

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

CA 37/09
5145875

BETWEEN BLAIR WAYNE CURRIE
 Applicant

AND MIKE WILLIAMS
 Respondent

Member of Authority: Helen Doyle

Telephone Conference: 6 March 2009

Determination: 29 March 2009

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Blair Currie lodged an application with the Employment Relations Authority on 9 December 2008. Mr Currie said that his problem was that he had not been paid for work he had undertaken for Mike Williams as a tradesman painter and decorator in September 2008. Mr Currie attached to his application a copy of a letter dated 11 November 2008 that he had written to Mr Williams asking to be paid for the hours he had worked between 1 and 5 September 2008 which he set out in a timesheet.

[2] Mr Currie duly advised the Authority in a letter dated 21 December 2008 that his hourly rate was \$18 and that the total amount that he was claiming from Mr Williams was \$648.00 gross.

[3] I am satisfied that the statement of problem was delivered at 1.15pm on 28 January 2009 to the home address of Mr Williams in Dunedin. The statement of problem was signed for by "Williams".

[4] On 25 February 2009 the Senior Support Officer at the Authority wrote to Mr Williams and said amongst other matters that:

- Mr Williams had not lodged a statement in reply to the statement of problem as required within 14 days.
- Messages left on Mr Williams' landline about the fact that the statement in reply had not been lodged were not returned.
- The amount Mr Currie claimed for his wages was set out and that part of the claim would be reimbursement of the \$70 filing fee.
- The Authority wanted to hold a telephone conference on Friday 6 March 2009 at 9.30am and that the call would be placed to his home number unless the Authority was advised by Mr Williams of another number.

[5] Mr Williams failed to respond to that letter or provide an alternative telephone number. On 6 March 2009 an attempt was made to contact Mr Williams at his home number for the telephone conference with the Authority. There was no answer to the telephone call and it was diverted to an answer service. The Authority did talk to Mr Currie and he explained that he had worked for Mr Williams for nine and a half days as a tradesman painter and decorator. Mr Currie said that he advised Mr Williams at the end of that period that he was no longer interested in working for him as the working conditions were unacceptable.

[6] Mr Currie said that Mr Williams paid his first week's wages but that he was not paid for work he had undertaken for Mr Williams from 1 to 5 September 2008.

[7] On 6 March 2009 the Authority wrote to Mr Williams and advised him of the various steps of the process to date and the nature of the discussion with Mr Currie during the telephone conference. The Authority advised Mr Williams that he had until 4pm on 20 March 2009 to either pay Mr Currie the sum of \$648.00 gross for unpaid wages and the filing fee of \$70 or provide the Authority with the reasons why the amount should not be paid. The Authority made it clear in the letter to Mr Williams that if Mr Williams did not take one of these steps then the Authority would proceed to determine the matter.

[8] Mr Williams did not respond to that letter and I now intend to make a determination.

Determination

[9] I find that Mr Currie worked 36 hours for Mr Williams at an hourly rate of \$18 between 1 and 5 September 2008 as set out below:

Date	Location	Hours worked
Monday 1 September 2008	Brockville	8 hours
Tuesday 2 September 2008	North East Valley	1 hour
	Brockville	3 hours
	Stewarts	4 hours
Wednesday 3 September 2008	North East Valley	7 hours
	Stewarts	1 hour
Thursday 4 September 2008	Brockville	8 hours
Friday 5 September 2008	Brockville	4 hours

[10] Mr Currie asked Mr Williams for payment for the hours he had worked and provided his bank account number for that payment to be made. I am satisfied that Mr Williams failed and neglected to make payment to Mr Currie for the wages that he owed him. I find Mr Williams owes Mr Currie the sum of \$648.00 gross being unpaid wages.

[11] I order Mike Williams to pay to Blair Currie the sum of \$648.00 gross being unpaid wages.

Costs

[12] Mr Currie is entitled to reimbursement of his filing fee of \$70. I order Mike Williams to pay to Blair Currie the sum of \$70 being his filing fee.

Helen Doyle
Member of the Employment Relations Authority