

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Lynn Dellow, Labour Inspector (Applicant)

**AND** J R Construction Limited (Respondent)

**REPRESENTATIVES** Lynn Dellow In person  
No appearance for Respondent

**MEMBER OF AUTHORITY** Leon Robinson

**INVESTIGATION MEETING** 5 May 2005

**DATE OF DETERMINATION** 5 May 2005

DETERMINATION OF THE AUTHORITY

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- A. J R Construction Limited is ordered to comply with the Authority's Determination of 8 March 2004 and to do so by 12 May 2005.**
- B. J R Construction Limited is ordered to pay \$70.00 to Inspector Dellow in respect of the lodgement fee on this application.**
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## Application for Compliance

[1] The Labour Inspector Lynn Dellow (“Inspector Dellow”) makes application for a compliance order against the respondent J R Construction Limited.

[2] Compliance is sought with my Determination numbered AA79/04 and dated 8 March 2004. Inspector Dellow brings the application for the Labour Inspectorate following Inspector Collin Jessup’s departure.

[3] I am satisfied that the application for compliance order has been served on J R Construction Limited. I am further satisfied that a notice of investigation meeting giving notice of today’s investigation meeting has also been served on J R Construction Limited.

[4] J R Construction Limited does not appear today and it has given no advice of any good reason for its failure to attend. In accordance with the Authority’s regulations, I proceeded to deal with the matter fully as if J R Construction Limited had attended.

## Non-compliance

[5] Inspector Dellow tells me that despite efforts to engage J R Construction Limited in a dialogue directed at compliance, the company has failed to reciprocate or take any steps whatsoever to comply with my Determination of 8 March 2004. The Inspectorate has been advised by Mr Andrew Holdgate a representative of J R Construction Limited, that it will not be meeting the Authority’s determined orders. The Inspector has made enquiries today and she confirms the situation of non-compliance.

[6] I am satisfied that J R Construction Limited has not complied with my determination of 8 March 2004. I am satisfied that there is no evidence of an excuse or justification for J R Construction Limited’s continuing failure to comply.

[7] J R Construction Limited’s continuing defiance of the Authority’s orders places it at peril of serious consequences. The Authority’s orders may be the subject of a further application by the Inspector for compliance in the Employment Court. The Court is empowered to impose penalties for continuing non-compliance which include imprisonment, a fine not exceeding \$40,000.00 or the sequestration of property.

## Orders

**[8] I now order J R Construction Limited to comply with my determination of 8 March 2004 and to do so by 12 May 2005.**

**[9] The Inspector is entitled to be reimbursed the lodgement fee on this application. J R Construction Limited is ordered to pay \$70.00 to Inspector Dellow.**

[10] The Inspector is to immediately serve a copy of this Determination on J R Construction Limited by leaving a copy of the same at J R Construction Limited’s registered office.

**Leon Robinson**  
**Member of Employment Relations Authority**