

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 79
5332293

BETWEEN PARAMJIT DHALIWAL
Applicant

AND TEAM ORANGE METALS
LIMITED
Respondent

Member of Authority: Vicki Campbell

Representatives: Applicant in Person
 No Appearance for Respondent

Investigation Meeting: 3 March 2011

Determination: 3 March 2011

DETERMINATION OF THE AUTHORITY

- A Mr Dhaliwal is owed outstanding money for wages, reimbursement of expenses and holiday pay.**
- B Team Orange Metals Limited is ordered to pay to Mr Dhaliwal the amount of \$1611.85 nett.**
- C Team Orange Metals Limited is ordered to reimburse Mr Dhaliwal \$70 being the filing fee on this application.**

[1] Mr Paramjit Dhaliwal claims arrears of wages which he says are owed to him by Team Orange Metals Limited (TOML). TOML is a scrap metal buying company owned by Mr Stuart Wood (alias Harry Wood).

[2] No statement in reply was received from the respondent. In a memorandum dated 15 February 2011 the respondent was advised that the matter had been set down

and reminded that should it attend the investigation meeting it would require leave to reply or respond to Mr Dhaliwal's application. The Notice of Investigation Meeting sets out the consequences for the respondent if it does not attend the investigation meeting.

[3] As at the scheduled commencement time for the 3 March 2011 investigation meeting, no representative of TOML was present. I am satisfied the notice of investigation meeting was served on the company at the address for service listed on the Company's Register. The Authority contacted Mr Wood to ascertain whether he intended to make an appearance. Mr Wood advised the Authority that he agreed that about \$1,600 was owed to Mr Dhaliwal and does not dispute the claim.

[4] Mr Wood told the Authority that he had not collected the papers from the address for service and that he was out of town. The failure by Mr Woods to pick up the documents which had been served correctly is not a good reason to delay hearing this matter. Mr Wood was advised that I would proceed under clause 12 of Schedule 2 to the Employment Relations Act 2000 to hear and determine the matter as if Team Orange Metals Limited had attended or been represented.

Arrears of wages

[5] Mr Dhaliwal worked for TOML from 6 October 2010 until 10 November 2010 on a part time basis working Tuesdays and Fridays from 9.00am to 5.00pm. Mr Dhaliwal was to be paid a weekly nett amount of \$250.00. Prior to commencing employment with TOML, Mr Dhaliwal was employed by a related company which went into liquidation on 5 October 2010. That company was also owned by Mr Wood.

[6] Mr Dhaliwal has three separate claims against TOML. These are for unpaid wages, reimbursement of expenses paid for by Mr Dhaliwal on behalf of TOML, and payment of outstanding holiday pay.

Unpaid wages

[7] Mr Dhaliwal says he has not been paid by TOML from 6 October 2010 until his services were terminated on 10 November 2010. He claims \$1,250.00 nett.

[8] I find Mr Dhaliwal is entitled to be paid the outstanding wages of \$1,250 nett and this shall be the order of the Authority.

Expenses

[9] Mr Dhaliwal claims Mr Wood asked him to pay for expenses during October 2010. These expenses relate to payments for the domain names and the company's website. Mr Dhaliwal paid for these expenses by using his credit card. Mr Dhaliwal paid a total of \$261.85 to Free Parking (which supplies the domain names and website).

[10] I find Mr Dhaliwal is entitled to be reimbursed for the expenses he incurred on behalf of TOML in the amount of \$261.85 and this shall be the order of the Authority.

Holiday pay

[11] Mr Dhaliwal claims unpaid holiday pay for the period 21 September 2009 to 5 October 2010 when he worked for Team Orange Limited, which has now been liquidated. Mr Dhaliwal also claims TOML has failed to pay him any holiday pay and claims an amount of \$100.00 nett.

[12] As explained to Mr Dhaliwal at the investigation meeting, this application only concerns TOML as that is the only respondent cited on the Statement of Problem. The Authority is therefore only able to make awards against TOML and is unable to be of assistance to him with respect to his claim for holiday pay against Team Orange Ltd.

[13] I find Mr Dhaliwal is entitled to be paid the outstanding holiday pay of \$100 nett and this shall be the order of the Authority.

Summary of orders

[14] Team Orange Metals Limited is ordered to pay the following sums without deduction to Mr Dhaliwal on or before 18 March 2011:

- (a) Outstanding wages - \$1,250
- (b) Expenses incurred on behalf of TOML - \$261.85

- (c) Outstanding holiday pay - \$100

Costs

[1] Mr Dhaliwal was not represented at the investigation meeting. He is entitled to recover the cost of bringing his claim to the Employment Relations Authority. Team Orange Metals is ordered to reimburse Mr Dhaliwal the application fee of \$70.00 on or before 18 March 2011.

Vicki Campbell
Member of Employment Relations Authority