

Attention is drawn to the order in paragraph [8] prohibiting publication of certain information in this determination

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2023] NZERA 286
3196479

BETWEEN XUAN ZHOU
Applicant

AND SUT KING LIMITED
First Respondent

AND YULING WANG
Second Respondent

3204219

BETWEEN SUT KING LIMITED
Applicant

AND XUAN ZHOU
Respondent

Member of Authority: Rachel Larmer

Representatives: May Moncur, advocate for Xuan Zhou
Xu Dai, for Sut King Limited
Yuling Wang in Person

Investigation Meeting: 30 May to 1 June 2023 at Auckland

Date of Determination 1 June 2023

CONSENT DETERMINATION OF THE AUTHORITY

Non-publication order

[1] Paragraph [8] of this determination contains a non-publication order.

Employment relationship problem

[2] The Authority held an investigation meeting from 30 May to 1 June 2023 into:

- (a) Ms Zhou's claims against the First Respondent Sut King Limited trading as Sakura Massage and Acupuncture and the Second Respondent Yuling (Redding) Wang, as per AEA 3196479; and
- (b) Sut King's counterclaims against Ms Zhou, as per AEA 3204219.

[3] During the course of the Authority's investigation, the parties advised that they had reached a settlement of all issues between them relating to their employment relationship and associated employment based issues.

[4] The terms and conditions of the parties' settlement are recorded in a confidential Settlement Agreement that was signed by all of the parties ("*the Settlement*").

Orders

[5] By consent, the terms recorded in the Settlement, that were agreed and signed by the parties, now become orders of the Authority. As orders of the Authority, the terms of the Settlement are therefore final, binding and enforceable.

[6] The Authority notes that both Respondents are jointly and severally liable to meet the obligations in clauses [4] and [5] of the Settlement, so if one party has not or cannot meet those obligations then Ms Zhou can compel the other party to do so.

[7] Failure to comply with the terms of Settlement and/or this consent determination may be addressed by way of a compliance order application.

Non-publication order

[8] The parties have agreed that the terms of the Settlement are to remain confidential. For the purposes of preserving that confidentiality, the Authority makes a further order pursuant clause 10 of the Second Schedule of the Employment Relations Act 2000 prohibiting the publication of the terms of Settlement.

[9] The original signed Settlement is therefore not attached to this determination, but will instead be held on the Authority's file and may not be accessed without the Authority's authorisation

Rachel Larmer
Member of the Employment Relations Authority