

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2019] NZERA 606
3063012

BETWEEN RICKY MICHAEL BOYD
 Applicant

AND KROUGER CONTRACTING
 LIMITED
 Respondent

Member of Authority: Geoff O’Sullivan

Representatives: Jenny Walker, advocate for the Applicant
 No appearance for Respondent

Investigation Meeting: 14 October 2019 (by conference)

Submissions [and further At the investigation meeting
Information] Received:

Date of Determination: 22 October 2019

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The applicant, Ricky Michael Boyd, claims he is owed unpaid wages and was unjustifiably disadvantaged in his employment.

[2] Krouger Contracting Limited, despite having been served the statement of problem at its registered address and despite attempts by registry staff to contact it, has not participated in the process and its position in respect of the claims, is unknown. Accordingly, there has been no statement in reply filed, nor any contact with the respondent. An unsuccessful attempt to contact the Respondent was made at the commencement of the investigation.

[3] I considered whether or not to proceed in light of the non-attendance by the respondent, but as I was satisfied that it was aware of the investigation and consequences of

non-attendance, I would proceed. A notice of Investigation Meeting (form 8) dated 16 September 2019 had also been served on the Respondent.

[4] Mr Boyd confirmed he had commenced employment with the respondent on 17 January 2019. This start date differed from the date provided initially in the statement of problem however, Mr Boyd has assured me this was the correct commencement date. His employment terminated on 10 March 2019.

[5] Mr Boyd has advised me he was to be paid an agreed rate of \$20 per hour and in support of his claims, produced time sheets and bank account transactions.

[6] In support of his claim for compensation for hurt and humiliation, Mr Boyd spoke of his inability to sleep, the distress the situation had caused him, and other evidence of hurt and humiliation he felt as a result of his employer's action.

[7] Having heard Mr Boyd's evidence and considering the material filed, I find that Mr Boyd is owed unpaid wages and has made out his claim that he was unjustifiably disadvantaged in his employment. Mr Boyd has claimed the sum of \$3,625.40 and has not claimed any loss past 10 March 2019.

Conclusion and Orders

[8] For the above reasons I order that Krouger Contracting Limited pay to Mr Boyd the following:

- (a) Unpaid wages of \$3,625.40;
- (b) Compensation for hurt and humiliation of \$3,000 in terms of s 123(1) (c) (i) of the Employment Relations Act 2000.

[9] I order payment to be made no later than 4:00 pm Thursday 7 November 2019. As Mr Boyd has incurred no costs in respect of representation, no order for costs is made.

Geoff O'Sullivan
Member of the Employment Relations Authority