

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Adrian Wayne Roycroft (Applicant)
AND Cite Document Solutions Limited (Respondent)
REPRESENTATIVES Adrian Wayne Roycroft in person
No appearance for respondent.
MEMBER OF AUTHORITY Ken Raureti
INVESTIGATION MEETING 28 November 2006
DATE OF DETERMINATION 29 November 2006

DETERMINATION OF THE AUTHORITY

Employment relationship problem.

[1] Mr Roycroft is seeking compliance with a Record of Settlement signed by the parties and confirmed by a mediator of the Department of Labour. He says that the respondent has not complied with the settlement, as it has not paid him the agreed sum of \$3600.00 pursuant to clause 2 of that document. The full provision of that term is recorded as:

The Respondent will pay the Applicant within 7 days of both parties signing this agreement, on a without prejudice and denial of liability basis, the compensatory sum of \$3,600 in terms of the provisions of s.123 1 (c) (i) of the Employment Relations Act 2000. This amount will be paid to the Applicant by way of direct credit.

[2] Mr Roycroft is also seeking interest on the sum, and reimbursement of the \$70.00 filing fee.

[3] There was no appearance at the Authority's investigation for the respondent. The meeting was scheduled to commence at 10.00am. After having allowed 20 minutes for the possible late arrival of the respondent, a support officer of the Authority attempted to contact Mr Eddy Rotteveel by telephone. Mr Rotteveel is a Director of the respondent company. She was unable to speak to him directly, but she left a voicemail message for him asking him to contact the Authority. The Authority has received neither contact nor communication from the respondent.

[4] I am advised by Mr Roycroft that he personally served two copies of the notice of the investigation meeting upon the respondent at 706 Great South Road Penrose Auckland. The first was served and delivered on the 4th of October 2006, and the second copy on the 15th November 2006.

[5] I am satisfied that Mr Roycroft has personally served the notices, I am further satisfied that the respondent is aware of the meeting, and I am assured that the Authority has not received any communication from the respondent. In light of the foregoing, I have exercised the power to proceed with the matter pursuant to clause 12, Schedule 2 of the Employment Relations Act 2000.

[6] Mr Roycroft's original employment relationship problem was resolved during a mediation conference facilitated by the Department of Labour's mediation services. The parties signed a Record of Settlement and requested that the mediator sign the agreed terms as they wished to record that their employment relationship problem had been resolved and they wanted it to be final binding and enforceable. I am satisfied that the mediator holds a current general authority from the Chief Executive of the Department of Labour and was duly authorised to sign the record of settlement. I am also satisfied that before the mediator signed the Record of Settlement, she confirmed and explained the effect of the agreement to the parties. After having confirmed that the parties understood the terms and the effect of the terms, the mediator signed the Record of Settlement pursuant to s.149 of the Employment Relations Act 2000.

Determination.

[7] The respondent has failed to attend the Authority's meeting. I am satisfied that the record of settlement has been properly confirmed and signed by the mediator. I am also satisfied that the respondent has not paid Mr Roycroft the amount specified in clause 2 of the Record of Settlement.

[8] Accordingly, pursuant to an order made under s.137 of the Employment Relations Act 2000, Cite Document Solutions Limited is ordered to comply with clause 2 of the Record of Settlement by paying Mr Roycroft the agreed sum of \$3600.00, plus interest calculated at 7.6% on the whole of that amount from the 19th April 2006 until payment of the full amount has been made. Payment is to be made within 14 days of the date of this determination.

[9] Cite Document Solutions Limited is also required to pay Mr Roycroft an additional amount of \$70.00 being the cost of the filing fee he has incurred.

Ken Raureti
Member of Employment Relations Authority