

**IN THE EMPLOYMENT RELATIONS AUTHORITY
OFFICE**

[2013] NZERA Christchurch 222
5420807

BETWEEN TONY ROY ANDREWS
 Applicant

AND JS PLASTERING LIMITED
 Respondent

Member of Authority: Christine Hickey

Representatives: Mr Andrews in person
 No appearance for the Respondent

Investigation Meeting: 24 October 2013 at Christchurch

Submissions received: At the investigation meeting from the Applicant

Determination: 25 October 2013

DETERMINATION OF THE AUTHORITY

- A. JS Plastering Limited must pay Tony Roy Andrews \$1,182.50 gross in unpaid wages.**
- B. JS Plastering Limited must pay Tony Roy Andrews \$71.56 reimbursement for the Authority filing fee.**

Employment relationship problem

[1] Tony Andrews claims \$1,182.50 in unpaid wages.

Procedural background

[2] Mr Andrews lodged his application with the Authority on 8 July 2013. A copy of the Statement of Problem was sent to the company's registered office as well as to a residential address for Jeremy Spears, JS Plastering's director. However, the mail was unable to be served at the residential address. No Statement in Reply has been received.

[3] Mr Spears was invited to take part in a telephone conference by way of letter sent to the company's registered office. The telephone conference took place on 16 September 2013 without any representative of the company. The date of 14 October 2013 was set for the investigation meeting. A Notice of Direction and Notice of Investigation Meeting were sent to the company's registered office and to the Post Office Box number in Christchurch currently being used by the company as well as to its e-mail address. The Notice of Direction notified the parties that the investigation meeting would be on Thursday, 24 October 2013 at 4.30 am. The notes to the Notice read:

... if the Respondent does not attend the investigation meeting, the Authority may, without hearing evidence from the Respondent, issue a determination in favour of the Applicant. ...

[4] I am satisfied that the Notice of Direction and Notice of Investigation Meeting were served on the respondent.

[5] The investigation meeting was due to begin at 4.30 pm on 24 October 2013. Mr Andrews was present. There was no representative of JS Plastering present. Therefore I delayed the beginning of the investigation meeting in case Mr Spears was running late. However, when he was not present by 4.41 pm the investigation meeting began.

[6] I heard the affirmed evidence from Mr Andrews.

Determination

[7] I am satisfied that Mr Andrews worked a total of 43 hours for JS Plastering on 9, 10, 11, 13, 14 and 15 May 2013. There was an agreement that Mr Andrews would be paid \$27.50 per hour for plastering work. The agreement was reached verbally and by text message.

[8] I am satisfied that he was not paid for this work after the employment relationship ended by mutual agreement on 15 May 2013. Mr Andrews presented copies of text messages between himself and Mr Spears in which Mr Spears offered to pay him *next week*. That was in early June 2013. Mr Andrews has not been paid. I am satisfied that JS Plastering owes Mr Andrews \$1,182.50 gross in unpaid wages.

Costs

Mr Andrews represented himself and has not incurred any legal costs. However, he had to pay \$71.56 to make his application to the Authority. Therefore, JS Plastering Limited should reimburse him for that cost.

Christine Hickey

Member of the Employment Relations Authority