

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Simme Cornelius Maria Schoonderwoerd (Applicant)
AND Wooding Construction Limited (Respondent)
REPRESENTATIVES Applicant in Person
No appearance by Respondent
MEMBER OF AUTHORITY Dzintra King
INVESTIGATION MEETING 20 February 2007
DATE OF DETERMINATION 20 February 2007

DETERMINATION OF THE AUTHORITY

On 25 July 2006 the applicant, Mr Simme Schoonderwoerd, entered into a mediated settlement with the respondent, Wooding Construction Limited. The respondent has failed to abide by the terms of the settlement and Mr Schoonderwoerd seeks a compliance order.

Throughout the course of the Authority's dealings with the respondent has rejected the opportunity to participate in conference calls and when the respondent received notification of the Investigation faxes were received stating that the company had no funds available, that the meeting needed to be cancelled and that the respondent would not attend a meeting.

The respondent was notified that in view of the position it had taken I intended to interview the applicant and to make a determination based upon the evidence I received from him.

I am satisfied that the respondent entered into a mediated settlement and that it has failed to abide by its terms. Pursuant to s 137 (1) (a) (iii) I order that the respondent comply with the terms of the settlement agreement dated 25 July 2006 and that it does so forthwith.

Mr Schoonderwoerd also sought costs. On checking with his lawyer I ascertained that any legal costs incurred had been incurred for a different matter. I am therefore unable to make an award of costs. The applicant is, however, entitled to be paid the amount of his filing fee. I order that the respondent pay the applicant the sum of \$70 in addition payments due pursuant to the settlement agreement.

Dzintra King
Member, Employment Relations Authority