

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2025] NZERA 701
3377983

BETWEEN MOHEENI RAJ
Applicant

AND GEORGE WESTON FOODS
(NZ) LIMITED
Respondent

Member of Authority: Jeremy Lynch

Representatives: Applicant in person
Charlotte Evans and Emilie Aitken, counsel for the
Respondent

Investigation Meeting: 9 October 2025

Submissions and Other
Material Received: 22 September 2025, and at the investigation meeting
from the Applicant
3 October 2025 and at the investigation meeting for the
Respondent

Determination: 31 October 2025

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] Moheeni Raj seeks interim reinstatement to her previous employment, pending the Authority's substantive investigation and determination of her personal grievance claims.

[2] Ms Raj's interim reinstatement is strongly opposed by the respondent, George Weston Foods (NZ) Limited (George Weston).

[3] This determination deals only with Ms Raj's application for interim reinstatement.

Background

[4] George Weston is a food manufacturer. It has three New Zealand sites, producing a range of baked goods under various brands including Tip Top, Būrgen, and Big Ben. It is a large employer, with over 6000 employees across New Zealand and Australia.

[5] Ms Raj was employed by George Weston in the position of Slicing Operator, at its Auckland site from October 2022, until her dismissal for medical incapacity in April 2025.

Ms Raj is injured

[6] On or about 28 September 2024, Ms Raj experienced an injury to her shoulder. She advised George Weston that it was a workplace injury, caused by lifting a heavy piece of equipment.

[7] George Weston is accredited under the Accident Compensation Act 2001 to manage its own workplace injuries and compensation. It does this through third party provider, Howden Care (Howden).

[8] From emails provided to the Authority, it is clear that Ms Raj advised both Howden, and ACC directly, that the date of her injury was 28 September 2024.

[9] George Weston conducted a health and safety investigation. There is extensive CCTV monitoring throughout George Weston's plant, including in the area in which Ms Raj was working on the date she said her injury occurred.

[10] George Weston's evidence is that it reviewed all the CCTV footage captured on 28 September 2024, but was unable to identify any incident involving Ms Raj.

[11] An incident report From George Weston's workplace health and safety management system logged on 7 October 2024 notes that during the process of its investigation, despite initially advising that the date of her injury was 28 September 2024, Ms Raj's version of events changed. Ms Raj subsequently advised that her injury could also have occurred on 25, 26, or 27 September 2024.

[12] As a result, a further three days' worth of CCTV footage was reviewed, but this did not identify any incident involving Ms Raj.

[13] Ms Raj's claim was initially declined as she refused to engage with Howden's claims administrator. Eventually Ms Raj provided the required further information to Howden. However, as no workplace incident consistent with Ms Raj's report could be identified, Howden, on behalf of George Weston, declined cover on the basis that it was not a workplace injury.

[14] Ms Raj was not satisfied with the span of CCTV footage reviewed as part of the investigation. In addition to the CCTV footage reviewed from 25, 26, 27, and 28 September 2024, Ms Raj says that a period of two weeks' worth of CCTV footage should have been reviewed as part of the investigation. Elsewhere in her evidence, Ms Raj appears to suggest that a much broader span of CCTV footage should have been reviewed. She is critical that George Weston "...only reviewed CCTV footage partially, despite my injury occurring over eight weeks...". At the investigation meeting, Ms Raj submitted that George Weston should have reviewed nine weeks' worth of CCTV footage.

Ms Raj is terminated for medical incapacity

[15] On 8 October 2024 Ms Raj provided a medical certificate excusing her from work until 15 October 2024. The medical certificate set out that Ms Raj would be fit to perform some work from 16 to 29 October 2024. The medical certificate specified physical restrictions including that Ms Raj was not to undertake lifting, forceful movements, heavy physical work, or repetitive tasks. George Weston says that despite being cleared to work in a restricted capacity from 16 October 2024, Ms Raj did not return to work at all until 6 November 2024, and did not provide an explanation for her delay in returning to work.

[16] When Ms Raj returned to work on 6 November 2024, she was only able to complete light duties. George Weston says that because of this, it was required to engage additional workers to cover Ms Raj's role.

[17] On 17 December 2024 George Weston wrote to Ms Raj setting out its concerns about her capacity to work, and requesting that she provide medical information from her treatment provider about her injury and prognosis.

[18] On 10 January 2025, Ms Raj provided another medical certificate. This medical certificate set out that she should only undertake light duties, but did not provide any clarity on a timeframe for when Ms Raj might be able to return to full duties. The

medical certificate also recommended that Ms Raj undergo an occupational therapy assessment to give an accurate assessment of her capacity.

[19] George Weston offered to pay for such an assessment in order to determine her fitness for work, but Ms Raj declined, stating “you have enough information from my doctor’s office”.

[20] To support her return to work, George Weston arranged for Ms Raj to attend its onsite physiotherapist.

[21] On 28 January 2025 the physiotherapist recommended a course of physiotherapy for several weeks. George Weston says that although Ms Raj initially participated in the physiotherapy plan, she failed to attend several sessions, and attended other sessions remotely, and finally on 1 April 2025, advised the physiotherapist she was stopping the telehealth sessions altogether.

[22] On 18 February 2025 Ms Raj provided a further medical certificate, certifying she was only able to perform light duties until 16 March 2025.

[23] George Weston says that as there was no certainty as to when Ms Raj would be able to return to full duties, and as she had declined to participate in an agreed return to work plan, it wrote to her inviting her to a meeting to be held on 14 March 2025. In its letter, George Weston advised that it wished to discuss the issue of redeployment, as it was unlikely Ms Raj would be fit to resume full duties by 28 March 2025.

[24] George Weston says Ms Raj did not attend the scheduled meeting, or advise of any reason for her non-attendance.

[25] On 28 March 2025 George Weston again wrote to Ms Raj, proposing to terminate her employment for medical incapacity, and inviting her to attend a meeting to provide any feedback to this proposal. Ms Raj responded by advising that George Weston was on “the wrong track” and further advising “I am not comfortable in talking to you anymore... Please don’t contact me anymore”.

[26] Despite this advice, Ms Raj attended a meeting with George Weston on 4 April 2025. George Weston says that at this meeting Ms Raj confirmed that she was unable to lift anything, and that her doctor had advised that she was still unable to complete her full duties.

[27] Seemingly in contradiction to this advice, Ms Raj also said that she had been completing full duties at work. George Weston says it was surprised to hear this, given that Ms Raj had been initialling return to work monitoring forms, all of which indicated she was only completing light duties.

[28] George Weston invited Ms Raj to attend a further meeting, at which she could provide any final feedback before George Weston finalised its decision.

[29] Ms Raj was unable to attend the scheduled meeting on 7 April 2025. The meeting was rescheduled for 10 April 2025, but Ms Raj was unable to attend on this date due to a bereavement.

[30] George Weston then invited Ms Raj to provide any final feedback in writing, which she did on the evening of 10 April 2025.

[31] By letter dated 15 April 2025 George Weston confirmed its decision to terminate Ms Raj's employment on the grounds of medical incapacity.

[32] Ms Raj says her dismissal was unjustified. She says she was not given notice of her dismissal, that George Weston failed to properly investigate its concerns, and that she was not given any opportunity to respond.

The Authority's investigation

[33] By consent, this interim application is determined on the papers.

[34] A case management conference was held with the parties on 20 August 2025, at which timetable directions were made for the parties to lodge affidavit evidence, and submissions.

[35] Ms Raj lodged an affidavit affirmed on 26 August 2025, and a reply affidavit affirmed on 22 September 2025. Despite being given the opportunity to do so, Ms Raj chose not to lodge written submissions. She also lodged an undertaking as to damages.

[36] For George Weston, an affidavit affirmed on 8 September 2025 was lodged by manufacturing manager, Richard Mehana. In addition, George Weston lodged written submissions in accordance with timetable directions.

[37] For completeness, Ms Raj brings claims under the Accident Compensation Act 2001, the Health and Safety at Work Act 2015 and the Privacy Act 2020. At the

substantive stage of the Authority's investigation, Ms Raj will face jurisdictional hurdles in respect of these claims.

[38] In addition, both of Ms Raj's affidavits raise new claims not included in her statement of problem. Ms Raj's new claims of bullying, unfair treatment, discrimination and harassment are not considered as part of this determination. This determination is solely focussed on Ms Raj's application for interim reinstatement.

[39] An investigation meeting to hear submissions was held on 9 October 2025.

[40] As Ms Raj had not addressed the test for interim reinstatement anywhere in her affidavit evidence, the Authority (with no objection from George Weston) explained the elements of the test to Ms Raj, and took her to particular paragraphs of George Weston's submissions in which the legal test was discussed. The investigation meeting was then adjourned in order that Ms Raj have some time to consider any submissions she wished to make in respect of the legal test.

[41] As permitted by s 174E of the Employment Relations Act 2000 (the Act), this determination has not recorded everything received from the parties, but has stated findings of fact and law, expressed conclusions and specified orders made as a result.

[42] The Authority has carefully considered all the material provided.

The issues

[43] Section 127 of the Act confers jurisdiction on the Authority to grant interim reinstatement. For the Authority to grant interim reinstatement, an applicant must establish that there is a serious question to be tried. Consideration must be given to the balance of convenience, the impact on the parties of the granting of, and the refusal to grant, an order. The impact on third parties will also be relevant to the weighting exercise. Finally, the overall interests of justice are considered, standing back from the details required by the earlier steps.¹

[44] The issues for determination in this interim reinstatement application are:

- (a) whether there is a serious question to be tried. That is, does Ms Raj have an arguable case for unjustified dismissal?

¹ *Western Bay of Plenty District Council v McInnes* [2016] NZEmpC 36 at [7].

- (b) If so, does Ms Raj have an arguable case for permanent reinstatement?
- (c) Where does the balance of convenience lie?
- (d) The Authority is then required to stand back and ascertain where the overall justice of the case lies until the substantive matter can be determined.

[45] In determining whether to order interim reinstatement, regard must be had to the object of the Act, which is to build productive employment relationships through the promotion of good faith:²

One of the central features of the Act is its recognition of the importance of the employment relationship, the obligations both parties have to be responsive and communicative, and that issues ought to be dealt with promptly and between the parties if possible - in other words, supporting constructive employment relationships and repairing them where feasible.

[46] It is in light of these factors that applications for interim reinstatement are considered.

Arguable case

Is there an arguable case for unjustified dismissal?

[47] The first question the Authority must consider, is whether there is an arguable case that Ms Raj was unjustifiably dismissed. An arguable case means a case with some serious or arguable (but not necessarily certain) prospect of success.³ The threshold for a serious question or arguable case as stated in *McInnes*, is that the claim is not frivolous or vexatious:⁴

... an applicant must establish that there is a serious question to be tried, in that the claim is not vexatious or frivolous. The merits of the case (insofar as they can be ascertained at an interim stage) may be relevant in assessing the balance of convenience and overall interests of justice...

[48] George Weston submits that Ms Raj does not meet the threshold for unjustified dismissal because (inter alia), she was medically unfit to perform her role, and a fair and reasonable medical incapacity process was followed. Ms Raj says she was dismissed without proper notice, investigation or opportunity to respond.

² *Humphrey v Canterbury District Health Board, Te Poari Hauora O Waitaha* [2021] NZEmpC 59 at [5].

³ *X and Y Limited v New Zealand Stock Exchange* [1992] ERNZ 863.

⁴ Above n 1, at [9].

[49] In determining an interim application, the Authority cannot resolve disputed matters on the basis of untested affidavit evidence. Ms Raj's claim meets the low threshold of an arguable case for her personal grievance for unjustified dismissal. At the very least there is a dispute between the parties as to the process adopted which resulted in Ms Raj's dismissal.

[50] The Authority is satisfied that there is an arguable case that Ms Raj was unjustifiably dismissed.

Is there an arguable case for permanent reinstatement?

[51] Again, this is a low threshold.

[52] Where it is practicable and reasonable to do so, the Authority must provide for reinstatement (when sought) as the primary remedy.⁵

[53] George Weston submits that Ms Raj has no arguable case for permanent reinstatement because:

- (a) she has not provided any updated medical information confirming she is fit to resume full duties;
- (b) her conduct has been the cause of serious health and safety concerns;
- (c) she cannot remain on light duties indefinitely, especially given there is no certainty as to her recovery
- (d) her termination was lawful and based on clear medical evidence of incapacity.

[54] It is not sufficient for an employer to show resistance and strained circumstances in order to avoid an order for reinstatement.⁶

[55] If Ms Raj is able to establish her personal grievance, it cannot be said that reinstatement is impossible, particularly given that the Authority may order reinstatement subject to any conditions it thinks fit.⁷

[56] The arguable case threshold for permanent reinstatement is established.

⁵ Employment Relations Act 2000 s 125(2).

⁶ *Angus v Ports of Auckland* [2011] NZEmpC 122 at [63].

⁷ Section 127(5).

The balance of convenience

[57] The Authority now turns to weigh the interests of Ms Raj, against those of George Weston. The Authority considers the potential effect on Ms Raj if she were declined interim reinstatement, against the potential effect on George Weston if interim reinstatement was granted.

[58] As set out above, despite timetable provision being made for written submissions to be lodged, Ms Raj did not do so, instead opting to make oral submissions at the investigation meeting.

[59] In addition, despite the Authority adjourning the investigation meeting specifically for the purpose of giving Ms Raj the opportunity to address the Authority on the legal test, she did not avail herself of this opportunity. Ms Raj made a number of oral submissions, but did not address the issues of balance of convenience or overall justice.

[60] In her affidavit Ms Raj says that she has “been unable to meet everyday costs, medical fees, or support [her] four children” as a consequence of George Weston’s ‘conduct’. However, she does not set out the specific conduct. Throughout both her affidavits, she repeatedly alleges that her injury has been misclassified as a non-workplace injury, and that as a result, she has faced difficulties progressing her case with ACC (including as to cover for medical treatment).

[61] On Ms Raj’s own evidence, it is clear that issues to do with cover for medical treatment, as well as sick leave and/or time off work as a result of her injury had already occurred prior to her dismissal. As such it is not clear what specific effects Ms Raj says have occurred as a result of her dismissal. In any event, Ms Raj did not provide any evidence to support her claims around financial impact.

[62] There is nothing before the Authority as to Ms Raj’s financial position, or as to her ability to meet an award of damages.

[63] Similarly, Ms Raj did not provide any evidence of her efforts to obtain alternative employment. This was raised by Mr Mehana in his affidavit, noting that Ms Raj “... has not provided any evidence that she has sought alternative employment or attempted to mitigate her losses”.

[64] In her reply affidavit, responding to this specific paragraph of Mr Mehana's affidavit, Ms Raj simply says "Richard [Mehana] extended his affidavit unnecessarily; all answers are provided above". However, there is nothing in either of Ms Raj's affidavits about mitigation.

[65] When questioned by the Authority as to what specific detriments she may face if the Authority was to decline her application for interim reinstatement, Ms Raj submitted that this would make no difference to her. She said that if the Authority was to decline her application for interim reinstatement, this "won't do anything to me, I will still fight for the rest of this".

[66] By contrast, George Weston submits that the balance of convenience favours it because:

- (a) there is no medical evidence that Ms Raj is fit to return to work on full duties;
- (b) should the Authority determine that Ms Raj was unjustifiably dismissed at the substantive stage of its investigation, an award of damages to compensate her for the wages she would otherwise have received, would be an adequate remedy;
- (c) as a well-resourced employer, George Weston has the financial means to meet any award of damages;
- (d) there would be no difficulty for Ms Raj to be reintegrated back into the workplace after a period of absence, if she was successful with her reinstatement claim at the substantive stage of this matter.

[67] I accept these submissions.

[68] In addition, George Weston says that at the consultation meeting with Ms Raj of 4 April 2025 in relation to her medical incapacity, despite the medical advice from her own doctor that she was only able to complete light duties, Ms Raj (for the first time) advised that she had in fact been completing the full duties of her role. Mr Mehana's evidence is that this seemed unlikely, given that Ms Raj was carefully monitored during this period, and that she and her supervisor were required to complete written monitoring forms as part of the return to work process.

[69] However, Mr Mehana says that if what Ms Raj says is correct, and that she had been performing her full duties (which he disputes):

...it means that Ms Raj knowingly acted in a manner which was contradictory to the medical evidence she was providing us.

...

... if Ms Raj's position is true, it demonstrates poor judgement and a complete disregard for [George Weston's] key health and safety policies and procedures... [George Weston] cannot trust that Ms Raj will not disobey its reasonable instructions again in the future, putting herself and others at risk.

[70] George Weston says that Ms Raj's role as a slicing operator is safety-sensitive. Mr Mehana's evidence is that:

slicing operators work in a high-risk environment, operating heavy machinery. The workplace is a safety-sensitive site.

...

Ms Raj's decision to carry out her duties, while injured and despite being instructed to refrain from doing so, suggests that she will continue to act in a way that puts her health and safety at risk.

...

...reinstating Ms Raj poses risk to the health and safety of herself and those around her. This makes an employment relationship moving forward untenable.

[71] Ms Raj does not dispute her role was safety sensitive, and nor does she dispute that at the 4 April 2025 meeting she advised George Weston that she had been performing full duties, despite having provided medical advice that she was only able to complete light duties.

[72] At the investigation meeting Ms Raj confirmed that she was seeking reinstatement to the role, not reinstatement only to the payroll. In response to questions from the Authority, Ms Raj advised that if she was to be reinstated to her role (on an interim basis), she would perform her full duties, despite not being medically cleared to do so.

[73] In the circumstances it is not unreasonable for George Weston to have concerns as to the safety of Ms Raj, and for other employees in the work environment.

[74] Ms Raj's own evidence is that she remains without any medical clearance to return to full duties. This creates obvious difficulties in terms of the requirement for Ms

Raj's reinstatement to be practicable and reasonable.⁸

Evaluating the strengths and weaknesses of Ms Raj's case

[75] Evaluating the relative strengths or weaknesses of aspects of Ms Raj's case is helpful in assessing the balance of convenience. As noted above, this evaluation is reached from considering untested affidavit evidence. Conclusions reached at this stage of the proceeding are provisional and subject to change when evidence is fully tested through questioning at the substantive investigation meeting.

[76] Although Ms Raj has an arguable case that her employment ended unjustifiably, this argument does not appear strong.

[77] George Weston's approach to Ms Raj's injury, and the process it adopted in consulting with, and ultimately dismissing Ms Raj appears to be procedurally sound. Ms Raj was given the opportunity to be represented throughout. Concerns were put to her, and her responses sought prior to any decision being made. In addition, George Weston's evidence (not disputed by Ms Raj) is that in order to obtain an accurate assessment of her capacity, it offered to arrange a formal occupational therapy assessment (at its cost), but Ms Raj declined this offer. Furthermore, despite having determined that there was no evidence that Ms Raj's injury had occurred at work, George Weston also arranged for Ms Raj to attend physiotherapy sessions (also at its cost, and on company time).

[78] George Weston accommodated Ms Raj's injury for nearly six months before the commencement of the dismissal process. It allowed Ms Raj to perform light duties. Mr Mehana's evidence is that George Weston's business requirements:

...cannot support an employee solely the filling light duties on a permanent basis, as this role does not exist. The reality is that [George Weston's] operations require the individual performing the Slicing Operator role to be able to operate the slicing machine and carry out other physical duties. I explained this to Ms Raj in my letter to her on 21 February 2025.

[79] In her affidavit, Ms Raj states "No one can force staff to perform full duties during light duty restrictions". Although not incorrect, this fails to address George Weston's concern that it could not accommodate Ms Raj being on light duties indefinitely. Ms Raj was employed as a slicing operator, on the basis that she was

⁸ Section 125(2).

capable of performing all the tasks required of that role. Mr Mehana's evidence is that as a result of Ms Raj being unable to fulfil the full requirements of her role, George Weston had to engage additional workers to cover the gap in production function. As such it is not surprising that George Weston would have concerns around Ms Raj's ongoing inability to perform the role for which she was employed.

[80] At the time of Ms Raj's dismissal, her own medical evidence was that she remained unable to perform the full duties of her role, and that although a corticosteroid injection may assist her in being able return to full duties, there was a wait time of up to 50 weeks for this treatment.

[81] In the circumstances, George Weston appears to have the stronger case that the decision to dismiss Ms Raj was one that was open to a fair and reasonable employer.

[82] An assessment of the relative merits of the parties' cases, although not clear-cut, favours George Weston.

Relevant post dismissal events

[83] George Weston confirmed his decision to terminate Ms Raj for medical incapacity by letter dated 15 April 2025. In this letter, George Weston proposed paying Ms Raj in lieu of requiring her to work out her notice, and invited her feedback on this proposal. Rather than provide her response to the issue of payment in lieu of notice, on receipt of this letter, Ms Raj sent Mr Mehana a number of emails making accusations against him personally, including accusing him of bullying, discrimination, humiliation, threatening her, inappropriate email, and dishonesty. When Mr Mehana responded confirming that she would be paid in lieu of notice and not required to attend work, Ms Raj responded with:

You don't have any rights to tell me what to do as you have no prove to not stop me to my shifts..

And you have no evidence and no genuine reason to remove me.

I will continue my shift as you are [not] my supervisor nor my manager..Just a Manufacturing Manager with no idea what you are doing...

[84] Mr Mehana's evidence is that George Weston cannot have former employees on site, unless they are visitors for whom the appropriate health and safety protocols are in place. Mr Mehana says:

Given the aggressive and confrontational tone of Ms Raj's email, I was worried that, despite no longer being employed, Ms Raj would come on site and attempt to work, potentially putting her own health and safety at risk, or the health and safety of others at risk.

[85] Mr Mehana advised Ms Raj that if she attempted to return to work, the Police would be notified. Ms Raj's response was to accuse Mr Mehana of threatening her, and advised that she would be making a Police report.

[86] Although Ms Raj later sent Mr Mehana an email apologising for her conduct, her own evidence is that she did contact the Police in respect of her dismissal. She says that the "Police lady text me the ERA information to take Richard [Mehana] to the Authority for action as he is a bully".

[87] For this (and other reasons), George Weston says that the employment relationship has irreparably broken down.

[88] Whether or not the relationship is irreparable is a matter to be determined at the substantive stage of the Authority's investigation. However, I do note that Ms Raj's post-employment conduct, in respect of a very senior George Weston employee, makes it harder for her to establish that her interim reinstatement is practicable and reasonable,⁹ and can only be seen as an impediment to the requirement that relationships are repaired where feasible.¹⁰

Conclusion as to balance of convenience

[89] Should Ms Raj been reinstated on an interim basis, this would be disruptive for George Weston's business. Ms Raj's own evidence is that she remains unable to fulfil the full duties required for her role. George Weston's evidence (unchallenged by Ms Raj) is that it does not have a full-time light duty role for a slicing operator, and that during Ms Raj's employment, it was required to engage additional labour to cover the shortfall in production function arising from Ms Raj's inability to perform full duties. The additional burden for George Weston that would be occasioned by reinstating an employee unable to undertake full duties, is obvious.

⁹ Section 125(2).

¹⁰ Above n 2.

[90] Any detriment to Ms Raj in not being reinstated on an interim basis, can be remedied through an award of damages if her claim is successful at the substantive stage.

[91] Considering all relevant factors, the balance of convenience weighs in favour of George Weston.

Overall justice

[92] Standing back from the detail of the claim, the Authority must then consider where the overall justice lies. This has been described by the Court of Appeal as:¹¹

the overall justice assessment is essentially a check on the position that has been reached following the analysis of the earlier issues of serious question to be tried and balance of convenience.

[93] Ms Raj's claim turns on whether George Weston was justified in terminating her employment for medical incapacity. On the information presently available to the Authority, it appears that Ms Raj faces a considerable hurdle in establishing that the decision to dismiss her, was not what a fair and reasonable employer could have done in all the circumstances at the time the dismissal occurred. On untested affidavit evidence, it appears that George Weston conducted a procedurally sound investigation, in which concerns were put, and information requested, but inadequate responses received.

[94] The Authority is required to make an assessment of the evidence, and determine this interim matter on the basis of the material before it. There is no evidence before the Authority as to Ms Raj's personal (including financial) circumstances, which provides any basis for the order she seeks.

[95] In addition, Ms Raj's post dismissal conduct has created a serious impediment to the re-establishment of a productive employment relationship. Her actions are inconsistent with the requirements of 'supporting constructive employment relationships and repairing them where feasible' as set out in *Humphrey*.¹²

[96] In the circumstances of this matter, an order for Ms Raj's reinstatement is not in the overall interests of justice at this interim stage of the case.

¹¹ *NZ Tax Refunds Limited v Brooks Homes Limited* [2013] NZCA 90 at [47].

¹² Above n 2.

Outcome

[97] Ms Raj's application for interim reinstatement is declined.

Mediation

[98] The parties may wish to attend further mediation prior to the Authority's substantive investigation of Ms Raj's grievance. The parties have 14 days from the date of this determination within which to inform the Authority of their views regarding further mediation.

Costs

[99] Costs are reserved, pending the outcome of the substantive investigation of Ms Raj's grievance application.

Jeremy Lynch
Member of the Employment Relations Authority