

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2026] NZERA 204
3398304

BETWEEN	JANICE THING Applicant
AND	SOUTH POLE IP HOLDING (NZ) LIMITED Respondent

Member of Authority:	Sarah Blick
Representatives:	May Moncur, advocate for the applicant No appearance for the respondent
Investigation Meeting:	On the papers
Information received:	06 October 2025 for the applicant No information received from the respondent
Determination:	7 April 2026

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Janice Thing seeks a compliance order with determinations of the Authority issued on 7 March 2025 (the substantive determination) and a costs determination on 16 May 2025 in which her former employer South Pole IP Holding (NZ) Limited (South Pole) was ordered to pay sums to her.¹

The Authority's process

[2] I am satisfied the statement of problem in this application was served on South Pole. No statement in reply was received in the required timeframe, or since.

¹ *Thing v South Pole IP Holding (NZ) Ltd* [2025] NZERA 142; *Thing v South Pole IP Holding (NZ) Ltd* [2025] NZERA 274.

[3] South Pole has not participated in this proceeding, although it took part in the Authority's original investigation process and investigation meeting that led to the substantive determination and costs determination.

[4] Throughout the Authority's investigation, South Pole has been copied into the Authority's email correspondence. No email correspondence has been received.

[5] Having received confirmation from Ms Thing's advocate that no monies satisfying the Authority's orders have been made to date, the Authority gave South Pole a final opportunity to engage and respond to the application. As no response has been received, this application is now determined on the papers.

[6] As permitted by s 174E of the Employment Relations Act 2000 (the Act) this determination has stated findings of fact and/or law, expressed conclusions on issues necessary to dispose of the matter and specified orders made as a result.

The issues

[7] The issues requiring investigation and determination is whether a compliance order should be issued, and whether any costs and expenses should be awarded to Ms Thing.

Compliance order

[8] South Pole filed a de novo challenge to the substantive determination in the Employment Court. A challenge to a determination, however, does not operate as a stay.²

[9] South Pole subsequently made an application for a stay of execution of the Authority's determinations. By way of a judgment issued on 21 January 2026, the Employment Court declined that application.³ Until any such time as the determinations are set aside, they remain valid determinations of the Authority.

[10] Ms Thing is therefore entitled to seek a compliance order. Section 137(1)(b) of the Act gives the Authority power to order compliance where a person has not complied with any order or determination made or given under the Act by the Authority.

² Employment Relations Act 2000, s 180.

³ *South Pole IP Holding (NZ) Ltd v Thing* [2026] NZEmpC 5.

[11] The timeframe for payment of the amounts ordered in the determinations has well passed. South Pole has therefore breached the orders made in the determinations.

[12] I have considered whether there is sufficient purpose in issuing a compliance order in these particular circumstances, noting there appears to be no scheduled hearing of this matter in the Court as yet. Given what has occurred there is little sign that South Pole intends to fully, or even partially, make payment despite a long period having elapsed.

[13] Standing back and considering the matter overall, a compliance order should be made. I exercise my discretion to under s 137(1)(b) of the Act to order compliance with the orders for payment.

Interest

[14] The Authority is able to award interest.⁴ Ms Thing has been deprived of money to which she was entitled and interest should be awarded. Taking into account equity and good conscience considerations, interest is awarded from 22 January 2026, being the day after the Court's judgment informing South Pole that its stay application was unsuccessful. The interest is to be paid under the Interest on Money Claims Act 2016 calculated using the Ministry of Justice civil debt calculator.⁵

Orders

[15] Within 14 days of the date of this determination South Pole IP Holding (NZ) Limited is required to comply with the Authority's determinations in *Thing v South Pole IP Holding (NZ) Ltd* [2025] NZERA 142 and [2025] NZERA 274 by paying Janice Thing (also known as Rai Fong Thing):

- (a) \$8,000 (8 weeks wages under s 123(1)(b) of the Act); and
- (b) \$15,000 in compensation (s 123(1)(c)(i) of the Act); and
- (c) \$2,000 penalty (being Ms Thing's half of the \$4,000 amount); and
- (d) \$5,500 plus the Authority application fee of \$71.55.
- (e) Interest on the amounts at (a) to (d) from 22 January 2026.

⁴ Employment Relations Act 2000, Schedule 2, clause 11.

⁵ <https://www.justice.govt.nz/finances/civil-debt-interest-calculator/>.

Costs

[16] Ms Thing has been successful before the Authority in her compliance order application. She seeks costs in relation to this application, which can only be ordered at a modest level in the circumstances. Within 14 days of the date of this determination the Authority orders South Pole IP Holding (NZ) Limited to pay Ms Thing:

- (a) \$500 in costs; and
- (b) \$71.55, being the Authority application fee.

Sarah Blick
Member of the Employment Relations Authority