

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH OFFICE**

**BETWEEN** JAMES BROWN  
Applicant

**AND** REGAN MORRISON  
Respondent

**MEMBER OF AUTHORITY** Philip Cheyne

**REPRESENTATIVES:** James Brown in person  
No appearance of the respondent

**INVESTIGATION MEETING** 13 February 2008 at Invercargill

**DATE OF DETERMINATION** 14 February 2008

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**DETERMINATION OF THE AUTHORITY**

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[1] James Brown says that he worked as a shearer for Regan Morrison from 16 January 2007 until 9 March 2007 but did not get paid for his work. He is claiming arrears of \$6,179.65.

[2] In a statement in reply lodged by fax on 14 October 2007 Mr Morrison says that he has never been given individual tallies; that he is more than happy to pay Mr Brown when he receives those tallies; and that Mr Brown knew the rates payable being somewhat less than those set out in Mr Brown's claim.

**No appearance by respondent**

[3] There was no appearance at the investigation meeting by or on behalf of Mr Morrison.

[4] I am satisfied that the notice of investigation meeting and notice of directions regarding the meeting were personally served on Mr Morrison on 20 November 2007. Nothing has been received from Mr Morrison to indicate any difficulty with the arrangements for the investigation meeting. There being no good reason shown for the respondent's non attendance I decided to proceed with the investigation meeting.

**The claim**

[5] Mr Brown gave evidence that he worked for Mr Morrison from 16 January 2007 until 9 March 2007. His evidence is that it was agreed with Mr Morrison that he would be paid piece rates higher than Mr Morrison's usual rates. The higher rates are set out in Mr Brown's letter of 15 July 2007 to Mr Morrison. There was no written employment agreement but the discussion about the rates was witnessed by two others including Mr Brown's brother who confirmed this in his evidence. James Brown told me that, despite a number of attempts to obtain his pay from Mr Morrison including provision of the tallies, he still has not been paid anything. The sum owed is \$6,179.65.

**The decision**

[6] I accept Mr Brown's evidence as detailed above. Mr Morrison is ordered to pay Mr Brown \$6,179.65 (gross) as arrears of wages.

[7] Mr Brown asked for interest on the sum owing. The wages should have been paid no later than 9 March 2007 when the employment ended so Mr Brown has been denied the benefit of that money and should receive interest as a result. Mr Morrison is ordered to pay interest on the arrears of wages at the rate of 10% per annum commencing on 10 March 2007 until the arrears are paid in full.

[8] Mr Brown also asked for costs by which he meant reimbursement of the lodgement fee paid on this application. Mr Morrison is further ordered to pay Mr Brown \$70.00 to reimburse the lodgement fee.

Philip Cheyne  
Member of the Employment Relations Authority