

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2011] NZERA Auckland 464  
5347616

BETWEEN ROYCE GENE JULIAN  
Applicant

AND GLEN EDEN MECHANICAL  
& TYRES 2005 LIMITED  
Respondent

Member of Authority: Rachel Larmer

Representatives: Applicant in person  
No appearance by Respondent

Investigation Meeting: 27 October 2011 at Auckland

Determination: 27 October 2011

---

**DETERMINATION OF THE AUTHORITY**

---

- A Glen Eden Mechanical & Tyres 2005 Limited (“Glen Eden Mechanical”) is ordered to comply within 14 days of the date of this determination with the Authority’s substantive determination [2011] NZERA Auckland 11 issued on 12 January 2011 by Member Oldfield.**
- B Glen Eden Mechanical is ordered to pay Mr Royce Julian within 14 days of the date of this determination;**
- (a) \$10,616.32 gross arrears of wages;**
  - (b) \$285 gross (payment for Labour day worked);**
  - (c) \$1,352.810 gross (holiday pay);**
  - (d) \$272.50 to reimburse cost of serving this application;**
  - (e) \$71.56 to reimburse filing fee.**

**Employment Relationship Problem**

[1] Mr Royce Julian has applied for a compliance order against his former employer Glen Eden Mechanical on the grounds it has not complied with the

Authority's substantive determination<sup>1</sup> which was issued on 12 January 2011 by Member Oldfield.

[2] The Authority in its substantive determination awarded Mr Julian:

- i. \$10,616.32 gross arrears of wages;
- ii. \$285 gross (payment for Labour day worked);
- iii. \$1,352.810 gross (holiday pay).

[3] Mr Julian gave evidence that he had attempted to obtain payment by telephoning his former employer but was told by the person who answered the telephone not to call again. He also told me he had been trespassed from Glen Eden Mechanical's premises. Mr Julian said he had hired a debt collector to recover his remedies but that had also been unsuccessful.

[4] Mr Julian said that the respondent had not paid him anything.

#### **Service of Statement of Problem & Notice of Hearing**

[5] The Companies Office website lists Irine Anjana Reddy as the sole director and sole shareholder of the respondent.

[6] The Statement of Problem and Notice of Hearing was personally served on Irine Anjana Reddy at her home address on 5 October 2011 by Mr Jason Bischkopf. Mr Bischkopf is an experienced licensed private investigator and process server and he had been contracted by Thompson and Torenson Investigations Limited who had been engaged by Mr Julian to serve these documents on Ms Reddy as a result of the Authority being unable to effect service.

[7] Mr Bischkopf gave evidence under affirmation that recognised the person he served as Irine Reddy because he had previously served her with documents. He also said that on both occasions the person he served had identified herself as Irine Anjana Reddy before he served her.

[8] Mr Julian has been invoiced \$272.50 by Thompson and Torenson Investigations Limited for serving these documents on her.

---

<sup>1</sup> [2011] NZERA Auckland 11

[9] I am satisfied that Ms Reddy was aware of Mr Julian's application and of the date of the investigation meeting. After she was served she contacted one of the Authority's Support Officers to express her unhappiness that she had been served with documents because it was her husband's business and she did not want to be involved in the case.

[10] The Support Officer noted that Ms Reddy was informed that she and/or her husband could attend today's investigation meeting. However, no-one appeared on the respondent's behalf.

### **Outcome**

[11] I am satisfied that Glen Eden Mechanical has not complied with the Authority's determination of 12 January 2011 and the evidence has satisfied me that without a compliance order it is unlikely to do so. Accordingly a compliance order is appropriate to ensure that the respondent pays Mr Julian the money he has been awarded.

[12] Given the time that has elapsed since the substantive determination which awarded Mr Julian remedies I consider the respondent should be given no more than 14 days within which to pay Mr Julian what he is owed.

### **Orders**

[13] Mr Julian has incurred the costs of a filing fee and service charges in connection with pursuing his application for a compliance order and he is entitled to be reimbursed for those actual costs. No costs are awarded because Mr Julian was not legally represented.

[14] Glen Eden Mechanical is ordered to pay Mr Royce Julian, within 14 days of the date of this determination;

- i. \$10,616.32 gross arrears of wages;
- ii. \$285 gross (payment for Labour day worked);
- iii. \$1,352.810 gross (holiday pay);

- iv. \$272.50 to reimburse service costs;
- v. \$71.56 to reimburse filing fee.

Rachel Larmer  
Member of the Employment Relations Authority