

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2021] NZERA 39
3104594

BETWEEN

CRUZ RICHMOND
Applicant

A N D

ASIA PACIFIC GROUP LIMITED
Respondent

Member of Authority: David G Beck

Representatives: No appearance for the Applicant
No appearance for the Respondent

Investigation Meeting: 1 February 2021

Submissions Received: None from the Applicant
None from the Respondent

Date of Determination: 2 February 2021

DETERMINATION OF THE AUTHORITY

The Employment Relationship Problem

[1] Cruz Richmond was employed by Asia Pacific Group Limited, a labour hire company, as a labourer working on asbestos removal projects from on or around January 2020. Mr Richmond says he was suspended without pay from 9 March 2020 and then dismissed on 12 March 2020. Mr Richmond, utilising an advocate, raised a personal grievance alleging that he had been unjustifiably disadvantaged, unjustifiably dismissed and not paid his final holiday pay entitlement. Asia Pacific Group disagreed with the grievance and Mr Richmond made an application to the Authority on 14 May 2020. Asia Pacific Group

filed a statement in reply in the Authority dated 28 May 2020. The parties attended mediation but the matter remained unresolved.

The Authority Process

[2] Despite being directed to do so, Mr Richmond filed no briefs of evidence and did not participate in the investigation meeting. I am satisfied that Mr Richmond was made aware of the investigation meeting. The respondent likewise, filed no briefs of evidence but did participate in the investigation meeting. However, the Asia Pacific Group's only witness at the investigation meeting, Andy Chozali, a compliance officer for the company, was unable to shed any light on the circumstances of Mr Richmond's alleged dismissal or provide any useful evidence as he was not involved in the process of such.

Outcome

[3] On the basis that, without explanation, Cruz Richmond did not present any evidence or attend the investigation meeting of 1 February 2021 I am unable to determine the validity or otherwise of his personal grievances and holiday pay claim and accordingly I dismiss the matter.

Costs

[4] On the basis that neither party was represented at the investigation meeting and no briefs of evidence nor submissions were prepared, I determine that any costs incurred should lie where they fall.

David G Beck
Member of the Employment Relations Authority