

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 289/07
5090973

BETWEEN Mark Duncan

AND Renesha Ltd

Member of Authority: Janet Scott

Representatives: David Collins for Applicant
Chris Grenfell for Respondent

Submissions received: 5 September 2007 for applicant
4 September 2007 for respondent

Determination: 18 September 2007

CONSENT DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The applicant seeks a compliance order directing the respondent to comply with a settlement agreement concluded between the parties in March 2007.

[2] The respondent accepts that monies are payable to the applicant under the settlement agreement.

Background

[3] The parties entered into a written settlement agreement to resolve matters arising from the applicant's employment with the respondent. That agreement was signed by the applicant on 6 March 2006 and the respondent on 12 March 2007. However, other information available suggests the settlement agreement related to the

termination of the applicant's employment on 5 February 2007 and it would seem the settlement agreement was signed by the respective parties on 6 & 12 March 2007.

[4] The settlement between the parties provided for the respondent to pay to the applicant the sum \$4000 pursuant to s.123 (1) (c) (i) of the Act. To date only \$2200 of that sum has been paid to the applicant. The applicant now seeks a compliance order directing the respondent to pay \$1800 owing to him under the settlement agreement.

[5] Counsel for the respondent advises the Authority that the respondent accepts monies are owed to the applicant under the settlement agreement. He also advises that the respondent is suffering severe financial hardship and is doing all it can to meet its obligations to Mr Duncan. The respondent is willing to make three payments to Mr Duncan to complete its obligations under the settlement agreement and agrees to the issuing of a consent order to give effect to its undertaking.

[6] David Collins advocate for the applicant has indicated his acceptance of the respondent's proposal.

Determination

[7] By consent of the parties I direct the respondent to pay to the applicant the sum of \$1800 net to complete payment to the applicant in accordance with the settlement agreement reached by them in March 2007. Payments are to be made as follows:

- One payment of \$600 on or before 30 September 2007.
- One payment of \$600 on or before 30 October 2007.
- One payment of \$600 on or before 30 November 2007.

Janet Scott

Member of the Employment Authority