

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2012] NZERA Auckland 199
5379087

BETWEEN ANTONIO AGREITER
 Applicant

AND GINO LIMITED
 Respondent

Member of Authority: R A Monaghan

Representatives: M Moncur, advocate for applicant
 No appearance for respondent

Investigation Meeting: 11 June 2012

Determination: 11 June 2012

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] In a determination dated 8 July 2011 I ordered Gino Limited (GL) to pay to Antonio Agreiter sums of money totalling \$12,917.50 (gross).¹ In a further determination dated 5 August 2011 I ordered GL to pay to Mr Agreiter costs in the sum of \$1,750 plus a filing fee of \$70.² I refer to these together as ‘the Authority’s determinations’. The total gross amount ordered was \$14,737.50

[2] Mr Agreiter received a payment of \$10,000, and the parties entered into an agreement under which the balance would be paid in 8 equal instalments of \$592 (gross) each. Payments were to commence on 29 September 2011.

[3] Six payments of \$592 were received. Payments due on 13 and 20 October 2011 respectively were missed, although payments were otherwise made weekly, and the last payment was received on 17 November 2011.

¹ *Agreiter v Gino Limited* [2011] NZERA Auckland 298

² *Agreiter v Gino Limited* [2011] ZNERA Auckland 349

[4] Mr Agreiter seeks an order that GL comply with the Authority's determinations by paying him the sum of \$1,184, being the balance of the sums owed under the orders contained in those determinations.

Preliminary matter

[5] GL did not lodge a statement in reply. It did not attend and was not represented at the investigation meeting.

[6] I am satisfied that GL received the statement of problem. Its director has been in contact with a support officer so was aware of the arrangements for the investigation meeting. As no good cause has been shown for the failure to attend or be represented at the investigation meeting I have proceeded under Schedule 2 clause 12 of the Employment Relations Act 2000 to hear and determine the matter.

Determination

[7] I am satisfied that the amounts sought are owed, and that the Authority's determinations have not been complied with in full.

Order of the Authority

[8] GL is ordered to comply with the determinations by paying to Mr Agreiter the sum of \$1,184 (gross). This amount is to be paid by midday on 15 June 2012.

Costs

[9] GL is further ordered to reimburse Mr Agreiter for the filing fee of \$71.56. If Mr Agreiter seeks any further amount in costs he shall have 28 days from the date of this determination in which to file and serve a memorandum on the matter.

R A Monaghan

Member of the Employment Relations Authority