

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**AA 260/08  
5125166**

BETWEEN DAVID FRANK HORROCKS  
Applicant

AND COHESIVE INTEGRATION (NZ)  
LIMITED  
ONEHUNGA INVESTMENTS LIMITED  
UNIVERSAL INVESTMENTS LIMITED  
ALBERT STREET INVESTMENTS  
LIMITED  
Respondents

Member of Authority: Leon Robinson

Representatives: Applicant In Person  
No attendance by Respondents

Investigation Meeting: 17 July 2008

Determination: 18 July 2008

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**DETERMINATION OF THE AUTHORITY**

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**The problem**

[1] The applicant Mr David Frank Horrocks ("Mr Horrocks") says his former employer Cohesive Integration (NZ) Limited ("Cohesive") owes him arrears of wages, holiday pay and other monies. The other monies are said to be owed by the other respondents.

[2] Contrary to the prescribed regulations, Cohesive and the other respondents failed to lodge statements in reply in the Authority. They have taken no steps in the proceeding. By Minute of 24 June 2008 I directed the matter proceed to investigation meeting and invited the respondents to seek leave to defend the matter.

[3] I am satisfied that the statement of problem, my Minute of 24 June 2008 and a notice of investigation meeting were all served on the respondents at their respective registered offices. There are no applications for leave. There was no attendance by any of the respondents at the investigation meeting. I was not able to contact the principal respondent Cohesive Integration (NZ) Limited because the contact details on its letterhead were not in operation and its website is not active. I have verified it remains registered however. I was satisfied that respondents could not show good cause for their non-attendance and so I proceeded to act as fully in the matter as if they had attended.

[4] Mr Horrocks' evidence is unchallenged.

### **The facts**

[5] Mr Horrocks was employed by Cohesive as Business Development Manager/Engineer from 16 July 2007 to 25 February 2008. The terms of that employment were recorded in a written individual employment agreement signed by the parties on 11 July 2007.

[6] As from 26 February 2008 Mr Horrocks was employed by Cohesive on a casual basis from week to week at \$17.00 per hour. He continued to work this way until 8 April 2008.

[7] Mr Horrocks was not paid holiday pay at the termination of his two periods of employment with Cohesive.

[8] Mr Horrocks was not paid for the hours he worked in the period 19 March 2008 to 8 April 2008.

### **The merits**

[9] I accept Mr Horrocks' unchallenged evidence that he is owed holiday pay and arrears of wages by Cohesive.

[10] I am not persuaded that Mr Horrocks was an employee in respect of the work he rendered invoices dated 11 and 18 April 2008. I decline to make any orders in respect of this claim.

### **The determination**

[11] I determine that Mr Horrocks is entitled to formal orders in his favour in respect of arrears of wages and holiday pay owed to him by Cohesive.

[12] I determine that Mr Horrocks is owed the gross sum of \$2,500.00 as holiday pay in respect of his employment as Business Development Manager/Engineer. That sum I calculate as 8% of 7.5 months total gross salary ( $[7.5/12 \times \$50,000] \times 8\%$ ).

[13] I determine that Mr Horrocks is owed arrears of wages in respect of his casual week to week employment for the period from 19 March 2008 to 8 April 2008. That sum I calculate as \$1,984.75 gross (116.75 hours @ \$17.00 per hour).

[14] I determine that Mr Horrocks is owed the gross sum of \$321.30 as holiday pay in respect of his casual employment from 26 February 2008 to 8 April 2008. That gross sum I calculate as \$321.30 (Total 236.25 hours @ \$17.00 per hour x 8%).

[15] I think it right that Mr Horrocks be reimbursed his lodgement fee on this application.

### **The resolution**

[16] These are the Authority's formal orders:-

- (i) Cohesive Integration (NZ) Limited is ordered to pay to David Frank Horrocks the gross sum of \$2,500.00 as arrears of wages being holiday pay in respect of his employment as Business Development Manager/Engineer;
- (ii) Cohesive Integration (NZ) Limited is ordered to pay to David Frank Horrocks the gross sum of \$1,984.75 as arrears of wages being outstanding wages in respect of his casual employment from 19 March 2008 to 8 April 2008;

- (iii) Cohesive Integration (NZ) Limited is ordered to pay to David Frank Horrocks the gross sum of \$321.30 as arrears of wages being holiday pay in respect of his casual employment from 19 March 2008 to 8 April 2008;
- (iv) Cohesive Integration (NZ) Limited is ordered to pay to David Frank Horrocks the sum of \$70.00 being the lodgement fee on this application.

[17] I direct that any Certificate of Determination issued in respect of this Determination is to be immediately served by Mr Horrocks on Cohesive Integration (NZ) Limited.

Leon Robinson  
**Member of Employment Relations Authority**