

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

[2017] NZERA Christchurch 95  
3005372

BETWEEN                      LARISSA STEVENSON  
   Applicant

AND                              IDRAFT LIMITED  
   Respondent

Member of Authority:      Andrew Dallas

Representatives:           Applicant in person  
   No appearance for the Respondent

Investigation Meeting:     On the papers

Determination:              15 June 2017

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**DETERMINATION OF THE AUTHORITY**

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- A.      IDRAFT Limited (IDRAFT) must pay Larissa Stevenson within 28 days of the date of this determination:**
- (i) \$376.00 gross as unpaid wages;**
  - (ii) \$752.00 gross as unpaid holiday pay;**
  - (iii) \$652.92 gross as deducted, but not remitted, student loan repayments;**
  - (iv) \$273.33 gross as deducted, but not remitted, KiwiSaver contributions; and**
  - (v) \$273.33 gross as KiwiSaver employer contributions.**
- B.      IDRAFT must also pay Ms Stevenson within 28 days of the date of this determination \$71.56 as reimbursement of the Authority's filing fee.**

## **Employment relationship problem**

[1] Larissa Stevenson was employed by IDRAFT Limited (IDRAFT) as an architectural designer from 10 October 2016 until 21 December 2016. Ms Stevenson's employment was governed by an individual employment agreement.

[2] Ms Stevenson claims she is owed unpaid wages, holiday pay, unpaid bonus, deducted, but not remitted, student loan repayments and KiwiSaver contributions.

[3] Ms Stevenson sought to recover these outstanding amounts directly from IDRAFT. Her efforts over several months to obtain wage records and recover these amounts from IDRAFT proved fruitless.

## **Issues**

[4] The following is the issue for determination by the Authority:

- (i) Is Ms Stevenson owed unpaid holiday pay by IDRAFT?;
- (ii) Is Ms Stevenson owed unpaid wages by IDRAFT?;
- (iii) Is Ms Stevenson owed deducted, but not remitted, student loan repayments by IDRAFT?;
- (iv) Is Ms Stevenson owed deducted, but not remitted, KiwiSaver contributions by IDRAFT?; and
- (v) Is Ms Stevenson owed KiwiSaver employer contributions by IDRAFT??

## **The Authority's investigation**

[5] Ms Stevenson lodged a statement of problem in Authority seeking payment of the outstanding wages, holiday pay, deducted, but not remitted, student loan repayments, deducted, but not remitted, KiwiSaver contributions and KiwiSaver employer contributions.

[6] IDRAFT did not lodge a statement in reply or seek leave to lodge one out of time. The Authority also had no communication from IDRAFT's sole director, Megan Lawson. I am satisfied that IDRAFT was properly served by the Authority.

[7] Having taken into account the surrounding circumstances outlined above, I decided to investigate Ms Stevenson's employment relationship problem on the papers under s 174D of the Employment Relations Act 2000 (the Act).

[8] As Ms Stevenson had sought wage and time records from IDRAFT and these were not forthcoming, Ms Stevenson was asked by the Authority to quantify her wages and unpaid holiday pay claims and other claims.

[9] Ms Stevenson subsequently provided these calculations to the Authority. She said she was owed \$376.00 gross as unpaid wages, \$752.00 gross as unpaid holiday pay; \$652.92 gross as deducted, but not remitted, student loan repayments; \$273.33 gross as deducted, but not remitted, KiwiSaver contributions; and \$273.33 as KiwiSaver employer contributions.

[10] In response to the above information, I formed the view, in reliance on section 132(2) of the Employment Relations Act 2000, an order for payment of the wage arrears and holiday pay. I also decided it was appropriate to make the other orders based on the information and calculations provided by Ms Stevenson.

[11] On 19 May 2017, a Member's Minute was issued to the parties setting out the nature of Ms Stevenson's employment relationship problem. IDRAFT was asked to provide written comment on Ms Stevenson's claims. Neither IDRAFT nor an authorised representative on its behalf provided written, or other, comment.

### **Ms Stevenson's claims for wages and unpaid holiday pay**

[12] Ms Stevenson claimed that she was owed outstanding wages and holiday pay. She claimed the amounts owed were \$376.00 gross as unpaid wages and \$752.00 gross as unpaid holiday pay. Ms Stevenson provided calculations and other information to justify this claim.

[13] IDRAFT failed to produce wage and time records to assist Ms Stevenson in the calculation of the claim for unpaid wages and holiday pay. In the absence of any information from IDRAFT disproving the claim and in reliance on s 132(2) of the Act, I accept Ms Stevenson's claims for unpaid wages and holiday pay.

[14] IDRAFT must pay Ms Stevenson \$376.00 gross as unpaid wages and \$752.00 gross as unpaid holiday pay within 28 days of the date of this determination.

**Ms Stevenson's claim for student loan repayments**

[15] Ms Stevenson said she was owed \$652.92 gross as deducted, but not remitted, student loan repayments by IDRAFT. She provided a calculation and other information in support of this claim. Ms Stevenson's claim was not disproved or otherwise contradicted by IDRAFT. On the above bases, I am prepared to accept Ms Stevenson's claim is made out

[16] IDRAFT must pay Ms Stevenson \$652.92 gross as deducted, but not remitted, student loan repayments within 28 days of the date of this determination.

**Ms Stevenson's claims for KiwiSaver contributions**

[17] Ms Stevenson said she was owed \$273.33 gross as deducted, but not remitted, KiwiSaver contributions and \$273.33 as KiwiSaver employer contributions. She provided calculations and other information in support of these claims. Ms Stevenson's claim was not disproved or otherwise contradicted by IDRAFT. On the above bases, I am prepared to accept Ms Stevenson's claims are made out.

[18] IDRAFT must pay Ms Stevenson \$273.33 gross as deducted, but not remitted, KiwiSaver contributions and \$273.33 as KiwiSaver employer contributions within 28 days of the date of this determination.

**Costs**

[19] It is fair and reasonable in all the circumstances to require IDRAFT to reimburse Ms Stevenson for the Authority's filing fee of \$71.56. This amount must also be paid to Ms Stevenson within 28 days of the date of this determination.

Andrew Dallas  
Member of the Employment Relations Authority