

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Edward Paul Longdill (Applicant)
AND Rob Ronald trading as Dzignakit (Respondent)
REPRESENTATIVES Edward Paul Longdill in person
No appearance for Respondent
MEMBER OF AUTHORITY Vicki Campbell
INVESTIGATION MEETING 17 May 2005
DATE OF DETERMINATION 4 July 2005

DETERMINATION OF THE AUTHORITY

Preliminary matter

[1] The respondent in this matter, Mr Rob Ronald, did not attend and was not represented at the investigation meeting. I accept the respondent has been served with the statement of problem because the Authority's records indicate that was so. A notice of investigation meeting was forwarded to Mr Ronald and again the Authority's records indicate that it was received.

[2] The meeting was delayed to allow for the situation that the respondent had been unavoidably detained. However, as there was neither an appearance for, nor contact from, the respondent to explain the absence, I have proceeded to determine the matter in accordance with the Second Schedule to the Employment Relations Act 2000.

[3] Originally the respondent was named only as Mr Ronald. During the investigation meeting further information came to light which indicated the respondent traded under the name Dzignakit. Mr Longdill had made a special trip back to New Zealand from Australia where he is now based, in order to appear at the investigation meeting. I proceeded to hear Mr Longdill's claim, but requested Mr Longdill to file an amended statement of problem to allow Mr Ronald trading as Dzignakit an opportunity to respond to the problem if he so desired. The amended statement of problem was filed in the Authority on 20 May 2005. I am satisfied Mr Ronald has received as copy of the

amended statement of problem and had an opportunity to file his statement in reply. Mr Ronald has remained silent and so I have proceeded to determine this matter.

Employment relationship problem

[4] Mr Paul Longdill says his previous employer, Mr Rob Ronald, owes him outstanding wages of \$1265.00.

Arrears of wages claim

[5] Section 130 of the Employment Relations Act 2000 provides for the recovery of wages or other money payable by an employer to an employee under an employment agreement.

[6] Mr Longdill told the Authority that he had been working for a contractor at Marsden Bay, Ruakaka when he was approached by Mr Ronald to work for him, assisting him to erect a large shed for N.I.W.A. at the same site.

[7] Mr Longdill told the Authority the agreed rate was \$10.00 per hour net of tax. Mr Longdill provided a copy of the dates and times he worked for Mr Ronald between Monday 18 August 2003 and Saturday 20 September 2003. The document shows that Mr Longdill worked 186 ½ hours in total.

[8] On 28 November 2003 Mr Ronald paid to Mr Longdill an amount of \$600 net of tax.

[9] I am satisfied that Mr Longdill is owed \$1265.00. I have calculated this amount by subtracting the \$600 net paid, from the \$1865.00 net owed for the total hours worked.

Mr Rob Ronald is ordered to pay to Mr Longdill \$1,265.00 net as arrears of wages.

[10] Tax liability for payments made to Mr Longdill remain the liability of Mr Ronald.

Costs

[11] Although he was not legally represented Mr Longdill is entitled to recover the cost of filing his application with the Authority.

Mr Ronald is ordered to pay Mr Longdill \$70.00 being the reimbursement of his filing fee in addition to the amount set out above.

Vicki Campbell
Member of Employment Relations Authority