

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

[2014] NZERA Wellington 8
5403983

BETWEEN THE NEW ZEALAND HOUSE
INSPECTION COMPANY
(WELLINGTON) LIMITED
Applicant

AND BARRY & BRIAN MARSH
First Respondent

CITY AND SUBURB PROPERTY
INSPECTION LIMITED
Second Respondent

Member of Authority: R A Monaghan

Representatives: G Koornneef, advocate for applicant
B and B Marsh in person

Investigation meeting: 9 October and 18 December 2013

Determination: 24 January 2014

CONSENT DETERMINATION OF THE AUTHORITY

[1] During the resumed investigation meeting in the above, the parties advised that they had resolved the employment relationship problem before the Authority, and agreed that the resulting settlement be incorporated in a consent order of the Authority.

[2] The terms of the agreement are:

- a. In full and final settlement of all matters arising out of the parties' employment relationship:
 - (i) the applicant withdraws all claims for damages against the respondents; and
 - (ii) the respondents agree not to pursue the applicant for outstanding holiday pay owed to them.

[3] I order accordingly.

[4] I record further that the matter of outstanding holiday pay has been the subject of determinations of the Authority in *The NZ House Inspection Co (Wellington) Limited v Labour Inspector* [2011] NZERA 123 and *The NZ House Inspection Co (Wellington) Limited v Labour Inspector* [2011] NZERA 127. Counsel for the Labour Inspector has provided a memorandum advising the present settlement is not opposed, and agreeing to abide by the determination of the Authority.

[5] I direct that this determination together with the memorandum be placed on both of the files just identified.

R A Monaghan

Member of the Employment Relations Authority