



- a. \$2,250.00 in respect of costs
- b. \$71.56 in respect of the filing fee

[4] On 20 August 2013 Mr Taylor applied to the Authority on behalf of Ms Hoffman for a compliance order, claiming that Ms Edwards had not paid Ms Hoffman the monies she was entitled to under the determinations.

[5] Ms Edwards in reply submitted that she was prepared to make the payments as determined to Ms Hoffman, but that she was unable to do so in full, and was seeking to do so by way of a payment plan. Ms Edwards's submission was supported by documentary evidence in support of the assertions as to her financial circumstances and her inability to make a lump sum payment.

[6] Ms Edwards further submitted that she had made payment to Ms Hoffman of the amount of \$311.04 awarded in respect of a shortfall in the statutory minimum wage, and that she had set up an automatic payment through her bank under which Ms Hoffman would receive payment at the rate of \$100.00 per week, the first payment having been made on 2 September 2013.

[7] Mr Taylor confirmed that Ms Hoffman had received the sums of \$311.04 and \$100.00 as stated by Ms Edwards.

[8] The parties agreed to the Authority determining this issue 'on the papers' based on the Statements of Problem and in Reply.

### **Compliance Order**

[9] I am satisfied that Ms Edwards has not complied with the terms of the Authority's determinations of 21 June 2013 and 24 July 2013.

[10] I accept that the reason for non-payment of the outstanding sums is the poor financial situation of Ms Edwards, who has produced financial information in support of this submission.

[11] Ms Edwards stated that she was, and is, willing to make payment to Ms Hoffman of the outstanding sums, but submitted that in the circumstances, she sought time to make the payments by means of instalment.

[12] I note that Ms Edwards has already paid part of the outstanding sums due, and has taken steps to pay Ms Hoffman the other outstanding amounts by the setting up of automatic payments through her bank.

[13] I am satisfied that Ms Edwards has not complied with the terms of the Authority's determinations of 21 June 2013 and 24 July 2013 . It is just in the circumstances for an order to be made requiring Ms Edwards to comply with the determinations, but in all the circumstances those payments are to be made in accordance with the automatic payment system which Ms Edwards has set in place.

[14] Ms Edwards is to pay Ms Hoffman the sum of \$100.00 per week until the outstanding amounts are paid in full.

[15] For the information of Ms Edwards, failure to comply with an order such as this one made by the Authority under s 137 of the Act may provide a basis for an application to be made by Ms Hoffman to the Employment Court for enforcement of the order. Under s140 of the Act, where the Court is satisfied that any person has failed to comply with a compliance order made under s137, the Court may order remedies, including a fine not exceeding \$40,000 and/or the seizure of property and for the proceeds of sale to be distributed to the person enforcing the Authority's order.

#### **Costs**

[16] This matter was heard 'on the papers'. In this situation a minimal amount in recognition of the costs incurred by Ms Hoffman in bringing this application of compliance is appropriate. Ms Edwards is ordered to pay an additional sum of \$50.00 pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000.

[17] I further order Ms Edwards to reimburse Ms Hoffman the \$71.56 filing fee.

[18] These sums awarded in this determination by way of costs and filing fee reimbursement are to be paid as part of instalment plan referred to above.

**Eleanor Robinson**  
**Member of the Employment Relations Authority**