

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

**I TE KŌTI TAKE MAHI O AOTEAROA
TE WHANGANUI-A-TARA**

**[2020] NZEmpC 123
EMPC 227/2020**

IN THE MATTER OF	an application for a declaration under s 6(5) of the Employment Relations Act 2000
AND IN THE MATTER	of an application for joinder
BETWEEN	REBECCA LANGFORD First Plaintiff
AND	ASHLEIGH CRICHTON Second Plaintiff
AND	TAMARA JOAN EVANS Third Plaintiff
AND	DYLAN CROOK Fourth Plaintiff
AND	WENDY KAIN Fifth Plaintiff
AND	CHIEF EXECUTIVE OF INLAND REVENUE DEPARTMENT Defendant

Hearing: On the papers

Appearances: P Cranney counsel for plaintiffs
S Hornsby-Geluk and P Gillespie, counsel for defendant
G Service and E Warden, counsel for Madison Recruitment Ltd

Judgment: 14 August 2020

JUDGMENT OF JUDGE B A CORKILL

[1] On 4 August 2020, the plaintiffs issued proceedings against the defendant, in terms which are identical to the claim brought by the plaintiffs in *McCook v Chief Executive of the Inland Revenue Department*.¹

[2] In both sets of proceedings it is asserted that although the plaintiffs entered into employment agreements with Madison Recruitment Ltd (Madison), which then placed them for work purposes with Inland Revenue (IR), the real employment relationship was with IR and not Madison.²

[3] In this proceeding, the plaintiffs applied for an urgent order of joinder, so that the plaintiffs in this proceeding would become additional plaintiffs in *McCook*.

[4] Because of the advanced state of preparation in *McCook*, where a two-week hearing is scheduled for mid-November 2020, I held an urgent telephone conference with counsel on 11 August 2020.

[5] A concern relevant to joinder was whether significant disclosure issues might arise in respect of the new plaintiffs, which, amongst other things, could adversely affect the arrangements currently made for the hearing in *McCook*.

[6] It emerged there were no significant issues in that regard, and that the length of the currently scheduled hearing would be unaffected by the proposed joinder, because the same number of witnesses would be called for the plaintiffs as had originally been anticipated.

[7] Subsequently, IR indicated it did not oppose the application, and Madison consented to the application.

[8] Accordingly, I order that the plaintiffs in EMPC 227/2020 (the present proceeding) be joined as plaintiffs in EMPC 254/2019 (the *McCook* proceeding).

[9] I reserve costs on the joinder application, by consent.

¹ EMPC 254/2019.

² See *McCook v Chief Executive of the Inland Revenue Department* [2020] NZEmpC 109.

[10] Subject to that issue, the Court understands that a notice of discontinuance of the present proceeding will now be filed.

B A Corkill

Judge

Judgment signed at 4.30 pm on 14 August 2020