

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

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2019] NZERA 593
3074736

BETWEEN X LIMITED
Applicant

AND Y
Respondent

Member of Authority: Anna Fitzgibbon

Representatives: Simon Mitchell, counsel for the Applicant
Stuart Gloyn, counsel for the Respondent

Date of Determination: 16 October 2019

CONSENT DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The applicant, X Limited raised an urgent employment relationship problem in the Authority on 13 September 2019.

Mediation

[2] The Authority issued an urgent direction requiring the parties to attend mediation for the purposes of resolving the employment relationship problem. The parties attended mediation on 7 October 2019.

[3] During the course of the mediation, the parties were able to reach agreement regarding certain interim arrangements between the parties, until such time as the Authority investigates the applicant's substantive claims.

[4] The terms and conditions of the agreed settlement between the parties are recorded in the confidential agreement signed by both parties on 7 October 2019 (“the settlement”).

[5] The orders in this determination are interim orders until the Authority has investigated the substantive issues between the parties.

[6] The parties have requested the Authority to issue:

- (a) A consent determination recording the terms of the settlement; and
- (b) A non-publication order to preserve the confidentiality of the settlement.

[7] By consent the terms of settlement signed by the parties become Consent Orders of the Authority. These Consent Orders are final, binding and enforceable.

[8] The parties have agreed that the terms of the settlement, are to remain confidential. For the purposes of preserving confidentiality, I make a further order pursuant to clause 10 of the second schedule of the Employment Relations Act 2000 prohibiting the publication of the agreed terms of the settlement.

[9] 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. Each party has been provided with a copy of the settlement for their reference.

Costs

[10] Costs will be dealt with following the substantive determination.

Case Management Conference

[11] The Authority will convene a conference management call with the parties shortly in order to timetable the substantive matter for investigation by the Authority.

Anna Fitzgibbon
Member of the Employment Relations Authority