

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2017] NZERA Auckland 330
3010991

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| BETWEEN | ELENA KAZEMI Applicant |
| A N D | RIGHTWAY LIMITED First Respondent |
| A N D | EDWIN FREDERICK SHAND READ Second Respondent |
| AND | GREGORY MICHAEL SHEEHAN Third Respondent |
| A N D | DARRYL DEVENDRA JHINKU Fourth Respondent |

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|------------------------|--|
| Member of Authority: | Rachel Larmer |
| Representatives: | Tony Drake, Counsel for Applicant Gillian Service and Chris Baldock, Counsel for First, Second and Third Respondents No appearance by Fourth Respondent |
| Investigation Meeting: | On the papers |
| Submissions Received: | 06 October 2017 from Applicant 12 October 2017 from First, Second and Third Respondents |
| Date of Determination: | 20 October 2017 |

**DETERMINATION OF THE
EMPLOYMENT RELATIONS AUTHORITY**

Employment relationship problem

[1] Ms Kazemi's removal application was unsuccessful.' She has challenged that determination under proceeding EMPC 290/2017. In accordance with s.180 of the Employment Relations Act 2000 the challenge does not operate as a stay unless the Court or Authority so orders.

[2] Mr Drake has applied for a stay of the Authority's proceedings pending the outcome of Ms Kazemi's challenge to the Authority's removal determination.

[3] The First, Second and Third Respondents are neutral regarding Ms Kazemi's stay application. The Fourth Respondent has not expressed any views.

[4] I order a stay of these Authority proceedings pending the outcome of Ms Kazemi's challenge. The parties are expected to diligently prosecute Ms Kazemi's challenge proceedings before the Employment Court.

Rachel Larmer
Member of the Employment Relations Authority

¹ [2017] NZERA Auckland 300.