

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH OFFICE**

BETWEEN Colin Douglas Robertson (Applicant)

AND Interfert Limited (Respondent)

REPRESENTATIVES Colin Douglas Robertson In person
No appearance for Respondent

MEMBER OF AUTHORITY Philip Cheyne

INVESTIGATION MEETING 9 May 2006

DATE OF DETERMINATION 10 May 2006

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] Colin Robertson was employed by Interfert Limited from late 1999 until 6 October 2005 as the company's Otago/Southland representative. The problem is his claim that he is owed \$9,449.82 in arrears of salary and commissions and for the reimbursement of expenses incurred by him in the course of his employment.

[2] Ron Jamieson and Geoff Walker are directors of Interfert Limited, both based in Auckland. The Authority sent Mr Robertson's statement of problem to Mr Jamieson and when there was no response within the stipulated time, several phone messages were left for Mr Jamieson and Interfert. When there was still no response, a phone conference was scheduled and written notice of that was sent to the company and to Mr Jamieson's home address. An email was then received from Mr Jamieson advising that he and Mr Walker would be available and giving the Authority a phone number to call.

[3] The phone conference was held on 14 December 2005. Mr Jamieson and Mr Walker participated as did Mr Robertson. During the call, Mr Jamieson acknowledged that the company did owe Mr Robertson some arrears but questioned the quantum of the claim. The parties agreed to adjourn the call to give the company a chance to establish the amount owed and contact Mr Robertson. Mr Jamieson also gave the Authority a PO Box address for correspondence. By late January 2006, Mr Robertson had heard nothing further so another phone conference was scheduled and the company was notified of those details. There was a response from Mr Walker who said he was unavailable but would get Mr Jamieson to attend the call. However, nothing more was heard from either man and there was no response when the Authority attempted to contact the company on 30 January 2006, the date scheduled for the call.

[4] During the call on 30 January 2006, arrangements were made with Mr Robertson for an investigation meeting and notice of that meeting was sent to the company.

[5] In his statement of problem, Mr Robertson questioned the point of mediation given his persistent attempts to be fully paid during the employment and after it ended. I agreed that mediation was unlikely to resolve the problem.

No appearance by the respondent

[6] There was no appearance by the respondent at the investigation meeting or during the following 2½ hours. I am satisfied from the file that notice of the meeting was delivered to the respondent at the address given by Mr Jamieson and that there is no good cause for the respondent's non appearance. I note also that the respondent has failed to lodge a statement in reply despite several reminders from the Authority. Accordingly, I will proceed to determine this matter.

Arrears

[7] I am satisfied on Mr Robertson's evidence that he was employed by Interfert Limited and that he is owed \$9,449.82 in arrears of salary and commissions and for the reimbursement of expenses incurred by him in the course of his employment. Interfert Limited is ordered to pay that sum to Mr Robertson.

[8] Mr Robertson was not legally represented so the only issue of costs is the lodgement fee. I order Interfert Limited to pay Mr Robertson \$70.00 to reimburse that expense.

Philip Cheyne
Member of Employment Relations Authority