

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 296/08
5126525

BETWEEN CHRIS STRANGE
 Applicant

AND EDWARDS TRANSPORT
 LTD
 Respondent

Member of Authority: Vicki Campbell

Representatives: Chris Strange in person
 Gary Edwards for Respondent

Consideration on the 15 August 2008
Papers

Determination: 18 August 2008

DETERMINATION OF THE AUTHORITY

- [1] Mr Chris Strange was employed by Edwards Transport Limited as a truck driver.
- [2] There is no written employment agreement setting out the terms and conditions of employment. Mr Strange claims he is owed wages for 42 hours worked at \$22.00 per hour which equates to \$924.00 which remains outstanding.
- [3] A copy of a letter from Mr Edwards dated 6 April 2008 and addressed to Mr Strange has been provided to the Authority from the Respondent. This letter makes allegations of poor performance. In his letter Mr Edwards advises Mr Strange that he is refusing to pay the outstanding wages due to damage to vehicles allegedly caused by Mr Strange, and due to Mr Strange not providing any notice of his intention to terminate the employment relationship.

[4] Initially an investigation meeting was set down for 30 July 2008, however, it was agreed that an investigation meeting was not necessary and by consent this determination has been done on the papers. The Authority has requested copies of the wages and time records from the Respondent, however, they have not been forthcoming. I am satisfied there was no written employment agreement between the parties.

[5] Section 4 of the Wages Protection Act 1983 requires, when any wages become payable to an employee, that the employer pay the entire amount of those wages without deduction. The only exception to that obligation is where the employee has provided written consent or made a written request for deductions. In the face of having no written consent, the Respondent is therefore obliged to pay Mr Strange for the hours that he worked.

Edwards Transport Limited is ordered to pay to Mr Strange \$924.00 gross pursuant to section 131 of the Employment Relations Act 2000 within 14 days of the date of this determination.

Costs

[6] Mr Strange shall have the lodgement fee on this application.

I order Edwards Transport Limited to pay to Mr Strange the sum \$70.00 being the lodgement fee on this application within 14 days of the date of this determination.

Vicki Campbell
Member of Employment Relations Authority