

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 78/08
5111853

BETWEEN

NELITHA VATHER
Applicant

AND

IMMIGRATION
PLACEMENT SERVICES
LIMITED
Respondent

Member of Authority: R A Monaghan

Representatives: N Vather, in person
B Porteous, advocate for Respondent

Investigation Meeting: 6 March 2008

Determination: 06 March 2008

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Nelitha Vather says her former employer, Immigration Placement Services Limited (“the company”), owes her a sum of money in respect of unpaid salary, wages and payment in lieu of notice arising out of the termination of her employment by reason of redundancy.

[2] The total amount owed at the time of termination was \$6,094.22 (nett). By letter dated 11 December 2007 the company’s director, Bruce Porteous, advised Ms Vather of the redundancy, and that the company was unable to pay the full amount owing immediately. The letter set out a schedule of payments, with a final payment to be made on 25 January 2008.

[3] Only the first payment, of \$632.72, has been made. Upon the company’s default in making the second payment Ms Vather filed her statement of problem

seeking the full amount. No further payments have been made. The sum outstanding is \$6,094.22 - \$632.72 = \$5,461.50.

[4] Mr Porteous explained that the company has been unable to pay because it will not obtain the necessary funds until a series of visa applications have been approved by the New Zealand Immigration Service. There has been a delay in processing the applications, but he believes the applications are currently being processed.

[5] I therefore order Immigration Placement Services Limited to pay to Ms Vather within 14 days of the date of this determination:

- (a) the sum of \$5,461.50 (nett); and
- (b) interest at the rate of 8.85% from 11 December 2007 to the date of payment; and
- (c) costs in the sum of \$70.

[6] The parties have agreed that the method of payment will be by direct payment into Ms Vather's bank account, details of which are already in the company's possession.

R A Monaghan

Member of the Employment Relations Authority