

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

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

[2022] NZERA 184
3158961

BETWEEN

XED
Applicant

AND

YDA AND OTHERS
Respondent

Member of Authority: Geoff O’Sullivan

Representatives: Adam Mapu, advocate for the Applicant
No appearance for the Respondents

Investigation Meeting: On the papers

Date of Determination: 4 July 2022

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] In a consent determination of the Authority issued on 2 December 2021 the parties settled all issues between them and recorded their settlement in a confidential settlement agreement signed by the parties with the second and third respondents guaranteeing payment. At the parties request their names were anonymised and a non-publication order to preserve the confidentiality of the settlement was made.

[2] The first respondent was required to take certain steps on 2 December 2021, including the payment of an agreed amount and the payment of an invoice submitted by the applicants’ representative. No such payment has been made and the first respondent has not met its obligation under the agreement.

[3] Despite no payment being made, the second respondent and third respondent have also failed to honour their guarantees. No reason has been given as to why all three respondents breached the consent determination.

[4] Under s 137 of the Employment Relations Act 2000 the first respondent is ordered to comply with the consent determination within seven days from the date of this determination. Should payment not be made within seven days, then the second and third respondent are to honour their guarantees and meet the first respondent's obligation within a further seven days.

Costs

[5] Costs associated with this application are set at \$500 plus a filing fee of \$71.56. The first respondent is required to pay the applicant that sum.

Geoff O'Sullivan
Member of the Employment Relations Authority