

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Jodene Foged (Applicant)
AND Sierra Carlton Gore Limited (Respondent)
REPRESENTATIVES Vatau Sagaga, for the Applicant
No appearance for the respondent
MEMBER OF AUTHORITY Marija Urlich
INVESTIGATION MEETING 30 May 2005
DATE OF DETERMINATION 7 June 2005

DETERMINATION OF THE AUTHORITY

[1] In a determination dated 25 August 2004, AA 265/04, I found the applicant, Ms Foged, had been unjustifiably dismissed and awarded her \$6000.00 pursuant to section 123(c)(i) of the Employment Relations Act 2000 and reimbursement of unpaid notice of one week's wages.

[2] The respondent, Sierra Carlton Gore Limited ("Sierra"), has failed to pay the monies awarded to Ms Foged. She seeks a compliance order under section 137 of the Act.

[3] I am satisfied Sierra has been properly served with notice of the compliance application and of the investigation meeting into this application.

[4] There has been no appearance on behalf of Sierra. The investigation meeting continued in its absence under clause 12 Schedule 2 of the Act.

Compliance order

[5] I am satisfied that Sierra has not complied with the orders made by the Authority in its determination of 25 August 2004.

[6] Sierra Carlton Gore Limited is ordered to pay to Jodene Foged pursuant to section 137(1) of the Employment Relations Act 2000:

- (i) \$6,000.00 pursuant to section 123(c)(i) of the Employment Relations Act 2000;**
- (ii) one week's wages at the rate applicable at the time of Ms Foged's dismissal;**
- (iii) interest at 8% on the above sums, calculated from 29 March 2005 until paid in full.**

[7] Sierra Carlton Gore Limited is ordered to pay Jodene Foged these sums within 14 days

of the date of this determination.

[8] Penalties for default on order are available from the Employment Court upon application by Ms Foged made under section 138 of the Act. Where there has been a failure to comply punishment imposed by the Court may include imprisonment for up to three months, a fine of up to \$40,000 and the seizure and sale of property to pay creditors.

Costs

[9] The issue of costs is reserved. A memorandum as to costs has been filed on Ms Foged's behalf. A copy of that memorandum should be served on Sierra by Ms Foged or her representative along with a copy of this determination. Sierra will have a further 14 days from date of determination to file costs memorandum in reply. The Authority will then move to determine the issue of costs for the compliance application and the initiating application.

Marija Urlich
Member of Employment Relations Authority