

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI  
TĀMAKI MAKAURAU ROHE**

**[2023] NZERA 561  
3224879**

BETWEEN

WILLIAM EDERVEEN  
Applicant

AND

IMPECCABLE LIMITED  
Respondent

Member of Authority: Eleanor Robinson

Representatives: Erin Drew, counsel for the Applicant  
No appearance for the Respondent

Investigation Meeting: 27 September 2023 by Telephone

Determination: 27 September 2023

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**DETERMINATION OF THE AUTHORITY**

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**Application for compliance order**

[1] The Applicant, Mr William Ederveen, has applied to the Authority under s 137 of the Employment Relations Act 2000 (the Act) for an order requiring the Respondent, Impeccable limited, to comply with the terms of the determination given by the Authority (Determination [2020] NZERA 679).

[2] In the determination which was issued on 20 December 2022 ([2022] NZERA 679), the Authority ordered Impeccable Limited to pay Mr Ederveen the sum of:

- (i) \$4,160.00 gross as lost wages pursuant to s 28(3) of the Act;
- (ii) \$5,500.00 as compensation pursuant to s 123(1) (c)(i) of the Act;
- (iii) \$2,250.00 as legal costs pursuant to clause 15 of Schedule 2 of the Act; and
- (iv) \$71.56 reimbursement of the filing fee.

[3] On 20 April 2023 Mr Ederveen applied to the Authority for a Compliance Order, claiming that Impeccable Limited had not paid him any of the monies to which he was entitled under the determinations.

#### **Note**

[4] No Statement in Reply having been received from the Respondent to the application for a Compliance Order, the Authority instructed a process server to re-serve Mr Ederveen's Statement of Problem and Notice of Investigation at the registered address of Impeccable Limited. Service was effected by the process service affixing the documents to the front window of 54 Citrus Avenue, Waihi Beach, the registered office, at 2.34 p.m. on 11 September 2023 and on 19 September 2023. The Authority was provided with photographs and an affidavit of service.

[5] I am satisfied that service has been properly effected.

[6] There was no appearance for Impeccable Limited at the Investigation Meeting and an Authority Support Officer was unable to contact it by telephone on the day of the Investigation Meeting.

[7] Given the difficulties encountered in obtaining cooperation in the Authority's investigations at any stage from Impeccable Limited, I was satisfied that no good cause had been shown for its failure to attend and I consequently proceeded with the Investigation Meeting pursuant to clause 12 of Schedule 2 of the Act

#### **Compliance Order**

[8] I am satisfied that Impeccable Limited has not complied with the terms of determination [2022] NZERA 679 dated 20 December 2022. It is just in the circumstances for an order to be made requiring Impeccable Limited to comply with the determination.

#### **Orders**

[9] **Impeccable Limited is ordered to pay Mr Ederveen the following amounts:**

- (i) **\$4,160.00 gross as lost wages pursuant to s 28(3) of the Act;**
- (ii) **\$5,000.00 as compensation pursuant to s 123(1)(c)(i) of the Act;**
- (iii) **\$2,250.00 as legal costs pursuant to clause 15 of Schedule 2 of the Act; and**
- (iv) **\$71.56 reimbursement of the filing fee.**

[10] **Impeccable Limited is further ordered to pay interest on the lost wages award. Interest is to be calculated using the civil debt interest calculator and payment of that amount is to be made 28 days after the date of this determination.<sup>1</sup>**

[11] **Impeccable Limited is ordered to pay a further sum of \$71.56 to Mr Ederveen in respect of the fee on the application for the Compliance Order.**

[12] **Impeccable Limited is also ordered to pay the sum of \$1,125.00 to Mr Ederveen as a contribution to his legal costs incurred in this application for a compliance order.**

[13] **Impeccable Limited is ordered to comply as ordered above within 7 days of service of this determination.**

Eleanor Robinson  
Member of the Employment Relations Authority

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<sup>1</sup> [www.justice.govt.nz/fines/civil-debt-interest-calculator](http://www.justice.govt.nz/fines/civil-debt-interest-calculator)