

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2017] NZERA Christchurch 128
3006171

BETWEEN ANDREA PANIAGUA
 Applicant

AND TSSR GROUP LIMITED
 Respondent

Member of Authority: Andrew Dallas

Representatives: Applicant in person
 Scott O'Driscoll, Director on behalf of the Respondent

Investigation Meeting: 17 July 2017 at Christchurch

Date of Determination: 17 July 2017

CONSENT DETERMINATION

Employment relationship problem

[1] Andrea Paniagua lodged a statement of problem in the Authority alleging various matters arising out of her relatively short employment (40 hours) including arrears of wages and failure to provide an employment agreement.

[2] Ms Paniagua initially identified one of the directors of TSSR Group Limited (TSSR), Natasha Rooney as her employer. However, during the investigation meeting on 17 July 2017 it became apparent her employer was TSSR.

[3] Under powers set out in s 221 of the Employment Relations Act 2000, I joined TSSR to the proceedings and struck out Ms Rooney. The parties did not object to this course.

[4] During the investigation meeting, Ms Paniagua and TSSR agreed terms to resolve their employment relationship problem. The parties asked the Authority to issue a consent determination to record this agreement.

Consent Order

[5] By consent and by this determination the terms of agreement between Ms Paniagua and TSSR, which are now made orders of the Authority, are:

- (a) TSSR will pay Ms Paniagua, within 28 days of this determination, \$96.00 (gross) as wages for her work trial with TSSR;
- (b) TSSR will pay Ms Paniagua, within 28 days of this determination, \$40.00 (net) as wages arrears;
- (c) TSSR will pay Ms Paniagua, within 28 days of this determination, \$11.44 (gross) as holiday pay arrears after re-calculation of her gross earnings as a result of (a) and (b) above;
- (d) TSSR will pay Ms Paniagua, within 28 days of this determination, \$18.00 (gross) as compensation for untaken rest breaks;
- (e) TSSR will pay Ms Paniagua, within 28 days of this determination, a penalty of \$250.00 for failure to provide an employment agreement; and,
- (f) TSSR will pay Ms Paniagua, within 28 days of this determination, \$71.56, being the Authority's filing fee and costs will otherwise lie where they fall.

[6] This determination is enforceable under s 137(1)(b) of the Employment Relations Act 2000.

Andrew Dallas
Member of the Employment Relations Authority