

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

CA 23/09  
5152234

BETWEEN                      SIMON DAVID CUFF  
   Applicant  
  
AND                              SIAM CUISINE LIMITED  
   First Respondent  
  
   ROUGH DIAMOND LIMITED  
   Second Respondent

Member of Authority:      Helen Doyle

Representatives:           Philip Butler, Advocate for Applicant  
   John Shingleton, Counsel for First Respondents

Determination:              27 February 2009

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**CONSENT DETERMINATION OF THE AUTHORITY  
WITH RESPECT TO APPLICATION FOR INTERIM REINSTATEMENT**

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[1]      The applicant lodged an application for interim reinstatement to his position with the first respondent on 16 February 2009.

[2]      The Authority set the application for interim reinstatement down for an investigation meeting on Wednesday, 4 March 2009.

[3]      The representatives for the parties have now advised the Authority that orders can be made by consent.

[4]      I now make the following orders:

- (a)      That the applicant is reinstated on garden leave starting on 2 March 2009 until 22 May 2009 and that while he is on garden leave he will have the right to seek alternative employment and mitigate his position.

- (b) That the first respondent is restrained from terminating the applicant's employment or otherwise procuring his dismissal on grounds relied upon when terminating the applicant's employment on 3 February 2009 during the garden leave period.
- (c) If necessary, either party may apply to the Authority upon seven days' notice to the other party for further directions and/or orders.
- (d) Costs are reserved.

Helen Doyle  
Member of the Employment Relations Authority