

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

[2011] NZERA Christchurch 74  
5332664

BETWEEN                      SIMON                      ASHLEY  
   STEARMAN  
   Applicant  
  
AND                              OXYGEN CUISINE LIMITED  
   Respondent

Member of Authority:        Helen Doyle

Representatives:             Simon Stearman, In person  
   Stephen Mills, Advocate for Respondent

Telephone conference:        26 May 2011

Date of Determination:       27 May 2011

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**DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1]     Mr Stearman worked for Oxygen Cuisine Limited as a Chef at Traffic Café 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**

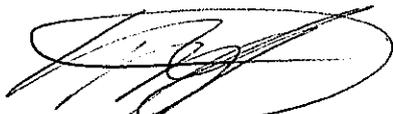
[5] Mr Stearman is owed the sum of \$2000 by Oxygen Cuisine Limited being unpaid wages.

[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.



Helen Doyle  
Member of the Employment Relations Authority

