

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2012] NZERA Auckland 155  
5370047

BETWEEN                      WEIGHT WATCHERS NEW  
    ZEALAND LIMITED  
    Applicant

AND                                TONI MELISSA COYLE  
    Respondent

Member of Authority:      Dzintra King

Representatives:            Vonda Hodgson, Counsel for Applicant  
    No appearance for Respondent

Hearing:                        16 April 2012

Determination:              9 May 2012

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**DETERMINATION OF THE AUTHORITY**

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[1]     The applicant, Weight Watchers New Zealand Limited, seeks an order that the respondent, Ms Toni Coyle, comply with the terms of a settlement agreement.

[2]     No Statement in Reply has been received from the respondent, who did not appear at the hearing.

[3]     A settlement agreement was made pursuant to s 149 Employment Relations Act 2000 on 13 December 2011.

[4]     A term of the agreement was that Ms Coyle would pay the applicant the sum of \$15,918.05 in accordance with a schedule which provided that:

- \$3,500 was to be repaid on or by 16 December 2011;
- a further \$1,000 was to be repaid on or by 16 January 2012;
- a further \$400 was to be repaid on or by 29 January 2012;
- thereafter on or by the 29<sup>th</sup> of each subsequent month further payments of \$400 would be made each calendar month until the total sum had been repaid.

[5] On 16 December 2011 the respondent paid \$2,102.76 and no additional payments have been made despite requests being made of the respondent for payment.

[6] Clause 2 b of the Settlement Agreement provides that if any two consecutive months' payments are missed the outstanding amount due will become repayable forthwith.

[7] The outstanding payment is \$13,815.29.

[8] Pursuant to ss 137 (1) (a) (iii) and 151 Employment Relations Act 2000 I order that the respondent pay the applicant the sum of \$13,815.29 forthwith.

[9] The applicant seeks costs. Actual costs are \$5,000.00. The applicant was successful in its claim and is entitled to a reasonable contribution to its reasonably incurred costs. The respondent is to pay the applicant the sum of \$2,500.00 and the filing fee of \$71.56.

Dzintra King

Member of the Employment Relations Authority