

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2022] NZERA 433
3158982

BETWEEN

TAI VAIREKA
Applicant

AND

AOTEAROA FISHERIES
LIMITED t/a MOANA
Respondent

Member of Authority: Rachel Larmer

Representatives: Carlton Mateer, advocate for the Applicant
William Fussey, counsel for the Respondent

Investigation Meeting: 31 August 2022 at Tauranga

Date of Determination: 1 September 2022

ORAL CONSENT DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] During the Authority's investigation meeting held in Tauranga on 31 August 2022, the parties advised the Authority that they had settled their employment relationship problems on agreed terms.

[2] The parties asked the Authority to issue an oral determination that recorded the agreed terms, which were not to be kept confidential. This determination now records the oral determination the Authority delivered to the parties at the investigation meeting.

[3] The applicant, Mr Tai Vaireka, has withdrawn all claims under AEA3158982.

[4] Costs relating to these Authority proceedings will lie where they fall.

[5] The Authority noted that within six months of the date of this determination, the respondent Aotearoa Fisheries Limited t/a Moana undertook to provide its employees with training on company policies and procedures, including those relating to bullying and harassment.

[6] The parties acknowledged to the Authority that they were both aware that this determination, which reflected their agreed settlement terms was final, binding and enforceable and may not be challenged, because it is a consent determination.

[7] The agreed terms of settlement, and this written record of the Authority's oral determination, has resolved all employment relationship problems and issues between the parties, not just those recorded under AEA3158982.

[8] The Authority checked with the parties, who acknowledged that their settlement of all employment relationship issues was entered into freely and voluntarily.

[9] The Authority noted that both parties were in receipt of their own legal advice, from their respective representatives, before they agreed to settle all of their employment relationship problems and asked the Authority to issue on 'on the record' consent determination.

Rachel Larmer
Member of the Employment Relations Authority