

**Attention is drawn to
the order prohibiting
publication of certain
information in this
determination**

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2025] NZERA 243
3316080

BETWEEN	DONGLIN HE Applicant
AND	SUPER POWER EARTHMOVING LIMITED First Respondent
AND	ZHONGYU BIAN Second Respondent

Member of Authority:	Rachel Larmer
Representatives:	David Kim, advocate for the Applicant Shasha Han, counsel for the Respondent
Investigation:	2 May 2025 at Auckland and by AVL
Date of Determination:	2 May 2025

CONSENT DETERMINATION OF THE AUTHORITY

Non-publication order

[1] Paragraph [7] of this determination contains a non-publication order.

Employment relationship problem

[2] During the course of investigation meeting today, the parties advised the Authority that they had reached a settlement and agreed terms regarding all issues between them relating to their employment relationship, the ending of it and any associated employment related issues.

[3] The terms and conditions of the parties' settlement are recorded in a confidential Record of Settlement that was signed by the parties today ("the Settlement").

[4] The parties asked the Authority to issue:

- (a) A consent determination that recorded the agreed terms of the Settlement; and
- (b) A non-publication order to preserve the confidentiality of the terms of the Settlement.

Orders

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

[6] Failure to comply with the terms of Settlement and/or this consent determination may be addressed by way of a compliance order application, but no other action may be taken regarding the employment relationship or the ending of it.

Non-publication order

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

[8] The original signed Settlement is therefore not attached to this determination, but will instead be held in the Authority's case management system.

Rachel Larmer
Member of the Employment Relations Authority