

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2024] NZERA 312
3225559
3225600

BETWEEN	JOHNNY WYND Applicant in 3225559
AND	SAMUEL COBHAM Applicant in 3225600
AND	RM CIVIL LIMITED Respondent in 3225559 and 3225600

Member of Authority: Nicola Craig

Representatives: Robert Morgan, advocate for the applicants
Erin Burke, counsel for the respondent

Submissions Received: 13 May 2024 from the applicants
24 May 2024 joint memorandum from the applicants and
the respondent

Date of Determination: 27 May 2024

CONSENT DETERMINATION OF THE AUTHORITY

[1] On 26 April 2024 the Authority determined that Johnny Wynd and Samuel Cobham had been unjustifiably dismissed by RM Civil Ltd.¹

[2] RM Civil Ltd was ordered to pay remedies to:

- (a) Mr Wynd of \$15,865.38; and
- (b) Mr Cobham of \$21,302.45.

¹ *Johnny Wynd and Samuel Cobham v RM Civil Ltd* [2024] NZERA 242.

[3] The parties were invited to attempt resolution of any question of costs between themselves. Initially that appeared unsuccessful with submissions received for Mr Wynd and Mr Cobham seeking costs. Then on 24 May 2024 a joint memorandum was received from the parties' representatives.

[4] The parties have advised the Authority that they have reached a settlement of all issues between them, the terms of which are recorded in the joint memorandum. They seek that the Authority issue a consent determination regarding the terms of their settlement and make a non-publication order to preserve the confidentiality of those terms.

[5] By consent the terms of the parties' settlement become orders of the Authority which are final, binding and enforceable.

[6] For the purposes of preserving confidentiality, under clause 10 of Schedule Two of the Employment Relations Act 2000 I order that the terms and conditions of the settlement shall remain confidential to the parties and shall not be published, other than for the purposes of future compliance and/or enforcement. The joint memorandum will be held on the Authority's file.

Nicola Craig
Member of the Employment Relations Authority