

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Christine Patricia Williams
AND European Stone Surfaces Limited
REPRESENTATIVES Christine Williams, in person
No appearance for European Stone Surfaces Limited
MEMBER OF AUTHORITY Rosemary Monaghan
INVESTIGATION MEETING 16 November 2006
DATE OF DETERMINATION 16 November 2006

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Christine Williams and European Stone Surfaces Limited ("ESSL") are parties to a mediated settlement of an employment relationship problem, reached under s 149 of the Employment Relations Act 2000. Ms Williams says the terms of settlement have not been met, and seeks an order for compliance in order to enforce them.

[2] In particular, the terms of settlement required ESSL to pay to Ms Williams the sum of \$3,000 under s 123(1)(c)(i) of the Act. Payments were to be made in two instalments of \$1,500 each, on or before 7 September 2006, and on or before 19 October 2006.

[3] Neither payment has been made.

Failure of party to attend and be heard

[4] I am satisfied that ESSL was served with the statement of problem and the notice of investigation meeting. It has not filed a statement in reply, despite being reminded of the obligation to reply by the Authority and being given an extension of time in which to reply. The company has not communicated with the Authority about the matter, no-one attended the investigation meeting on the company's behalf, and no reason has been provided for the failure to attend or be represented.

[5] I record, although I can take the matter no further, that all of the above raise a concern about whether ESSL has acted in good faith in relation to this employment relationship problem.

[6] Because no good cause has been shown for ESSL's failure to attend or be represented at the investigation meeting, with reference to clause 12, Schedule 2 of the Act I now proceed to determine the employment relationship problem.

Determination

[7] No reason has been given for the failures to pay. The obligation to pay is clear, and ESSL is in default in respect of both part payments. Accordingly ESSL is ordered to pay to Ms Williams forthwith the sum of \$3,000.

[8] ESSL is further ordered to pay interest on that amount pursuant to clause 11, Schedule 2 of the Act. In the circumstances, the 90-day bill rate plus 2% is appropriate. Accordingly interest is to be paid at the rate of 9.6% from the date of default on each payment respectively, to the date of payment.

Costs

[9] ESSL is to pay Ms Williams a further \$70 in respect of the filing fee.

R A Monaghan
Member of Employment Relations Authority