

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

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2016] NZERA Auckland 159
5605232

BETWEEN

ROBERTA RATU
Applicant

A N D

AFFCO NEW ZEALAND
LIMITED
Respondent

Member of Authority: Rachel Larmer

Representatives: Garry Pollak, Counsel for Applicant
Christine Piddick, Counsel for Respondent

Investigation Meeting: 23 May 2016 at Tauranga

Written Record of Oral
Determination: 24 May 2016

**WRITTEN RECORD OF ORAL CONSENT DETERMINATION OF THE
EMPLOYMENT RELATIONS AUTHORITY**

Withdrawal of unjustified disadvantage claim

[1] The parties agreed that Ms Ratu would withdraw her current unjustified disadvantage claim that relates to her posting in the Tripe Room. This is withdrawn without prejudice to her rights to refile the matter later as a discrete stand-alone claim.

[2] Accordingly, that particular unjustified disadvantage claim is no long before the Authority so it does not form part of the claims referred to below which were settled by the parties at the investigation meeting today.

Employment relationship problem

[3] During the course of today's investigation meeting the parties advised the Authority that they had reached a settlement of all issues (bar the unjustified disadvantage claim referred to in paragraphs [1] and [2] above.

[4] The terms and conditions of the parties' agreed settlement are recorded in a confidential Settlement Agreement signed by both parties today ("the Settlement").

[5] The parties have asked the Authority to issue a;

a. consent determination recording the terms of the Settlement;

b. non-publication order to preserve the confidentiality of the Settlement.

[6] By consent the terms of the Settlement signed by the parties today become consent orders of the Authority. These consent orders are obviously final, binding and enforceable. This now disposes of all matters which are currently before the Authority for investigation and determination.

[7] The parties have agreed that the terms of terms of the Settlement are to remain confidential. For the purposes of preserving confidentiality I make a further order pursuant clause 10 of the Second Schedule of the Employment Relations Act 2000 prohibiting the publication of the agreed terms of the Settlement.

[8] Accordingly, the original terms of the Settlement agreed by the parties are therefore not attached to this determination but will instead be held on the Authority's file. I note that each party has been provided with a copy of the Settlement for their own reference.

[9] The parties advised the Authority today that there is no issue as to costs as it has been agreed costs will lie where they fall.

Rachel Larmer
Member of the Employment Relations Authority

