

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN Matthew Turley (Applicant)
AND Evolution Paving and Landscaping Ltd (Respondent)
REPRESENTATIVES Dr Gail Irwin for the Applicant
No Appearance for the Respondent
MEMBER OF AUTHORITY P R Stapp
INVESTIGATION MEETING 24 January 2007
DATE OF DETERMINATION 24 January 2007

DETERMINATION OF THE AUTHORITY

Enforcement and Compliance

[1] There has been no appearance by the Respondent. There has been no good cause for the non appearance. I am satisfied that the Respondent was served with the statement of problem and application for enforcement of a signed off settlement. Also I am satisfied that the Respondent was served with the notice for the investigation meeting. The Authority's support officer tried to make contact with the Respondent by telephone without any success. There has been no statement in reply filed in the Authority. I decided to proceed in the Respondent's absence pursuant to clause 12 of Schedule 2 of the Employment Relations Act and to act as fully in the matter as if the Respondent had duly attended or been represented.

[2] The applicant has applied for the enforcement of a settlement between the parties. The parties signed off a settlement and the settlement was recorded and signed off by a mediator from the Department of Labour. The existence of the Record of Settlement is not disputed. An agreed sum of money was not fully paid by the Respondent and attempts were made to obtain the outstanding payments without any success.

[3] I have decided to resolve the matter as requested by the Applicant for the payment in full. Evolution Paving and Landscaping Ltd is to pay to Matthew Turley the sum of \$1,200. This sum is

to be paid by 7 February 2007. In addition Evolution Paving and Landscaping Ltd is to pay to Matthew Turley the sum of \$70 for the reimbursement of the filing fee.

P R Stapp

Member of the Authority