

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN William Tuhega (Applicant)
AND PR Security Limited (Respondent)
REPRESENTATIVES Sarah Bush, Advocate for Applicant
Rick Greer for Respondent
MEMBER OF AUTHORITY Janet Scott
INVESTIGATION MEETING 23 February 2006
DATE OF DETERMINATION 2 May 2006

SUPPLEMENTARY DETERMINATION OF THE AUTHORITY
&
DETERMINATION ON COSTS

On 6 March 2006 I issued a determination finding that the applicant had been unjustifiably dismissed. The applicant was awarded \$3956.14 gross in lost remuneration and holiday pay and \$5000 pursuant to s.123 (1)(c)(i) of the Act.

The respondent wrote to the Authority on 8 March outlining the difficult financial situation it is in and requesting the right to pay the above awards by instalments. Since that time the Authority has been endeavouring (through counsel) to obtain a position from Mr Tuhega with regards to the proposal.

In the interim the respondent has made the payments it can and by 26 April had paid in full the sum of \$3956.14 being the awards of lost remuneration and holiday pay. The respondent is commended for the good faith it has demonstrated in this matter by paying a significant proportion of the award pending the outcome of discussions regarding the time payment proposal.

As of 26 April Mr Tuhega was still unable to communicate his agreement or otherwise to a proposal for time payment.

In a conference call set for that date I gave the parties an oral determination that costs were awarded to the successful applicant in the sum of \$1250.

The respondent submitted, during the above telephone conference that it could manage to pay the sum of \$1250 net per month. This schedule would see the outstanding sums (\$5000 & \$1250) paid off in 5 months.

Determination

Confirming my oral determination given on 26 April 2006, costs in this matter are awarded to the applicant in the sum of \$1250.

I am satisfied that the financial position of the respondent warrants the exercise of my authority under s. 123 (2) to order the respondent to pay the outstanding sums owed by instalments.

I therefore direct the respondent to pay the total sum of \$6250 to the applicant in monthly instalments of \$1250 net. The first payment is to be made not later than 7 days after the date of this determination.

Janet Scott
Member of Employment Relations Authority