

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

CA 9/08  
5105760

BETWEEN SARAH PHILPOTT  
Applicant  
AND PHOENIX RISK  
MANAGEMENT LIMITED  
Respondent

Member of Authority: James Crichton  
Representatives: Sarah Philpott in person  
Alan Sharr, for Respondent  
Investigation Meeting: On the papers after teleconference  
Determination: 31 January 2008

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**DETERMINATION OF THE AUTHORITY**

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**Employment relationship problem**

[1] In her statement of problem filed in the Authority on 9 November 2007, the applicant (Ms Philpott) alleges that she is owed unpaid salary and other associated expenses by her former employer the respondent Phoenix Risk Management Ltd (Phoenix). The total amount claimed is \$18,416.19 comprising \$17,386.92 net owing by way of salary and holiday pay and two further sums respectively \$331.19 for telecom costs and \$698.08 for credit card expenses.

[2] Phoenix accepts the money is owed but cannot pay because of cash flow issues. Phoenix have no dispute with the facts relied on by Ms Philpott in her statement of problem which includes her numerous attempts to obtain payment over a significant period of time and her willingness to continue in employment for some substantial period, notwithstanding that Phoenix did not pay her for her work.

**Determination**

[3] Given that there is no issue at all with the claim advanced by Ms Philpott on her own behalf, I indicated at the telephone conference that I convened between the parties, that in all the circumstances, there was no need for me to conduct an investigation in person and that I was satisfied with the documentation I had already received.

[4] That documentation clearly sets out the extent of the claim and, as I have already made clear, the extent of the claim is accepted by Phoenix.

[5] I now direct that Phoenix is to pay to Ms Philpott the following sums:

- (a) \$17,386.92 net being salary and holiday pay and that Phoenix is to pay the Inland Revenue Department for the income tax due and owing on this sum;
- (b) \$331.19 being reimbursement of Telecom costs;
- (c) \$698.08 being reimbursement of credit card debt;
- (d) Reimbursement of the \$70.00 application fee.

**Costs**

[6] Costs are to lie where they fall.

James Crichton  
Member of the Employment Relations Authority