

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

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

[2019] NZERA 547  
3061532

BETWEEN            MARILYN SO'OIALO  
Applicant

AND                    MELODY HATCH  
Respondent

Member of Authority:    Michael Loftus

Representatives:        Geoff Davenport, counsel for Applicant  
Kim Wild, counsel for Respondent

Investigation Meeting:    On the papers

Date of Determination:    24 September 2019

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**CONSENT DETERMINATION OF THE AUTHORITY**

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[1]     Following the filing of the Statement of Problem in this matter dated 17 May 2019 and the filing of the Statement in Reply dated 31 May 2019, the parties have reached agreement to resolve the matters between them.

[2]     They ask their agreement, which includes a request that a compliance order be issued against Ms Hatch, be confirmed via a consent determination issued by the Authority.

[3]     In doing so the parties record and confirm that Ms Hatch has breached the Record of Settlement between the parties by making disparaging statements about Ms So'oialo.

[4]     I accept the request and order:

- a. Ms Hatch shall, forthwith, comply with the terms of the Record of Settlement, including the non-disparagement clause, and must not make any disparaging comments about Ms So'oialo including in any form of social media.

- b. Ms Hatch is to pay to Ms So'oialo the sum of \$3,000 under section 123(1)(c)(i) of the Employment Relations Act 2000, within 14 days of the date of this consent determination. Ms Hatch has agreed that, when she makes this payment she will do so with the entry on Ms So'oialo's on-line bank account "In apology, and retraction of earlier disparaging statements". Ms Hatch shall comply with that agreement.
- c. Ms Hatch is to pay \$1,500 plus GST as a contribution to Ms So'oialo's legal costs within 14 days of the date of this consent determination.

[5] Once the above matters have been carried out, the proceedings in the Authority will be withdrawn.

[6] The parties are to be commended for settling this matter on their own terms.

Michael Loftus  
Member of the Employment Relations Authority