

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2013] NZERA Auckland 342
5422396

BETWEEN KATHRYN HAY
 Applicant

A N D WHITEHEAD SIGNS
 LIMITED
 Respondent

Member of Authority: Anna Fitzgibbon

Representatives: The Applicant in person
 No appearance for Respondent

Investigation Meeting: 6 August 2013 at Whangarei

Date of Determination: 7 August 2013

DETERMINATION OF THE AUTHORITY

- A. Whitehead Signs Limited (Whitehead Signs) is ordered to pay Ms Hay arrears of wages of \$2,836.59 gross.**
- B. Whitehead is to reimburse Ms Hay the cost of the filing fee of \$71.56.**

Non-appearance of respondent

[1] Whitehead Signs failed to file a statement in reply and failed to attend the investigation meeting. I am satisfied that Whitehead Signs was properly served with the statement of problem and subsequent correspondence from the Authority together with a notice of investigation meeting. In those circumstances, I proceeded to investigate the matter in the absence of Whitehead Signs.

Employment relationship problem

[2] Whitehead Signs is a signwriting business in Whangarei. Mr Jacobus De Beer is the sole director and shareholder of Whitehead Signs. Mr De Beer and his wife, Ms Amelia De Beer both work in the business.

[3] Ms Hay was employed by Whitehead Signs as an Office Manager from 2 July 2012 until she resigned on 25 February 2013. Ms Hay was never provided with a written employment agreement.

[4] Ms Hay's salary was \$36,000 gross per annum which was paid to her fortnightly in arrears.

[5] Whitehead Signs began encountering financial difficulties and in January 2013 failed to pay Ms Hay salary due to her. Ms Hay spoke with Ms De Beer about the situation and was promised her outstanding salary would be paid to her.

[6] When Ms Hay was not paid her salary as promised, she spoke again to Ms De Beer who told her Whitehead Signs could not pay her any salary owing to her beyond January 2013. Ms Hay resigned. The uncontested evidence is that Ms Hay is owed salary of \$2,836.59 gross by Whitehead Signs.

[7] Despite request, Ms Hay has still not been paid salary due from the end of January 2013 until her resignation on 25 February 2013. Ms Hay seeks payment of salary due totalling \$2,836.59 gross. I order Whitehead Signs to pay Ms Hay salary due to her of \$2,836.59 gross within 28 days of the date of this determination. I also direct that pursuant to Regulation 26 of the Employment Relations Authority Regulations 2000, Ms Hay be provided with a certificate of determination, sealed with the seal of the Authority, recording that Whitehead Signs is ordered to pay Ms Hay the gross sum of \$2,836.59, plus the filing fee cost of \$71.56.

Anna Fitzgibbon
Member of the Employment Relations Authority