



Employment Court of New Zealand

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RVU v PDE [2022] NZEmpC 61 (31 March 2022)

Last Updated: 6 April 2022

IN THE EMPLOYMENT COURT OF NEW ZEALAND WELLINGTON

I TE KŌTI TAKE MAHI O AOTEAROA TE WHANGANUI-A-TARA

[\[2022\] NZEmpC 61](#)

EMPC 94/2022

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application for urgency
AND IN THE MATTER OF	an application for stay of execution
BETWEEN	RVU Plaintiff
AND	PDE Defendant

Hearing: On the papers

Appearances: P McBride, counsel for plaintiff
P McKenzie-Bridle, counsel for defendant

Judgment: 31 March 2022

CONSENT INTERLOCUTORY JUDGMENT OF JUDGE K G SMITH

(Applications for urgency and stay of execution)

[1] On 25 March 2022 the Employment Relations Authority ordered RVU to reinstate PDE to his former position.¹ Reinstatement to RVU's payroll was ordered with immediate effect. Reinstatement to the workplace was ordered to occur within 21 days, which is now calculated as no later than 15 April 2022.

[2] RVU challenged that determination and applied to have the challenge heard urgently. A joint memorandum of counsel for the parties proposed that the application

1 *PDE v RVU* [2022] NZERA 108 (Member O'Sullivan).

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for urgency be dealt with by consent by the granting of a stay subject to conditions as follows:

(a) That the Authority's order for PDE to be reinstated to his former role and work with effect from 15 April 2022 be stayed;² but

(b) That PDE be immediately placed on, and remain on, RVU's payroll until further order of the Court.

[3] I am satisfied that the application for urgency can be dealt with in the manner proposed. By consent, orders are made accordingly.

[4] The Authority made a non-publication order in the interim pending the substantive hearing. It is appropriate for non-publication to continue on the same basis. I order that the names of the parties or any information that might tend to identify them must not be published.³ For convenience the Court will use the same anonymised descriptors for the parties as the Authority used.

K G Smith Judge

Judgment signed at 12.30 pm on 31 March 2022

² [Employment Relations Act 2000, s 180](#); [Employment Court Regulations 2000](#), reg 64.

³ At [39].

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