

[5] Notice of his application was given to the company when the statement of problem was served on it at its registered office on 12 November 2009. Its failure to lodge a statement in reply meant, after the prescribed 14 day time period had elapsed, that the company could only respond or reply to the application with the leave of the Authority, which has not been sought.

[6] I am satisfied that a Notice of Investigation Meeting was also served on the company on 12 July 2010, informing it of an investigation meeting to be held on 30 July 2010.

[7] At that meeting there was no attendance by or on behalf of the respondent company and nothing was heard from it or its director, Mr Anil Bhatia, by support staff of the Authority.

[8] The meeting therefore proceeded, as the Notice had warned it could in the absence of any party.

[9] From the evidence of Mr Sidana the Authority is satisfied that he was an employee at material times when driving a van supplied by Mr Bhatia and carrying out security work at various customer premises in the course of duty. Mr Bhatia's firm had been contracted by Armourguard to do that work and for Mr Sidana to become engaged in it Anil Securities applied for the certificate of Approval that was issued by the Registrar.

[10] There was no written employment agreement and apparently no wage or time records kept by the employer, but Mr Sidana kept careful note of his hours and the payments he did receive. I am satisfied that he advised Mr Bhatia of these in writing in September 2009, in a letter setting out the dates worked and the hours between June and August 2009. The total hours are 299 which at \$13 per hour, the agreed rate of pay I find, comes to \$3,887 gross. From this Mr Sidana deducted payments received by him in total of \$980 and he claims the balance of \$2,907. In his letter to Mr Bhatia he requested payment of the balance due within 10 days.

[11] I am satisfied that Mr Sidana has not received the wages due to him. The company has had full knowledge of his claim but disregarded it.

[12] Pursuant to s 131 of the Employment Relations Act 2000 the Authority orders Anil Securities Limited to pay to Mr Dev Sidana the sum of \$2,907 arrears of wages.

[13] I order under s 221 of the Act that the above amount is to be paid to Mr Sidana by the company within 14 days of the date of service on it of this determination.

[14] Mr Sidana confirmed to the Authority that he did not seek interest on the outstanding amount but did wish to recover the \$70 filing fee paid on his application. Anil Securities Limited is ordered to pay that amount of \$70, in addition to the arrears of wages.

A Dumbleton
Member of the Employment Relations Authority