

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 360/07  
5084883

BETWEEN                      SALEH GHIYATH  
   Applicant  
  
AND                                SLAB INTERNATIONAL  
   LIMITED  
   Respondent

Member of Authority:      Robin Arthur  
  
Representatives:            Applicant in person  
   No appearance for Respondent  
  
Investigation Meeting:      19 November 2007 at Auckland  
  
Determination:              19 November 2007

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**DETERMINATION OF THE AUTHORITY**

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[1]     The Applicant seeks orders requiring his former employer, the Respondent, to pay him the following amounts:

- (i)     Unpaid wages for three months (\$11,250); and
- (ii)    Unpaid annual leave (\$3750); and
- (iii)   Redundancy compensation sought equivalent to three months' wages (\$11250)

[2]     The Respondent, by its statement of reply, accepted amounts (i) and (ii) were owed to the Applicant but denied he has any contractual entitlement to item (iii). It said the company was seeking further investment in its business and when it was in funds the Applicant would be paid what he is owed. It gave no indication of when that might be and said the company's "small passive income" was not enough to pay the Applicant.

[3] The Respondent was notified of the investigation meeting but did not attend at the scheduled time. I waited a further 20 minutes and proceeded with the meeting

[4] On the basis of the Respondent's reply and the Applicant's unchallenged affirmed evidence, the Applicant is entitled to an order for payment of wages and annual leave owed to him.

[5] His claim for an order for redundancy compensation is dismissed. His employment agreement did not provide for such compensation to be paid. While the Applicant alleges that a "redundancy package" is "standard company procedure", he accepts no such obligation had become a term of his employment, or its termination.

[6] However I think it fit that the Applicant be paid interest on the undisputed amounts owed to him from at least the date of the statement of reply acknowledging the amounts are owed to him (17 May 2007) until the company's debt of wages is paid to him. That interest is at the 90-day bill rate as of today plus two per cent, that is 10.71 per cent, and is awarded under clause 11 of Schedule 2 of the Employment Relations Act 2000.

[7] Accordingly, the following orders are made. The Respondent is to pay to the Applicant without further delay, the following sums:

- (i) \$11,250 as wages for a three month period; and
- (ii) \$3750 for annual leave due to him; and
- (iii) \$827.20 as interest on the above two amounts for the period from 17 May to 19 November 2007; and
- (iv) a further \$4.40 a day from 20 November 2007 until the amounts due are paid.

Robin Arthur  
Member of the Employment Relations Authority