

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2014] NZERA Auckland 352
5465098

BETWEEN

CHRISTINE MARGARET
QUEDLEY
Applicant

A N D

AMPHIBIANS SWIMMING
ACADEMY LIMITED
Respondent

Member of Authority: Rachel Larmer
Representatives: Applicant in person
No appearance for Respondent
Investigation Meeting: 20 August 2014 at Auckland
Date of Determination: 20 August 2014

DETERMINATION OF THE AUTHORITY

A. Within 28 days of the date of this determination Amphibians Swimming Academy Limited (Amphibians) is ordered to pay Ms Quedley:

- a. \$142.50 wage arrears;**
- b. \$602.88 holiday pay;**
- c. \$71.56 filing fee.**

Statement in Reply

[1] Amphibians was served at its registered address for service with Ms Quedley's Statement of Problem on 16 June 2014. It has not filed a Statement of Reply nor sought leave to file a Statement in Reply out of time.

No appearance

[2] Amphibians was served at its registered address for service with the Authority's Notice of Hearing on 29 July 2014 but did not appear at the investigation meeting today. It has not had any communication with the Authority.

Failure to comply with directions

[3] Amphibians has failed to comply with the Authority's direction to provide a copy of Ms Quedley's wage and time and holiday and leave records.

Employment relationship problem

[4] Ms Quedley started work with Amphibians on 23 May 2013. She was supposed to be paid weekly but that often did not occur. Her employment ended on 04 May 2014.

[5] Ms Quedley has not been paid her final pay or holiday pay. She has been communicating with Debra Terry (nee Roach) Amphibian's sole director. Ms Terry advised Ms Quedley in an email dated 10 May 2014 that her final pay and holiday pay had been processed that evening. That did not occur. She has not been paid her wage arrears or any holiday pay upon termination.

[6] Ms Quedley was paid \$19 per hour. She claims she was short paid over the period 13 February to 18 April 2014 so is owed \$142.50 (\$19 x 7.5 hours). She also claims she is owed \$602.88 holiday pay (8% of total gross earnings of \$7,533.50).

[7] I accept Ms Quedley's uncontested evidence. Amphibians is ordered within 28 days of the date of this determination to pay Ms Quedley:

- a. \$142.50 wage arrears;
- b. \$602.88 holiday pay;
- c. \$71.56 to reimburse her filing fee.

Costs

[8] Ms Quedley was not legally represented so there is no issue as to costs.

Rachel Larmer

Member of the Employment Relations Authority