

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH OFFICE**

**BETWEEN** Philip Preston & Ors (Applicants)  
**AND** Scenicland Services (Nelson) Limited (Respondent)  
**REPRESENTATIVES** Philip Preston, Advocate for the Applicants  
No appearance for the Respondent  
**MEMBER OF AUTHORITY** Paul Montgomery  
**INVESTIGATION MEETING** Nelson, 17 May 2007  
**DATE OF DETERMINATION** 21 May 2007

DETERMINATION OF THE AUTHORITY

***Employment relationship problem***

[1] The applicants, all employees of the respondent, sought payment of outstanding wages and holiday pay due to them at the time the respondent ceased operations. They approached the Labour Inspector in Nelson for assistance, and having been provided with the wage records, he quantified each applicant's claim. Those calculations form the basis of the applicants' application.

[2] The respondent, in its statement in reply, advised that the company had no funds to meet the claims and upon being advised of the investigation meeting, sent a fax copy of a Notice of Proceedings for Putting a Company into Liquidation. It advised, through one of its directors, Mr Bruce McGregor, that *we will also be unable to attend the requested meeting*.

***The investigation meeting***

[3] Mr Preston attended on behalf of his former fellow employees and confirmed under oath that he was instructed to represent his former colleagues and that the calculations submitted to the Authority had been prepared by Mr Laurie Norton, Labour Inspector, from the company's own wage records.

[4] Given the conscious decision of the respondent not to defend the claims nor to contest their accuracy, I make the following orders in the event that the liquidator has funds to disburse to these former employees.

**Orders**

[5] I order the respondent to pay the following sums to the designated applicants:

- To Philip Preston the gross sums of:
 

Unpaid salary	\$ 971.60
Unpaid holiday pay	\$ 5,613.69
Unpaid bonus	\$ 12,026.00
  
- To Peter Campbell the gross sums of:
 

Unpaid wages	\$ 321.00
Unpaid holiday pay	\$ 32.76
  
- To Christine Donaldson the gross sums of:
 

Unpaid wages	\$ 631.25
Unpaid holiday pay	\$ 3,279.81
  
- To Margaret Tait the gross sums of:
 

Unpaid wages	\$ 426.00
Unpaid holiday pay	\$ 251.73
  
- To Joan Davis the gross sums of:
 

Unpaid wages	\$ 24.00
Unpaid holiday pay	\$ 554.22

**Costs**

[6] The applicants have incurred only the expense of the filing fee. The respondent is to refund \$70 to Mr Preston for him to disburse to the applicants.

Paul Montgomery  
Member of Employment Relations Authority