

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 205/07
5085130

BETWEEN COOK EXECUTIVE
 RECRUITMENT (2005)
 LIMITED
 Applicant

AND CHRISTOPHER LEWIS
 Respondent

Member of Authority: R A Monaghan

Representatives: S Langton, counsel for applicant
 C Lewis, in person

Investigation Meeting: 6 July 2007 at Auckland

Determination: 6 July 2007

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Cook Executive Recruitment (2005) Limited (“CERL”) seeks the repayment of a loan it says it made to its former employee, Christopher Lewis, the terms of which were incorporated to a substantial degree in a written employment agreement.

[2] As at the commencement of the investigation meeting, the parties had agreed the sum of \$27,666.51 was outstanding.

[3] Unresolved matters included CERL’s claims for:

- (a) the payment of costs incurred in recovering the outstanding loan payments;
- (b) interest; and

- (c) an order for the payment of a penalty for breach of the terms of the employment agreement relating to the loan.

Determination

[4] The following arrangements were reached by consent and I order accordingly:

- (a) Mr Lewis will meet CERL's costs of \$4,045 plus GST, plus the filing fee of \$70; and
- (b) Mr Lewis will pay interest on the total outstanding amount of the loan at the rate of 9% per annum, commencing 11 April 2007 to the date of payment.

[5] The application for a penalty is declined, on the ground that I am not persuaded there is sufficient in Mr Lewis' approach to the repayment of the loan to warrant taking punitive action such as imposing a penalty.

R A Monaghan

Member of the Employment Relations Authority