

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

Determination Number:  
WA 4/08  
File Number: 5106117

BETWEEN

ROSS FLINTOFF, MARK  
PHILLIPS and CHRISTINE  
HARROD  
Applicants

AND

SCOTT HAYDEN  
ZAJONSKOWSKI TRADING  
AS CENTRAL STEELIEZ  
Respondent

Member of Authority: G J Wood  
Representatives: Christine Harrod for Applicants  
No appearance by or for Respondent  
Investigation Meeting: 15 January 2008 at Palmerston North  
Determination: 17 January 2008

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**DETERMINATION OF THE AUTHORITY**

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[1] Mr Zajonskowski did not attend the investigation meeting, consistent with his failure to file a statement in reply or attend a conference call. As previously notified to Mr Zajonskowski this may have implications for him under ss.181 and 182 of the Act.

[2] The applicants were required by the Authority to make personal service of the notice of investigation meeting on Mr Zajonskowski, as the Authority does not have a current address for him. Mr Phillips and Mr Flintoff gave evidence, which I accept, (having no reason not to and it being consistent with Mr Zajonskowski's attitude throughout) that they discovered that he was moving his gear out of his previous address last week and put the notice of investigation meeting on his truck seat. Later that day, they saw him elsewhere and he came over to them and told them "*look what Chrissie (Ms Harrod) put on my seat*". Mr Phillips told Mr Zajonskowski that it was him and stated "*so you got it*". Mr Zajonskowski replied in the affirmative and told Messrs Phillips

and Flintoff “*good luck getting any money*”. He also told them that he was thinking about going into bankruptcy.

[3] Having no current phone numbers for Mr Zajonskowski, being satisfied that he had notice of the investigation meeting and given his ignoring of the Authority’s communications to date, I determined that he had not shown good cause for failure to attend or be represented. I therefore determined, pursuant to clause 12 of Schedule 2 of the Act, to act as fully in the matter before me as if Mr Zajonskowski had duly attended or been represented.

[4] Evidence was given by the applicants and tested by me. What their evidence clearly shows is that the applicants were all employed by Mr Zajonskowski personally, trading as Central Steeliez. While there is a company of the same name that has recently gone into liquidation, I am satisfied from the evidence of Ms Harrod that the staff were never paid by the company (nor were any other of the Central Steeliez business accounts) and the company never in fact operated the Central Steeliez business.

[5] As the accounts person, Ms Harrod was intimately aware of Mr Zajonskowski’s businesses’ financial operations. She became very concerned about the way the business Central Steeliez was operating because of mounting debts. Unfortunately for the applicants, none of them were paid for at least the last three weeks Mr Zajonskowski operated the Central Steeliez business. Mr Phillips was somewhat more fortunate than Ms Harrod in that he took on some private work during this period. Mr Flintoff, by contrast, carried on working for Mr Zajonskowski on a purely personal basis for an extra five weeks after Central Steeliez, ceased operation. Mr Zajonskowski has never disputed owing the applicants wages.

[6] As a result, Mr Flintoff lost \$4,604 at the time he finished work on 21 September 2007. Ms Harrod was owed \$5,074 at the time of the ending of her employment on 8 August 2007. Mr Phillips was owed \$1,510.10 at the time that his employment terminated on 1 June 2007. These sums are all net of tax and incorporate net holiday pay owing. The applicants have also been put to the expense of the filing fee of \$70. These sums all remain outstanding.

[7] I therefore order the respondent, Scott Hayden Zajonskowski, to pay the following net sums (plus interest at the simple rate of 9% per annum from the date each applicant ceased their employment) to the applicants:

- Ross Flintoff - \$4,604
- Christine Harrod - \$5,074
- Mark Phillips - \$1,510.10

**G J Wood**  
**Member of the Employment Relations Authority**