

[4] Mr Fogarty signed an individual employment agreement on 21 February 2007. The agreement states that the respondent company is a party to it and that Mr Fogarty, who is stated to be the employee party, shall report to Mr Gowland and/or Ms McCarthy. Mr Fogarty's hours of work are stated to be 40 hours per week, Monday to Sunday, between the hours of 5am and 12am. His wages are stated to be \$200 per week, "which shall be paid in arrears fortnightly on Wednesday into the bank account nominated by the employee."

[5] The termination clause of the employment agreement required the employer to give three weeks notice in writing to the employee.

[6] On 3 April 2007 Mr Gowland wrote to Mr Fogarty advising that the respondent no longer had the ability to employ him and was making his position at GFM redundant effective immediately. Mr Gowland referred in his letter to major financial restraints facing the company and said:

We appreciate that you have looked at this with open eyes to enable the company to keep going, still working whilst waiting to be paid.

[7] Further Mr Gowland said in his letter:

As agreed previously all outstanding wages will be paid to you as soon as financially viable and the company has enough funds to do so.

[8] Mr Fogarty was given four days to vacate the accommodation in Gisborne he had been provided with as part of his remuneration.

[9] Mr Gowland and Mr Fogarty have asked for this claim to be determined on the papers for their convenience, as they now live in different parts of New Zealand, Taupo and Lower Hutt respectively.

[10] From the information provided, the Authority is satisfied that Mr Fogarty is entitled to an order for payment of wages against G Media Group Limited.

[11] Mr Fogarty commenced work on Monday 12 February 2007 and finished on Tuesday 3 April 2007. In addition to pay for that period of 7.2 weeks he is entitled to a further three weeks pay in lieu of notice under clause 13.1 of the employment agreement.

[12] The total due as arrears of wages therefore is \$2,040. G Media Group Limited is ordered to pay that sum to Mr Charles Fogarty. The respondent company is also ordered to pay Mr Fogarty \$70.00 in reimbursement of the Authority filing fee he paid to commence this claim.

A Dumbleton
Member of the Employment Relations Authority