

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2023] NZERA 213
3203539

BETWEEN	SARA SHEA Applicant
AND	SANEM DIGITAL LIMITED First Respondent
AND	MICHAEL JOHN MORAN Second Respondent

Member of Authority:	David G Beck
Representatives:	Malcolm Couling, counsel for the Applicant No representative for the Respondent,
Investigation Meeting:	Not convened
Date of Determination:	1 May 2023

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] By way of a Consent Order of 7 March 2023, to resolve non-compliance issues arising from a settlement agreement made pursuant to section 149 Employment Relations Act 2000

(the Act), Sanem Digital Limited and Michael John Moran undertook to make a series of scheduled payments to Sara Shea on or before 27 April 2023. Ms Shea has indicated none of those agreed payments have been made and by consent the parties agreed to the issuing of this compliance order pursuant to s 137 of the Act.

[2] It is to be noted that the s 149 settlement agreement of 11 August 2022 contained a term making Michael John Moran, director of Sanem Digital Limited, “personally liable to the Employee should the Employer not meet the obligations under this Agreement”.

Order

[3] By order of the Authority under s 137 Employment Relations Act 2000, Sanem Digital Limited and Michael John Moran is to pay to Sara Shea no later than 14 days from the date of this determination:

- (i) \$10,000.00 net pursuant to section 123(1)(c)(i) Employment Relations Act 2000.
- (ii) \$37,935.33 gross being reimbursement of wages and holiday pay owed.
- (ii) Interest owed on the above sum calculated under the Money Claims Act 2016.
- (ii) A contribution to legal costs of \$7,500 plus GST.

Costs

[4] Costs are at the discretion of the Authority and here Sara Shea was successful in her action for a compliance order and is entitled to a contribution to legal costs from the respondents. I fix that at \$750. I also consider Sara Shea should recover her filing fee from the respondents in the amount of \$71.55.

David G Beck
Member of the Employment Relations Authority