



Employment Court of New Zealand

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Xenia Group Limited v George [2024] NZEmpC 124 (8 July 2024)

Last Updated: 11 July 2024

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2024\] NZEmpC 124](#)

EMPC 193/2024

| | |
|----------------------|--|
| IN THE MATTER OF | a challenge to a determination of the Employment Relations Authority |
| AND IN THE MATTER OF | an application for stay of execution |
| BETWEEN | XENIA GROUP LIMITED Plaintiff |
| AND | JACKSON GEORGE Defendant |

Hearing: On the papers

Appearances: B Molloy and O Rose, counsel for plaintiff D Fleming, counsel for defendant

Judgment: 8 July 2024

CONSENT INTERLOCUTORY JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS

(Application for stay of execution)

[1] The plaintiff has challenged both a substantive, and a costs, determination of the Employment Relations Authority.¹

[2] The Authority found that the defendant had been unjustifiably dismissed and awarded remedies in his favour, namely \$2,400 by way of lost wages; \$15,000 compensation for his personal grievance; \$352.36 for holiday pay; and a penalty of

¹ *George v Xenia Group Ltd* [\[2024\] NZERA 266 \(Member Craig\)](#); and *George v Xenia Group Ltd*

[\[2024\] NZERA 350 \(Member Craig\)](#).

XENIA GROUP LIMITED v JACKSON GEORGE [\[2024\] NZEmpC 124](#) [8 July 2024]

\$15,000 (\$10,000 of which was payable to the defendant; the balance to the Crown). The Authority subsequently ordered the plaintiff to pay to the defendant a contribution to costs in the sum of \$8,000 and \$71.56 by way of disbursements.

[3] The parties have applied for a stay of execution, conditional on the plaintiff making payment of the amounts awarded against it into Court by 12 July 2024.

[4] I am satisfied that it is appropriate to make the orders sought. There is accordingly an order by consent staying execution of the Authority's determinations in [\[2024\] NZERA 266](#) and [\[2024\] NZERA 350](#) on the following conditions:

(a) The plaintiff is to pay to the Registrar of the Employment Court, no later than 12 July 2024, the agreed sum of

\$40,823.92, which is to be held in an interest-bearing account.

(b) If the plaintiff does not make payment of the agreed sum by the agreed date (namely no later than 12 July 2024), the stay will lapse and the amounts ordered against the plaintiff will become immediately enforceable.

(c) The monies are not to be paid out until further order of the Court.

[5] For completeness I deal with an additional issue raised by counsel in their memorandum in respect of the plaintiff's amended statement of claim. An order is sought under reg 19 of the [Employment Court Regulations 2000](#) that the defendant not be required to file a statement of defence to the plaintiff's original claim. The plaintiff's original claim has been superseded by the filing of its first amended statement of claim, to which the defendant is entitled to file a statement of defence (within the prescribed timeframe). I do not regard an order as necessary in the circumstances.

[6] No issue as to costs arises in relation to this application.

Christina Inglis Chief Judge

Judgment signed at 12.30 pm on 8 July 2024

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