

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2013] NZERA Auckland 505
5408681

BETWEEN CHERIE MANNING, JUNE
 TANE & KUN HONG
 Applicants

A N D CODE SECURITY
 SOLUTIONS LIMITED
 Respondent

Member of Authority: Anna Fitzgibbon

Representatives: Cherie Manning, June Tane and Kun Hong in person
 No appearance for Respondent

Investigation Meeting: 8 November 2013 at Auckland

Date of Determination: 8 November 2013

DETERMINATION OF THE AUTHORITY

- A. Code Security Solutions Limited (Code Security) is ordered to pay Ms Manning arrears of wages of \$480 gross, to pay Ms Tane arrears of wages of \$942.50 gross and Mr Hong arrears of wages of \$510 gross within 28 days of the date of this determination.**
- B. Code Security is to reimburse Ms Manning the cost of the filing fee of \$71.56.**

Non-appearance of respondent

[1] Code Security failed to file a statement in reply and failed to attend the investigation meeting. I am satisfied that Code Security was properly served with the statement of problem and subsequent correspondence from the Authority together with a notice of investigation meeting. In those circumstances, I proceeded to investigate the matter in the absence of Code Security.

Employment relationship problem

[2] Code Security provides security services. At all relevant times Mr Junior Satiu was a director and was responsible for the employment of staff.

Ms Cherie Manning

[3] Ms Manning was employed by Code Security on a casual basis to provide security services at the Coromandel Gold Music Festival in late December 2012. In reliance on the offer of employment by Mr Satiu, Ms Manning obtained a Certificate of Approval (COA) to provide security services and purchased black clothing which she was required to wear. Ms Manning was not provided with an employment agreement.

[4] Ms Manning was originally offered \$17 gross an hour by Mr Satiu but when she commenced work, she was elevated to a leadership position and her hourly rate was increased to \$20 gross an hour. Ms Manning worked for a total of 24 hours on 30 and 31 December 2012. Despite numerous requests, Ms Manning has never been paid for the work performed by her. The uncontested evidence is that Ms Manning is owed wages of \$480 gross by Code Security.

[5] I order Code Security to pay Ms Manning wages due to her of \$480 gross within 28 days of the date of this determination.

Ms June Tane

[6] Ms Tane was employed by Code Security on a casual basis to provide security services at the rate of \$17 an hour gross and at the rate of \$20 an hour gross for work performed by her after midnight. Ms Tane was not provided with an employment agreement.

[7] Ms Tane worked for Code Security at the Mangawhai Tavern on 27 December 2012, at the Coromandel Gold Music Festival on 30 and 31 December 2012, at the Mangawhai Tavern on 3 January 2013 and at a concert in Matakana on 5 January. Ms Tane worked a total of 52.5 hours for Code Security at the rate of \$17 gross an hour and 2.5 hours at the rate of \$20 gross an hour. Despite numerous requests, Ms Tane has never been paid for the work performed by her. The uncontested evidence is that Ms Tane is owed wages of \$942.50 gross by Code Security.

[8] I order Code Security to pay Ms Tane wages due to her of \$942.50 gross within 28 days of the date of this determination.

Mr Kun Hong

[9] Mr Hong was employed on a casual basis by Code Security to provide security services at the rate of \$20 an hour gross. Mr Hong was not provided with an employment agreement.

[10] Mr Hong worked for Code Security at the Coromandel Gold Music Festival on 30 and 31 December 2012. Mr Hong worked a total of 25.5 hours for Code Security at the rate of \$20 gross an hour. Despite numerous requests, Mr Hong has never been paid for the work performed by him. The uncontested evidence is that Mr Hong is owed wages of \$510 gross by Code Security.

[11] I order Code Security to pay Mr Hong wages due to him of \$510 gross within 28 days of the date of this determination.

[12] I also direct that pursuant to Regulation 26 of the Employment Relations Authority Regulations 2000, Ms Manning, Ms Tane and Mr Hong be provided with certificates of determination, sealed with the seal of the Authority, recording respectively that Code Security is ordered to pay Ms Manning the gross sum of \$480, plus the filing fee cost of \$71.56, Ms Tane the gross sum of \$942.50 and Mr Hong the gross sum of \$510.00.

Anna Fitzgibbon
Member of the Employment Relations Authority