

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA 342/09
5142437**

BETWEEN SUZANNE RUTH DILLON

JACKIE LEE LAM

SHERIE ANN OGUZ

Applicants

AND STYLEWEB LIMITED
Respondent

Member of Authority: Leon Robinson

Representatives: Suzanne Dillon and Sherie Oguz In Person
No appearance by respondent

Investigation Meeting: 22 September 2009

Determination: 22 September 2009

DETERMINATION OF THE AUTHORITY

The problem

[1] The applicants claim the respondent owes each of them one week's wages.

[2] The parties did not attend mediation as arranged by the Department of Labour. By Minute dated 25 May 2009 I directed the parties attend a preliminary conference with me. I suspended the investigation upon receipt of advice verifying that the respondent's director Mr Ian Robert Mcdougall ("Mr Macdougall") was unfit to participate. At a further preliminary conference held on 24 August 2009 I scheduled the matter for investigation meeting today and directed Mr Macdougall to provide medical evidence of any continuing unfitness by 11 September 2009. Mr Macdougall did not provide further medical evidence.

[3] The respondent did not attend the investigation meeting today. I considered it had not shown good cause for its failure to attend and so I proceeded to act as fully in the matter as if it had attended.

[4] The applicant Ms Jackie Lee Lam ("Ms Lam") did not attend the investigation meeting today.

The facts

[5] The respondent Styleweb Limited is a limited liability company incorporated on 9 November 2000 ("Styleweb"). Mr Macdougall is its director.

[6] The applicant Ms Suzanne Ruth Dillon ("Ms Dillon") was employed by Styleweb as manager. The terms of the employment were recorded in a written individual employment agreement signed on 20 November 2007. Ms Dillon was paid by salary and worked full-time from Tuesday to Saturday each week.

[7] The applicant Ms Sherie Ann Oguz ("Ms Oguz") was employed by Styleweb as sales consultant. The terms of the employment were recorded in a written individual employment agreement signed on 18 August 2008. Ms Oguz was paid \$18.00 per hour and worked part-time on Tuesday and Thursday each week.

[8] By letter dated 3 September 2008, Mr Macdougall wrote separately to both Ms Dillon and Ms Oguz as follows:-

Further to our meeting on the 3rd of September 2008 I regrettably confirm the store will close trading on Sunday 28th September due to the Jigsaw Development store business being unsustainable. I would like to confirm your entitlement of 4 weeks redundancy notice period being to the 3rd October. However, I will give an extra week for all our staff to assist in this situation, being 10th October. I confirm also your CV has been forwarded to Witchery who has expressed their keen interest in all our staff and their positions. I would like to thank you for all your efforts and I wish you all the best for your future.

*Yours faithfully
Ian Macdougall
Director*

[9] Ms Dillon's last day of work at Styleweb was Saturday 27 September 2008 and she was paid salary and holiday pay to that date.

[10] Ms Oguz's last day of work at Styleweb was Thursday 25 September 2008 and she was paid wages and holiday pay to that date.

The merits

[11] Ms Dillon and Ms Oguz claim Styleweb owes them one additional week's wages.

[12] I find that Styleweb's advice through Mr Macdougall that "*However, I will give an extra week for all our staff to assist in this situation, being 10th October*" constituted a promise to pay an extra week's wages to Ms Dillon and Ms Oguz.

[13] I find that both Ms Dillon and Ms Oguz worked out the notice period and are entitled to payment of one further week's wages, as they were promised.

The determination

[14] I determine that Styleweb is liable to both Ms Dillon and Ms Oguz for one week's wages.

The resolution

[15] **I order Styleweb Limited to pay to Suzanne Ruth Dillon the gross sum of \$1,153.85 as arrears of wages.**

[16] **I order Styleweb Limited to pay to Sherie Ann Oguz the gross sum of \$108.00 as arrears of wages.**

[17] **I order Styleweb Limited to pay to Suzanne Ruth Dillon the sum of \$70.00 as reimbursement of the lodgement fee on this application.**

[18] The application by Ms Lam is adjourned for seven days.

Leon Robinson

Member of Employment Relations Authority