

[4] No statement in reply was received from the Respondent. The Notice of Investigation Meeting sets out the consequences for the Respondent if it does not attend the investigation meeting.

[5] As at the scheduled commencement time for the 1 May 2008 investigation meeting, no representative of RTN Limited was present. I am satisfied RTN Ltd received the notice of investigation meeting.

[6] RTN Ltd has not shown good cause for its failure to appear or be represented. After waiting for 30 minutes in the off chance that the respondent had been held up in traffic, I proceeded under clause 12 of Schedule 2 to the Employment Relations Act 2000 to hear and determine the matter as if RTN Ltd had attended or been represented.

[7] The applicant has produced evidence to support his contention that the monies have never been received by him on the dates specified in the Settlement Agreement. However, I have been advised that a cheque to the value of \$3,000 was delivered to Mr Scott on 30 April 2008. That cheque was post-dated one month. I understand that cheque is being returned to the Respondent.

[8] I am satisfied a compliance order would be appropriate in the circumstances.

RTN Ltd is ordered to comply with clause 3 of the Record of Settlement dated 20 December 2007 by paying to Mr Fleet an amount of \$3,000 within 14 days of the date of this determination. The money is to be paid in a manner which allows Mr Fleet immediate access to the money.

[9] Mr Fleet has had to incur expenses, which would not have been necessary had RTN Ltd honoured the mediated settlement agreement to which it had agreed.

RTN Ltd is ordered to pay Mr Fleet \$500 as a contribution to his costs (this being inclusive of the \$70.00 filing fee) within 14 days of the date of this determination.

Vicki Campbell
Member of Employment Relations Authority