'Brien and Joseph Plunket, counsel for the
Applicant
Rebecca Rendle, Jessica Greenheld and Pema Gyeltshen
counsel for the Respondent

Investigation Meeting: On the papers

Submissions and Further Information Received: 3 July 2025 from the Respondent
9 July 2025 from the Applicant

Date of Determination: 9 July 2025

THIRD DETERMINATION OF THE AUTHORITY

Reopening of my investigation

[1] On 1 July 2024 I issued my second determination for this employment relationship problem to the parties (the Second Determination).¹ The Second Determination addressed remedies for Melissa Bowen.

[2] On 3 July 2025, before the Second Determination had been published on the Authority's determination database, counsel for Bank of New Zealand (BNZ) lodged a memorandum

¹ *Bowen v Bank of New Zealand* [2025] NZERA 380.

seeking a correction to the Second Determination. Counsel advised in this memorandum that I appear to have used the incorrect salary figure for Ms Bowen's salary on 31 July 2018; in the Second Determination I have recorded Ms Bowen's salary on 31 July 2018 as \$137,000 when it was \$127,000. Counsel concluded that as a result, my calculations for Ms Bowen's lost remuneration are incorrect in respect of lost salary and KiwiSaver contributions.

[3] In response, counsel for Ms Bowen advised that Ms Bowen would abide by the Authority's decision regarding the application by BNZ for correction and does not wish to make any submissions.

[4] I considered the memorandum lodged by counsel for BNZ and have decided to reopen my investigation into remedies for Ms Bowen, pursuant to clause 4 of Schedule 2, Employment Relations Act 2000.

Investigation into my calculation of lost remuneration

[5] Having reopened my investigation into remedies for Ms Bowen I have now considered the evidence from my investigation into remedies and counsel's submissions on the request to correct the Second Determination.

[6] My conclusion is that I have made a mistake in recording Ms Bowen's salary on 31 July 2018 as being \$137,000. The evidence in my investigation established that the correct salary figure was \$127,000.

[7] As a result, the calculations for Ms Bowen's lost salary and KiwiSaver contributions in the Second Determination are incorrect, as are the orders that I subsequently made for payment. These must be amended.

Amendments to the Second Determination

[8] For these reasons I make the following amendments to the Second Determination (highlighted in bold):

Salary

[46] As outlined above Ms Bowen included in her calculation of lost salary an annual increase at 5% and a three yearly promotion. I have considered this in light of the evidence and will allow an annual salary increase of 3% effective from 1 January 2019 and 1 January 2020, with no increase from January 2021.

[47] Ms Bowen's salary on 31 July 2018 was **\$127,000**. I see no reason to adjust this starting salary. For the period 1 August 2018 to 31 December 2018 Ms Bowen's lost salary is **\$52,916**.

[48] With a 3% salary increase from 1 January 2019 Ms Bowen's salary would have been **\$130,810**. For the period 1 January 2019 to 31 December 2019 Ms Bowen's lost salary is **\$130,810**.

[49] With a 3% salary increase from 1 January 2020 Ms Bowen's salary would have been **\$134,734**. For the period 1 January 2020 to 31 December 2020 Ms Bowen's lost salary is **\$134,734**.

[50] With no salary increase in January 2021, Ms Bowen's lost salary for January 2021 is **\$11,227**.

[51] Ms Bowen's total for lost salary for the 2.5-year period is **\$329,687**.

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KiwiSaver contributions

[54] Prior to 1 January 2020 BNZ had a total remuneration package. This means any lost KiwiSaver contributions prior to January 2020 are accounted for in the lost salary figure to that date.

[55] From 1 January 2020 until 31 December 2020, Ms Bowen's lost KiwiSaver contributions are calculated as 3% of **\$134,734**; this is **\$4,042**.

[56] Ms Bowen's lost KiwiSaver contribution for January 2021 is **\$336**.

[57] Ms Bowen's total for lost KiwiSaver contributions for the 2.5-year period is **\$4,378**.

...

Conclusion on money lost by Ms Bowen

[63] Ms Bowen has lost the following money as a result of the two personal grievances:

- (a) **\$329,687** for lost salary including two annual increases to her salary
- (b) \$48,000 for two bonuses.
- (c) **\$4,378** for KiwiSaver contributions.

(d) \$8,975 for medical costs incurred.

...

Summary

[78] In settlement of this employment relationship problem BNZ must pay Ms Bowen:

(a) \$105,000.00 for compensation pursuant to s 123(1)(c)(i) of the Employment Relations Act 2000.

(b) An amount for money lost by Ms Bowen pursuant to s 123(b) of the Employment Relations Act 2000 as follows:

i. **\$329,687** for lost salary.

ii. \$48,000 for two bonuses.

iii. **\$4,378** for KiwiSaver contributions.

iv. \$8,975 for medical costs incurred.

(c) \$10,000 for special damages.

[79] Within 28 days of the date of this determination, BNZ must pay to the Authority for transfer to a Crown Bank account a penalty of \$8,000.00 for the breach of the duty of good faith.

[9] In addition to this third determination the parties will be issued with an amended Second Determination which is to replace the original Second Determination. And, further, as the Second Determination (in original form) has not yet been uploaded to the Authority's determination database, only the amended Second Determination will be uploaded in due course.

Peter van Keulen
Member of the Employment Relations Authority