

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2018] NZERA Christchurch 129
3027834

BETWEEN ANDREW KING
 Applicant

AND WILD WOMAN GOOD MAN
 ENTERPRISES LIMITED
 Respondent

Member of Authority: Andrew Dallas

Representatives: Mindi Picotte, advocate for the Applicant
 Leigh Spencer, director of the Respondent

Investigation Meeting 21 August 2018 at Invercargill

Date of the Determination 7 September 2018

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] On the evidence available to the Authority, I am satisfied that, and now find, Andrew King was a casual employee of Wild Women Good Man Enterprises Limited (the company) for a short term.

[2] Mr King claims unpaid wages for the period of 24 November 2017 to 14 December 2017. Mr King sought to recover these outstanding amounts directly from the company. His efforts proved fruitless.

The Authority's investigation

[3] Mr King lodged a statement of problem in the Authority seeking payment of the outstanding amounts. The statement of problem also raised other matters, however these fell away during the investigation meeting.

[4] The company did not lodge a statement in reply, as that document is commonly understood, but it did provide a response to the claim made by Mr King. Other documents, which were said to be supportive of its position, were also provided.

[5] Mr King provided calculations for unpaid wages to the Authority. He said he was owed \$2,140. He said the company paid him \$500 on 11 December 2017 in part payment of total unpaid wages of \$2,640. Having reviewed the evidence, Mr King is also entitled to holiday pay for this period.

[6] Following investigation meeting, I formed the view, in reliance on s 132(2) of the Employment Relations Act 2000 (the Act), in the absence of any other evidence to the contrary provided by the company, that orders for payment of:

- (i) \$2140 gross as unpaid wages; and
- (ii) \$211.20 gross as unpaid holiday pay, should be made.¹

[7] The proposed orders were promulgated to the parties in a Minute. The company was given until no later than 4pm on 29 August 2018 to provide comment on these proposed orders. The company accepted the Authority had “operated within the parameters of the ERA” and that “technically” the company owed Mr King the money. However, the company also claimed that Mr King owed the company money but suggested the Authority, correctly it transpires, did not have jurisdiction to deal with this claim.

¹ Calculated as 8% of \$2640 being total wages earned by Mr King between 24 November 2018 and 14 December 2018.

[8] In the absence of credible legal opposition from the company and in reliance on s 132(2) of the Act, the company must pay Mr King the amounts specified in paragraph [7] above.

Costs

[9] As neither party was formally represented, the issue of costs does not fall to be decided. However, the company must also pay Mr King \$71.56 being the Authority's filing fee.

Andrew Dallas
Member of the Employment Relations Authority