

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**[2015] NZERA Auckland 374
5591101**

BETWEEN JELENA CRAMOND
Applicant
AND YOUR PUBLICATIONS LTD
Respondent

Member of Authority: Eleanor Robinson
Representatives: Max Whitehead for Applicant
John Carr for Respondent
Investigation Meeting 30 November 2015
Determination: 1 December 2015

DETERMINATION OF THE AUTHORITY

Application for compliance order

[1] The Applicant, Ms Jelena Cramond, has applied to the Authority under s 137 of the Employment Relations Act 2000 (the Act) for an order requiring the Respondent, Your Publications Ltd to comply with determinations given by the Authority.

[2] In the determination issued on 25 September 2015 ([2015] NZERA Auckland 294), the Authority ordered Your Publications Ltd to pay Ms Cramond the sum of:

- a. \$11,056.07 gross in respect of non-payment of wages pursuant to s.128(2) of Employment Relations Act 2000 (the Act). and
- b. \$6,000.00 in respect of humiliation, loss of dignity and injury to feelings, pursuant to s.123(1)(c)(1) of the Act.

These sums were to be reduced by 50% for contributory fault by Ms Cramond pursuant to s.124 of the Act.

[3] In the determination issued on 11 November 2015 ([2015] NZERA Auckland 350) the Authority ordered Your Publications to pay Ms Cramond the sum of \$3,500.00 in respect of costs, in addition to the sum of \$71.56 in respect of the filing fee.

[4] On 23 November 2015 Mr Whitehead on behalf of Ms Cramond applied to the Authority for a Compliance Order, claiming that Your Publications Ltd has not paid Ms Cramond the monies to which she was entitled under the determinations.

[5] Mr Carr, on behalf of Your Publications Ltd, claimed that it has no assets, is now insolvent and no longer trading. Mr Carr further stated his intention on 30 November 2015 to appeal the determinations issued by the Authority on 25 September 2015 and 11 November 2015.

[6] Mr Carr has not provided to the Authority any financial evidence substantiating Your Publications Ltd.'s claim to financial inability, and it is still listed as a registered company on the Companies Office website.

Compliance Order

[7] I am satisfied that Your Publications Ltd has not complied with the terms of the Authority's determinations of 25 September 2015 and of 11 November 2015. It is just in the circumstances for an order to be made requiring Your Publication Ltd to comply with the determination.

[8] Your Publications is ordered to pay Ms Cramond \$5,528.04 gross in respect of non-payment of wages pursuant to s.128(2) of the Act, \$3,000 in respect of humiliation, loss of dignity and injury to feelings pursuant to s.123(1)(c)(1) of the Act., and \$71.56 in respect of the Authority filing fee. Your Publications Ltd is also to pay \$71.56 to Ms Cramond, the fee on the application for the Compliance Order.

[9] Your Publications Ltd is ordered to comply as ordered above within 14 days of service of this determination.

[10] I consider that it is appropriate that Your Publications Ltd is ordered to pay interest on the outstanding sums owed to Ms Cramond.

[11] Your Publications Ltd is to pay interest of 5% on the outstanding sums due to Ms Cramond from the date of determination until the amounts owed are paid in full

Costs

[12] This matter occupied a short investigation meeting and the costs are awarded in respect of this matter only. I order Your Publications Ltd to contribute \$300.00 towards Ms Cramond's actual costs, pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000.

Eleanor Robinson
Member of the Employment Relations Authority