

NOTE: Attention is drawn to the prohibition of certain information in this determination

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI
TE WHANGANUI-Ā-TARA ROHE**

[2022] NZERA 308
3170763

BETWEEN CMU
 Applicant

AND TLM
 Respondent

Member of Authority: Geoff O’Sullivan

Representatives: Kirsten Westwood, advocate for the Applicant
 Respondent on own behalf

Investigation Meeting: On the papers

Date of Determination: 11 July 2022

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] On 7 July 2022 I convened a conference management call between the parties to discuss the Respondent’s acknowledged non-compliance with a Record of Settlement made under s 149 of the Employment Relations Act 2000 (the agreement).

[2] During the case management call, both parties came to an agreement regarding the non-compliance and asked that I record their agreement as a consent determination.

[3] I accept the request and as a result make the following orders:

- (a) Immediately on receipt of the proceeds of sale of its truck, the Respondent will pay the Applicant the sum of \$6,500 due under the agreement.
- (b) Should the truck not be sold by 7th August 2022, the Respondent will forthwith begin payments to the Applicant of \$1,000 to be paid monthly with the first payment due on 8 August 2022 and a final payment of \$500 on the 8th of February 2023. Any balance owing will immediately fall due once the truck is sold.
- (c) As this determination deals with a s 149 agreement which was confidential, I have agreed that the identities of the parties in this matter be suppressed. I therefore order a prohibition on publishing anything which identifies the parties, and which links them to the settlement.
- (d) The parties are to be commended for the approach taken in respect of this matter.

Geoff O'Sullivan
Member of the Employment Relations Authority