

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 335/09  
5165833

BETWEEN                      WILLIAM BEVAN  
   Applicant  
  
AND                                BELLA FLORA LIMITED  
   Respondent

Member of Authority:      Vicki Campbell  
  
Investigation Meeting:      On the papers  
  
Determination:                15 September 2009

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**DETERMINATION OF THE AUTHORITY**

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[1]      Mr William Bevan was employed by Bella Flora Limited from March 2006 until April 2009. Mr Bevan claims payment of outstanding wages in the amount of \$6,384.00 gross and holiday pay of \$2,001.29 gross. On 6 July 2009 the respondent lodged a statement in reply accepting that the money was owed to Mr Bevan but claiming that there was no money to pay him.

[2]      The matter has not been to mediation and during a telephone call with a Support Officer from the Authority on 7 July the respondent expressed his view that mediation was pointless as there was no money to pay Mr Bevan but that once the respondent had sorted out his financial situation Mr Bevan would be paid as Mr Bevan was a good worker.

[3]      The Authority attempted to set up a conference call to discuss the application and process to be followed including setting down an investigation meeting date. However, the respondent, while reiterating that he had no dispute that the money was owed, refused to participate in a conference call.

[4]      Despite the respondent's contended view that mediation would be to no avail, the parties were directed to attend mediation and endeavour to resolve the

problem between them. On 18 August the Mediation Service advised the Authority that it had been unsuccessful in scheduling a mediation as the respondent was not receptive to attending.

[5] A further conference call was held on Friday 11 September 2009 however the Respondent has continued to refuse to participate in the Authority's processes and failed to attend the conference call. During that conference call it was agreed that the Authority would determine the matter on the papers.

[6] There is no dispute that the arrears of wages claimed by Mr Bevan remain outstanding. Mr Bevan is entitled to be paid for work he undertook during his employment. Payment is ordered accordingly.

**Bella Flora Limited is ordered pursuant to s 131 of the Employment Relations Act 2000 to pay to Mr Bevan the sum of \$8,385.29 being outstanding wages and holiday pay. Such payment is to be made within 28 days of the date of this determination.**

#### **Costs**

[7] Mr Bevan is entitled to reimbursement of the lodgement fee on this application.

**Bella Flora Limited is ordered to pay to Mr Bevan \$70.00 in reimbursement of the filing fee on this application within 28 days of the date of this determination.**

Vicki Campbell  
Member of Employment Relations Authority