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Holden v Interworld Plastics Limited [2011] NZERA 112; [2011] NZERA Auckland 100 (15 March 2011)

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Holden v Interworld Plastics Limited [2011] NZERA 112 (15 March 2011); [2011] NZERA Auckland 100

Last Updated: 3 June 2011

Attention is drawn to the order prohibiting publication of certain information in this determination

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2011] NZERA Auckland 100 5319552

BETWEEN RONALD BENJAMIN

HOLDEN Applicant

AND INTERWORLD PLASTICS

LIMITED

Respondent

Member of Authority: Alastair Dumbleton

Representatives: Michael Smith, counsel for Applicant

Mark Benvie, counsel for Respondent

Investigation Meeting: 3 March 2011

Determination: 15 March 2011

CONSENT DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] The applicant Mr Ben Holden brought to the Authority for investigation of an employment relationship problem arising out of his employment with Interworld Plastics Ltd and the circumstances in which that employment came to an end in July 2010.

[2] An investigation meeting was held at which evidence was taken from the parties including Mr Holden and Mr Ronald Davidson, the Managing Director of Interworld Plastics Ltd. Submissions were made by counsel Mr Smith and Mr Benvie.

[3] Following that meeting, on 7 March 2011 the Authority issued in writing a non-binding recommendation as to how the employment relationship problem should be resolved.

[4] After the period given to the parties for consideration of the recommendation they both advised through counsel that it was accepted.

[5] Their acceptance is on the basis proposed by the Authority that the recommendation be formally recorded and issued as a determination made by consent, with the content of the recommendation subject to a non-publication order under the [Employment Relations Act 2000](#).

[6] Accordingly, the recommendation of the Authority dated 7 March 2011 annexed to this determination contains, at para. [27] in particular, the orders of the Authority, except that the question of costs is reserved for further order if required.

[7] The Authority also orders, pursuant to clause 10 Schedule 2 of the [Employment Relations Act 2000](#) that the contents of the annexed recommendation are to be kept confidential to the parties and not published in any form.

[8] This determination is enforceable by the parties under [s 137\(1\)\(b\)](#) of the [Employment Relations Act 2000](#).

[9] As to the question of costs, it is hoped that this may be resolved by the parties following discussion between counsel. If an order is to be sought written memoranda are to be filed, within 14 days of the date of this determination from Mr Holden and within a further 14 days from Interworld Plastics Ltd.

A Dumbleton.

Member of the Employment Relations Authority

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