

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2013] NZERA Auckland 179  
5408356

BETWEEN JAMES PETERS  
Applicant

AND ERU PHILLIPS t/as KCE  
CATERING EQUIPMENT  
SUPPLIES  
Respondent

Member of Authority: R A Monaghan  
Representatives: J Peters in person  
No appearance for respondent  
Investigation Meeting: 6 May 2013 at Rotorua  
Determination: 9 May 2013

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**DETERMINATION OF THE AUTHORITY**

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**Employment relationship problem**

[1] James Peters seeks an order that Eru Phillips comply with a determination of the Authority dated 12 December 2012<sup>1</sup> by making the payment ordered in the determination. The determination found Mr Phillips and Mr Peters entered into an employment relationship, and that Mr Phillips owed Mr Peters \$16,850 (nett) as unpaid wages. Payment was ordered accordingly, together with an order for costs.

[2] Mr Peters says no payment has been made.

**Preliminary matter**

[3] Mr Phillips did not attend and was not represented at the investigation meeting.

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<sup>1</sup> *Peters v K & K Caterers and Equipment 2010 Limited & Anor* [2012] NZERA 452

[4] I am satisfied he received a copy of the statement of problem and the notice of investigation meeting. He has made no contact with the Authority and did not provide any reason for his failure to attend. As a result I have proceeded under clause 12 Schedule 2 of the Employment Relations Act 2000 to hear and determine this matter as if he had attended.

### **Order for compliance**

[5] Mr Phillips did not lodge a statement in reply. I do not have the benefit of any form of response to Mr Peters' application, and accept Mr Peters' evidence that he sought payment from Mr Phillips but has not been successful.

[6] Mr Phillips is therefore ordered to comply with the Authority's determination by paying to Mr Peters:

- \$16,850 (nett); and
- \$71.56 in respect of the Authority's order for costs.

[7] I further order that payment be made into Mr Peters' bank account - the details of which have been provided directly to Mr Phillips and were identified in the statement of problem - by the close of business 7 days from the date of this determination.

### **Costs**

[8] Mr Phillips is ordered to reimburse Mr Peters for the filing fee for this application in the sum of \$71.56.

R A Monaghan

Member of the Employment Relations Authority