

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN John Hargreaves (Applicant)
AND Imperial Enterprises Limited (Respondent)
REPRESENTATIVES Graeme Ogilvie for Applicant
Mark Gazley for Respondent
MEMBER OF AUTHORITY G J Wood
INVESTIGATION MEETING DATE OF DETERMINATION 7 March 2005

COMPLIANCE ORDER OF THE AUTHORITY

1. In my substantive determination in relation to Mr Hargreaves' claim for unpaid sick leave, which was not contested by the respondent company (Imperial Enterprises) at the investigation meeting, I determined that Imperial Enterprises should pay to Mr Hargreaves \$705.98 gross in lost remuneration, \$750.00 in costs, and \$100.00 in expenses. Despite a number of contacts between the representatives of the parties these sums remain unpaid, as Mr Hargreaves' evidence at the investigation meeting confirmed.
2. On behalf of Imperial Enterprises Mr Gazley accepted that Imperial Enterprises had no defence to the claim for a compliance order, but noted that it has not traded in over a year, although it has not yet been wound up.
3. In these circumstances I determine that a compliance order is appropriate. I therefore order the respondent, Imperial Enterprises Limited to pay to the applicant, John

Hargreaves, the sums of \$705.98 gross in lost remuneration; \$750.00 in costs; and \$100.00 in expenses within fourteen days of the date of this determination.

4. As I informed Mr Gazley at the investigation meeting, should Imperial Enterprises fail to comply with this compliance order Mr Hargreaves may apply to the Employment Court for the exercise of its powers under section 140(6), which include fines and sequestration of property.
5. Mr Hargreaves is also entitled to interest and costs and I therefore order Imperial Enterprises Limited to pay to him the further sums of \$350.00 in costs and expenses and \$31.12 gross in interest.

G J Wood
Member of Employment Relations Authority