

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
CHRISTCHURCH**

**I TE KŌTI TAKE MAHI O AOTEAROA
ŌTAUHAHI**

**[2020] NZEmpC 100
EMPC 196/2020**

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application for stay of proceedings
BETWEEN	ALLIANCE GROUP LIMITED Plaintiff
AND	BRIAR LECKIE Defendant

Hearing: On the papers

Appearances: P Chemis and S Brookes, counsel for plaintiff
S-J Thomas and R Donnelly, counsel for defendant

Judgment: 10 July 2020

CONSENT JUDGMENT OF JUDGE B A CORKILL

[1] The plaintiff has brought a non-de novo challenge to a determination of the Employment Relations Authority, in which a range of monetary orders were made, including:¹

- (a) Alliance Group Limited (Alliance) was ordered to pay Ms Leckie 24 months' lost wages, from the date of her dismissal until the date of the investigation meeting.

¹ *Leckie v Alliance Group Ltd* [2020] NZERA 221.

- (b) A 25 per cent reduction for contribution was ordered in respect of an award of \$20,000 under s 123(1)(c)(i) of the Employment Relations Act 2000 (the Act), and in respect of the above lost wages award.

[2] Subsequently, after hearing from the parties, the Authority ordered Alliance to pay Ms Leckie:²

- (a) \$53,944.97 (gross) for lost remuneration;
- (b) costs of \$3,822 plus investigation meeting costs; and
- (c) \$71.56 application fee.

[3] Alliance has also filed an application for a stay of proceedings on the basis that if the above amounts are reduced by the Employment Court, it will not be able to recover any overpayment from Ms Leckie.

[4] The parties have resolved this application, reaching a consensus as to the orders which should be made by the Court.

[5] By consent, I order:

- (a) Alliance is to pay Ms Leckie the following interim amounts towards the awards ordered by the Authority, within seven days of this order:
 - (i) \$10,000 pursuant to s 123(1)(c)(i) of the Act;
 - (ii) lost wages of \$4,855.30 (gross), being 50 per cent of three months' lost wages; and
 - (iii) costs of \$4,260.22.

² *Leckie v Alliance Group Ltd* [2020] NZERA 274.

- (b) The balance of the awards ordered by the Authority are stayed until further order of the Court, and pending the outcome of the substantive challenge.
- (c) Alliance will pay the balance of the awards (being \$49,089.67) into its solicitor's interest-bearing trust account. These funds (including interest earned) will be held on trust and not distributed without the agreement of both parties, or further order of the Court.

[6] No costs are sought by either party with regard to the application for stay.

B A Corkill
Judge

Judgment signed at 12 pm on 10 July 2020