

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 424
5354183

BETWEEN BRENDA RANGIMARIE
 CHRISTIANSEN
 Applicant

AND SEVANS GROUP (NZ)
 LIMITED
 Respondent

Member of Authority: Alastair Dumbleton

Representatives: Applicant in person
 No appearance for Respondent

Investigation Meeting: 26 September 2011

Determination: 27 September 2011

DETERMINATION OF THE AUTHORITY

Application for Compliance Order

[1] On 10 May 2011 the Authority determined that the applicant, Ms Brenda Christiansen, had a personal grievance as a result of a failure by the respondent, Sevans Group (NZ) Ltd, to pay remuneration due under the express terms of an employment agreement. The determination is recorded at [2011] NZERA Auckland 193.

[2] The Authority awarded to Ms Christiansen compensation of \$5,000, pursuant to s 123(1)(c)(i) of the Employment Relations Act 2000, and it also ordered Sevans Group (NZ) Ltd to pay her a total \$21,151.16 net, pursuant to s 131 of the Act, as remuneration due to Ms Christiansen when her employment ended.

[3] Interest at 8.4% per annum was ordered to be paid from 7 January 2011 until the principal sum of \$21,151.16 had been paid in full, pursuant to clause 11 of Schedule 2 of the Act.

[4] A penalty of \$4,000 was ordered to be paid to the Crown for breach of the employment agreement by the company, which the Authority found had been committed by the employer with full knowledge of its obligations under the written contract entered into with Ms Christiansen.

[5] Ms Christiansen applied for a compliance order in respect of the determination on 22 August 2011. The application was served on Sevans Group (NZ) Ltd at the address for service given to the Companies Office when the company was incorporated in September 2010. A notice of investigation meeting was also served on the company on 16 September 2011.

[6] As before, Sevans Group (NZ) Ltd has not responded or replied to this latest application in any way. The Authority is satisfied that the company was served with a copy of the Authority's determination dated 10 May 2011 and has not met the orders made in it at all. Ms Christiansen has received nothing.

Determination

[7] In accordance with s 137 of the Employment Relations Act the Authority orders Sevans Group (NZ) Ltd, within 14 days of the date of this determination, to comply with the determination dated 10 May 2011 by paying to Ms Brenda Christiansen compensation of \$5,000 and by reimbursing her unpaid wages, salary and allowances including holiday pay, of \$21,151.16. The respondent company is also ordered to pay interest at 8.4% per annum on the latter amount from 7 January 2011 until it has been paid in full.

[8] Any failure by Sevans Group (NZ) Ltd to comply with the orders now made will enable Ms Christiansen to apply to the Employment Court for the exercise of its powers under s 140(6) of the Act. Those powers include the imposition of a fine not exceeding \$40,000 and ordering the seizure of property from which the amounts owed to Ms Christiansen can be recovered.

A Dumbleton
Member of the Employment Relations Authority