

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Yu Cao (Applicant)
AND Powerlink Internet Services Limited (Respondent)
REPRESENTATIVES Applicant in person
Wayne Hewitson, director of Respondent
MEMBER OF AUTHORITY Robin Arthur
INVESTIGATION 3 November 2006
DATE OF DETERMINATION 3 November 2006

DETERMINATION OF THE AUTHORITY

[1] Mr Yu seeks recovery of four weeks wages owed to him by the respondent for work done providing computer services in May 2006.

[2] The respondent does not dispute that Mr Yu is owed the money for work done. Mr Hewitson says the company is no longer trading. He says that an unexpected server failure resulted in its entire client base of websites being lost and that all previous customers no longer did business with the company.

[3] Mr Yu's employment was terminated on 25 May 2006. He now lives in Christchurch.

[4] By telephone conference today Mr Yu and Mr Hewitson agreed there was little purpose in holding an investigation meeting in Auckland. Mr Hewitson accepts that the company owes Mr Yu the money and consents to an order being made for its payment although he says the company has not funds to pay Mr Yu or other creditors who also owed money.

[5] In light of these circumstances and Mr Hewitson's consent I am satisfied that no further investigation is required. I make the following finding and order:

The respondent owes the applicant the sum of \$1766 gross (\$1413.50 nett) ("the sum owed") as wages for the period 1 May to 25 May 2006. The respondent is ordered to pay to the applicant the sum owed within 28 days of the date of this determination.

[6] I appreciate that in light of the information about the respondent's financial position that Mr Yu may have difficulty enforcing this order. However Mr Yu has established an entitlement to wages which Mr Hewitson accepts are owed and Mr Yu is entitled to an order for them. In the event that the respondent company is put into liquidation the order would also confirm Mr Yu's preference amongst creditors.

Robin Arthur
Member of Employment Relations Authority