

**NOTE: This determination contains an order prohibiting publication of the names of the parties and other certain information**

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI  
TĀMAKI MAKAURAU ROHE**

[2022] NZERA 513  
31672247

	BETWEEN	RFK Applicant
	AND	URB First Respondent
		FCL Second Respondent
		TGP Third Respondent
Member of Authority:	Marija Urlich	
Representatives:	Beverley Edwards, counsel for applicant No appearance with leave first respondent Matt Young, counsel for the second and third respondent	
Investigation Meeting:	7 October 2022	
Determination:	7 October 2022	

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**CONSENT DETERMINATION OF THE AUTHORITY**

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[1] During the course of today's investigation meeting the applicant and the second and third respondents advised they had reached settlement in respect of this matter on the following terms:

- (i) the applicant and second respondent jointly seek variation of the record of settlement dated 8 February 2022 (the record of settlement) attached to the statement of problem lodged 20 March 2022 by substitution of the name of the first respondent in the record of settlement with that of the second respondent;

- (ii) the second respondent will use best endeavours to make the following payments (payment orders) as soon as possible and no later than 14 days after the date of this determination to a bank account nominated by the applicant:
  - (a) wage and holiday pay arrears to the sums agreed in the record of settlement;
  - (b) interest calculated on those arrears of \$40.54;
- (iii) permanent non-publication orders be sought in respect of the names of the parties; and
- (iv) that there is no issue as to costs.

[2] It is just and practicable to make the variation to the record of settlement as sought and is ordered accordingly.<sup>1</sup>

[3] The payment orders are, by consent and by this determination, also the orders of the Authority in this matter.

[4] I have considered the grounds advanced by the parties in support of the non-publication orders sought, including to preserve the confidentiality of the record of settlement and consider it appropriate to grant them for the purposes of preserving confidentiality. Under clause 10 of the second schedule of the Employment Relations Act 2000 the following permanent non-publication orders are made, prohibiting the publication of the names of the parties. These orders shall continue in effect in perpetuity.

Marija Urlich  
Member of the Employment Relations Authority

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<sup>1</sup> Contract and Commercial Law Act 2017, section 28.