

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2019] NZERA 702
3057232

BETWEEN LEIANA ANNE HAYWARD
Applicant

AND H2 EXPLORE LIMITED
Respondent

Member of Authority: Geoff O'Sullivan

Representatives: Applicant in person
No appearance for the Respondent

Investigation Meeting: On the papers

Submissions [and further 30 October 2019 from the Applicant
Information] Received: Nothing from the Respondent

Date of Determination: 10 December 2019

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The applicant Leiana Anne Hayward claims she is owed unpaid wages and holiday pay totalling \$2,526.

[2] The applicant has provided information including text messages and emails in support of her claim.

[3] The respondent has refused to engage in these proceedings and although several attempts have been made to contact the respondent all of these were unsuccessful. A notice of direction was served on the respondent on or about 30 October 2019 advising the respondent that it had fourteen days to contact the Authority in writing to consent to or oppose the employment relationship problem being dealt with on the papers. In the absence of a reply I have proceeded on that basis.

Background

[4] The applicant's terms and conditions of employment were set out in an individual employment agreement dated 19 September 2017. In June 2018 the applicant went on an overseas holiday and noted whilst on holiday she was not receiving pay. It transpired that the respondent, without consultation, had "closed its doors". The applicant was advised by a work colleague that her employment had terminated on the grounds of redundancy. Despite this state of affairs the applicant has claimed only unpaid holiday pay and wages.

[5] The last monies properly paid to the applicant were on 3 May 2018. The applicant worked until 3 June 2018 and went on holiday on 4 June 2018 until 28 July 2018. She has calculated that at the time of termination of her employment she was owed a sum of \$4,126. Since that date she received payments as follows:

- (a) 20 August 2018 - \$500
- (b) 10 September 2018 - \$300
- (c) 21 September 2018 - \$300
- (d) 29 September 2019 - \$500.

[6] She has accordingly received the sum of \$1,600 towards the outstanding amount, which leaves the sum of \$2,526 outstanding.

[7] The applicant emailed the respondent regarding outstanding wages and also engaged in a series of texts. There seemed to be recognition by the Respondent that it owed the amount claimed however a sum of \$2,526 (gross) remains outstanding.

Orders

[8] The Authority has had no contact with the respondent despite frequent efforts to contact it. I am satisfied that the Respondent is, or at least should be, aware of the investigation and the consequences of not engaging. The company still remains on the register.

[9] I order the respondent to make a payment of \$2,526 (gross) to the applicant Leiana Anne Hayward within fourteen days of the date of this determination. As the applicant was self-represented there is no issue as to costs however the Respondent is to refund the applicant the \$71.56 filing fee.

Geoff O'Sullivan
Member of the Employment Relations Authority