



New Zealand Employment Relations Authority Decisions

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Stearman v Oxygen Cuisine Limited [2011] NZERA 341; [2011] NZERA Christchurch 74 (27 May 2011)

Last Updated: 20 June 2011

IN THE EMPLOYMENT RELATIONS AUTHORITY

[2011] NZERA Christchurch 74

5332664

BETWEEN SIMON ASHLEY

STEARMAN Applicant

AND OXYGEN CUISINE LIMITED

Respondent

Member of Authority: Representatives:

Telephone conference: Date of Determination:

Helen Doyle

Simon Stearman, In person

Stephen Mills, Advocate for Respondent

26. May 2011

27. May 2011

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] Mr Stearman worked for Oxygen Cuisine Limited as a Chef at Traffic Cafe in Queenstown for several months. He was given cheques for his wages for May and June 2009 in the combined sum of \$2100.00. On presentation both cheques were declined by the bank.

[2] Since 2009 Mr Stearman has only received the sum of \$100 in reduction of the amount owed. He explained that he had waited a considerable period of time before taking any action but now wished to be paid what he is owed being the sum of \$2000 net.

[3] Mr Mills does not dispute that there are outstanding wages owing to Mr Stearman. During the telephone conference he raised other matters that he: indicated may be pursued in a separate application against Mr Stearman. He also\ explained the financial difficulties the company is facing and that he has suggested other work opportunities for Mr Stearman to assist with the repayment.

[4] The Authority advised Mr Stearman that the step it can take in resolving his employment relationship problem is to determine what is owed to him and make an order in that regard.

Determination

Unpaid Wages

[5] Mr Stearman is owed the sum of S2000 by Oxygen Cuisine Limited being unpaid wages.

[6] I order Oxygen Cuisine Limited to pay to Simon Stearman the sum of \$2000 being unpaid wages.

Costs

[7] Mr Stearman is entitled to reimbursement of his filing fee of \$71.56.

[8] I order Oxygen Cuisine Limited to pay to Simon Stearman the sum of \$71.56 being reimbursement of his filing fee.

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