

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA121/08
5115940

BETWEEN JAMES DENYER (LABOUR
INSPECTOR)
Applicant

AND LES GRIFFEN LIMITED
Respondent

Member of Authority: Marija Urlich

Representatives: Applicant In Person
 No attendance by Respondent

Investigation Meeting: 1 April 2008

Determination: 1 April 2008

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] Labour Inspector James Denyer makes application for a compliance order against the respondent Les Griffen Limited. Compliance is sought with determination AA 374/07 dated 29 November 2007.

[2] I am satisfied that the application for compliance order and notice of today's investigation meeting have been served on Les Griffen Limited at its registered office.

[3] Les Griffen Limited did not attend today. The support officer telephoned Mr Les Griffen, the respondent's director, prior to the commencement of the investigation meeting. Mr Griffen told her he did not know about the investigation meeting and could not attend at short notice. I do not accept this is the case. The service agent has sworn an affidavit averring that on 13 March 2007 he served a sealed envelop on Mr

Griffen at the registered offices of the respondent. That sealed envelop contained a copy of the statement of problem and notice of investigation meeting.

Non-compliance

[6] I am satisfied that Les Griffen Limited has not complied with the determination of 29 November 2007. I am satisfied that there is no satisfactory excuse or justification for Les Griffen Limited's continuing failure to comply.

[7] The Authority's orders may be the subject of 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] **Les Griffen Limited is ordered to comply with determination AA 374/07 of 29 November 2007 by 30 April 2008.**

[9] The Labour Inspectorate is entitled to be reimbursed the lodgement fee incurred for this application. **Les Griffen Limited is ordered to pay \$70.00 to the Labour Inspectorate.**

[10] The Labour Inspectorate is to immediately serve a copy of this determination on Les Griffen Limited by leaving a copy of the same at the registered office of Les Griffen Limited, that address being 18 Catherine St, Henderson.

Marija Urlich

Member of the Employment Relations Authority