



Employment Court of New Zealand

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Mikes Transport Warehouse Limited v Vermuelen [2021] NZEmpC 222 (10 December 2021)

Last Updated: 18 December 2021

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKĀURAU

[\[2021\] NZEmpC 222](#)
EMPC 406/2020

| | |
|------------------|---|
| IN THE MATTER OF | a challenge of a determination of the Employment Relations Authority |
| BETWEEN | MIKES TRANSPORT WAREHOUSE LIMITED First Plaintiff |
| AND | MODERN TRANSPORT ENGINEERS LIMITED Second Plaintiff |
| AND | WAYDE VERMUELEN Defendant |

Hearing: On the papers
Appearances: J Heinstman, counsel for first and second
plaintiffs A Mapu, advocate for defendant
Judgment: 10 December 2021

CONSENT JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS

[1] A consent judgment was issued on 31 March 2021 ordering a stay of execution on conditions, including that the plaintiffs deposit the monies ordered against them by the Employment Relations Authority into the Employment Court.¹ Those monies were to be held in an interest bearing account and be paid out, with interest, on receipt of a joint memorandum signed by both parties.

[2] A substantive judgment was delivered on 17 November 2021, dismissing the plaintiffs' challenge.² The first plaintiff was ordered to pay the defendant \$15,000 by way of compensation under [s 123\(1\)\(c\)\(i\)](#) of the [Employment Relations Act 2000](#); the second plaintiff was ordered to pay the defendant \$22,000 by way of compensation under [s 123\(1\)\(c\)\(i\)](#) and a sum equivalent to three months' lost wages.

[3] The parties have now filed a joint memorandum requesting that orders be made by consent in respect of the monies held by the Employment Court. An order is accordingly made directing that those monies be promptly released in full to the defendant, together with interest. I record that the parties have agreed that in addition to the monies held by the Court, the first and second plaintiffs will immediately pay the defendant \$10,252.50 under [s 123\(1\)\(c\)\(i\)](#) and the equivalent of three months' lost wages, minus PAYE, and any other relevant deductions.

Christina Inglis Chief Judge

Judgment signed at 4.30 pm on 10 December 2021

