

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

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

**[2022] NZEmpC 61  
EMPC 94/2022**

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

AND IN THE MATTER OF    an application for urgency

AND IN THE MATTER OF    an application for stay of execution

BETWEEN                      RVU  
   Plaintiff

AND                                PDE  
   Defendant

Hearing:                      On the papers

Appearances:                P McBride, counsel for plaintiff  
   P McKenzie-Bridle, counsel for defendant

Judgment:                    31 March 2022

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**CONSENT INTERLOCUTORY JUDGMENT OF JUDGE K G SMITH  
(Applications for urgency and stay of execution)**

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[1]     On 25 March 2022 the Employment Relations Authority ordered RVU to reinstate PDE to his former position.<sup>1</sup> Reinstatement to RVU’s payroll was ordered with immediate effect. Reinstatement to the workplace was ordered to occur within 21 days, which is now calculated as no later than 15 April 2022.

[2]     RVU challenged that determination and applied to have the challenge heard urgently. A joint memorandum of counsel for the parties proposed that the application

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<sup>1</sup>     *PDE v RVU* [2022] NZERA 108 (Member O’Sullivan).

for urgency be dealt with by consent by the granting of a stay subject to conditions as follows:

- (a) That the Authority's order for PDE to be reinstated to his former role and work with effect from 15 April 2022 be stayed;<sup>2</sup> but
- (b) That PDE be immediately placed on, and remain on, RVU's payroll until further order of the Court.

[3] I am satisfied that the application for urgency can be dealt with in the manner proposed. By consent, orders are made accordingly.

[4] The Authority made a non-publication order in the interim pending the substantive hearing. It is appropriate for non-publication to continue on the same basis. I order that the names of the parties or any information that might tend to identify them must not be published.<sup>3</sup> For convenience the Court will use the same anonymised descriptors for the parties as the Authority used.

K G Smith  
Judge

Judgment signed at 12.30 pm on 31 March 2022

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<sup>2</sup> Employment Relations Act 2000, s 180; Employment Court Regulations 2000, reg 64.

<sup>3</sup> At [39].