

**IN THE EMPLOYMENT COURT
CHRISTCHURCH**

**[2010] NZEMPC 121
CRC 19/10**

IN THE MATTER OF a de novo challenge to a determination of
the Employment Relations Authority

BETWEEN BEAUTY MANAGEMENT RICCARTON
LTD
Plaintiff

AND TESSA DYER
Defendant

Hearing: 13 September 2010
(Heard at Christchurch)

Appearances: Craig Mundy-Smith, counsel for plaintiff granted leave to withdraw
J M Goldstein, counsel for defendant

Judgment: 13 September 2010

ORAL JUDGMENT OF JUDGE A A COUCH

[1] The defendant, Ms Dyer, was employed by the plaintiff for a period during 2009. On 7 September 2009 she was dismissed. She regarded her dismissal as unjustifiable and pursued a personal grievance to that effect.

[2] The Employment Relations Authority investigated the matter and determined it¹ in favour of Ms Dyer. The Authority made several orders which are set out in the summary at the end of the Authority's determination.

[3] The plaintiff challenged the whole of that determination and sought a hearing de novo. The matter proceeded to a hearing in the Court in the usual way with a

¹ CA 91/10

timetable set for the provision of briefs of evidence. The defendant complied with that timetable. The plaintiff did not. The matter came on for hearing today.

[4] At the outset, Mr Mundy-Smith told me that he had no instructions and was not in a position to proceed. There was no other appearance for the plaintiff. I granted Mr Mundy-Smith leave to withdraw. I then dismissed the plaintiff's challenge.

[5] The effect of s183(2) of the Employment Relations Act 2000 is that any judgment of the Court in this matter, including simply dismissing the challenge, sets aside the Authority's determination. It is necessary, therefore, for me to restate the remedies to which Ms Dyer is entitled.

[6] I confirm the orders made by the Authority.

[7] After considering documents produced to the Court by Ms Dyer, I also order the plaintiff to pay her the sum of \$521.94 by way of holiday pay.

[8] On behalf of Ms Dyer, Mr Goldstein sought an award of costs. Having considered the information he provided me and his submissions, the plaintiff is ordered to pay Ms Dyer \$2,250 by way of costs.

A A Couch
Judge

Oral judgment delivered at 9.50am on 13 September 2010