

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2026] NZERA 250
3441384

BETWEEN	SYI Applicant
AND	CANDOO FRANCHISING LIMITED Respondent

Member of Authority:	Philip Cheyne
Representatives:	Allan Halse, advocate for the Applicant No appearance for the Respondent
Investigation Meeting:	On the papers
Information received:	Up to 22 April 2026 from the Applicant
Date of Determination:	24 April 2026

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] SYI was employed by Candoo Franchising Limited. They entered into agreed terms of settlement under s 149 of the Employment Relations Act 2000. SYI says that Candoo Franchising Limited (Candoo) has not complied with the agreed terms and they seek to enforce them by this application for a compliance order.

[2] The respondent has not lodged a statement in reply.

Non-Publication

[3] The agreed terms included a commitment to keep the terms and all matters leading to the settlement confidential. SYI has applied for permanent non-publication of their name to preserve the benefit of confidentiality under the agreement.

[4] Candoo has not participated in the Authority's investigation.

[5] Candoo's breach of the agreed terms should not cause SYI to lose the benefit of confidentiality. Accordingly, I prohibit the publication of SYI's name and any of their identifying details.

The Authority's investigation

[6] I am satisfied from the file that the statement of problem was served on Candoo on 23 February 2026, following an earlier attempt which failed. I am also satisfied that my directions dated 7 April 2026 were served on Candoo.

[7] At my direction, a date was set for a case management conference and Candoo was advised by email.

[8] At the time of the case management conference, a call was placed to Candoo, but it was not answered. The conference continued with just SYI's representative.

[9] Arrangements were agreed that the Authority would investigate and determine the matter on the papers with SYI to lodge and serve a supporting affidavit by 9 April. Candoo was given an opportunity to respond in similar form by 14 April 2026. Either a determination or directions would follow, depending on the material available to the Authority by 14 April 2026.

[10] SYI reasonably wishes the matter to be resolved now.

A compliance order is appropriate

[11] Section 137 of the Employment Relations Act 2000 (the Act) gives the Authority power to order compliance where a person has not complied with agreed terms of settlement under s 151 of the Act.

[12] Candoo was late but paid several instalments to SYI. However, it still owes \$10,000.00, all of which should have been paid by now. I note too that the agreed terms

provided that all remaining payments were due immediately if there was more than 2 days' default in any payment.

[13] Candoo agreed to pay \$5,000.00 (plus GST) by 10 March 2026 to SYI's representative (Culture Shift NZ Limited) on receipt of its invoice. Candoo received the invoice, but has paid nothing.

[14] I find that Candoo has not complied with the agreed terms because it has not paid the remaining \$10,000.00 to SYI and it has not paid \$5,000.00 (plus GST) to Culture Shift NZ Limited.

[15] I was provided with links to and transcripts of some social media comment apparently made on behalf of Candoo. It is not necessary to set out those comments, but they demonstrate that Candoo has elected not to comply with the agreed terms of settlement.

[16] There are good grounds for a compliance order to prevent further non-compliance with the agreed terms of settlement. I find compliance is an appropriate remedy.

Summary and Orders

[17] SYI seeks interest, but that was not part of the agreed terms of settlement so I decline to award interest. A penalty was not sought.

[18] Candoo Franchising Limited is ordered to comply with the agreed terms of settlement, no later than 22 May 2026, by paying:

- (a) \$10,000.00 to SYI; and
- (b) \$5,000.00 (Plus GST) to Culture Shift NZ Limited.

[19] I draw to Candoo's attention the provisions of s 140(6) of the Employment Relations Act 2000 setting out the powers available to the Employment Court on further application, should Candoo not comply with the Authority's compliance orders.

[20] SYI seeks costs and an order is appropriate. Unfortunately, I have no information about the costs incurred. SYI should lodge and serve a brief memorandum within 14 days and Candoo may lodge and serve a response within a further 7 days.

Costs will be determined with regard to that information and the Authority's usual approach to costs.

Philip Cheyne
Member of the Employment Relations Authority