

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON OFFICE**

**BETWEEN** Rosina Tala Krammer (Applicant)  
**AND** Childzplay Centre Ltd (Respondent)  
**APPEARANCE** Rosina And Sarah Krammer  
No appearance for the respondent  
**MEMBER OF AUTHORITY** P R Stapp  
**INVESTIGATION MEETING** Wellington, 12 July 2005  
**DATE OF DETERMINATION** 12 July 2005

**DETERMINATION OF THE AUTHORITY**

**Background**

[1] I am satisfied that the respondent has been served with the statement of problem on the business's box number and the box holder (Vanessa Wilson) and personal service of the notice of the investigation meeting by Sarah Krammer, the applicant's mother.

[2] There has been no statement of reply received or leave sought by the respondent to reply. I decided to proceed with the investigation meeting in the absence of the respondent where no good cause has been given for the respondent's failure to appear or be represented.

[3] The parties were provided with mediation services on 24 February 2005. Apparently there was an attempt to settle with an agreement that the respondent would pay \$130 per week. No payments were made. Thus the matter was filed in the Authority

[4] I decided to investigate the problem (having considered mediation) and in doing so made an order for the respondent to provide wage and time records. No records have been provided.

### **Employment relationship problem**

[5] The employment relationship problem is that the applicant says she has not been paid wages that she is entitled to. Ms Wilson has acknowledged that the applicant is owed wages in a letter dated 28 July 2004.

### **Who is the employer?**

[6] The statement of problem cited Vanessa Wilson as the respondent. The relevant documents produced, including an individual employment agreement, referred to a limited liability company existing. The company is Childzplay Centre Ltd. Vanessa Wilson is the director of that company. The company's registered office is at its place of business, where Ms Krammer worked. She accepts the company was her employer.

### **How much is the applicant owed?**

[7] I am satisfied the applicant is owed \$1,437 as claimed in the absence of any defence, statement in reply and failure by the respondent to produce wage and time records. I order the respondent to pay this sum. In addition an amount of holiday pay is also due. The amount of holiday pay owing is \$86.22 (6% calculated on the above sum)

**Determination**

[8] Childzplay Centre Ltd is to pay Rosina Tala Krammer the sum of \$1,437 wages and \$86.22 holiday pay and pay Rosina Tala Krammer the \$70 filing fee for these proceedings.

P R Stapp  
Member of the Authority