



# Employment Court of New Zealand

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## FGH v RST [2018] NZEmpC 144 (6 December 2018)

Last Updated: 12 December 2018

### IN THE EMPLOYMENT COURT WELLINGTON

#### [\[2018\] NZEmpC 144](#)

EMPC 259/2017

IN THE MATTER OF a challenge to a determination of  
the  
Employment Relations Authority

BETWEEN FGH Plaintiff

AND RST Defendant

Hearing: On the papers

Appearances: S Henderson and D H O'Leary, counsel for  
plaintiff  
S Dyhrberg and A Clarke, counsel for  
defendant

Judgment: 6 December 2018

### CONSENT JUDGMENT OF JUDGE B A CORKILL

[1] On 1 June 2018, I issued a judgment as to liability in respect of the plaintiff's challenge to a determination of the Employment Relations Authority (the Authority); I was satisfied that Ms H had established her disadvantage grievance.<sup>1</sup> I directed that issues as to remedies, costs and non-publication would be considered at a subsequent hearing. That was ultimately set down for 29 November 2018. Evidence and submissions were filed for the purposes of that hearing.

[2] Before it commenced, counsel indicated they wished to discuss settlement. This occurred and agreement was reached as to remedies and costs, with it being agreed the Court would need only to resolve the plaintiff's application for a permanent non-publication order. That application is dealt with in a separate judgment being

issued today.

<sup>1</sup> *FGH v RST* [2018] NZEmpC 60.

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[3] The parties have now filed a joint memorandum, requesting that a consent judgment be issued as to the agreed matters. On the basis of the extensive evidence and detailed submissions which are before the Court, particularly as to remedies and costs, I am satisfied that it is appropriate to issue such a judgment.

[4] By consent, I order payment of the sum of \$165,000, less applicable deductions, to be paid into the Henderson Reeves Connell Rishworth Lawyers Ltd trust account within seven days of today, made up of:

i) \$60,000 (gross) for lost income, less PAYE, student loan, and KiwiSaver deductions, under [s 123\(1\)\(b\)](#) of the [Employment Relations Act 2000](#) (the Act);

ii) \$45,000 for humiliation, loss of dignity and injury to feelings under s

123(1)(c)(i) of the Act;

iii) \$25,000 for costs incurred in the investigation conducted by the

Authority; and

iv) \$35,000 for costs incurred in the hearing of the challenge in this Court.

[5] I also record the parties' agreement that the foregoing constitutes a full and final resolution of the remedies and costs issues in relation to the challenge.

[6] I congratulate the parties on reaching agreement on the outstanding issues, which will enable them to move forward.

B A Corkill

Judge

Judgment signed at 9.50 am on 6 December 2018

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