

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 277/10
5302524

BETWEEN MIKA SAKATA
Applicant

AND CISEAUX LIMITED
Respondent

Member of Authority: Yvonne Oldfield

Representatives: Ms Sakata in person for Applicant
No appearance for Respondent

Investigation Meeting: 11 June 2010

Determination: 11 June 2010

**DETERMINATION OF THE AUTHORITY ON AN APPLICATION FOR
COMPLIANCE**

Employment Relationship Problem

[1] Ms Sakata has come to the Authority seeking an order for compliance with mediated terms of settlement dated 1 March 2010.

Non-appearance of respondent

[2] This matter was lodged in the Authority in April 2010. The respondent has not supplied a statement in reply and was not represented at the investigation meeting.

[3] On April 15 the statement of problem was delivered to the address for service provided for the respondent by the applicant. The delivery receipt was signed by Erica Hwong, who had also signed the mediated terms of settlement on behalf of the respondent. The notice of investigation meeting was delivered to the same address on 13 May and was again signed for by Ms Hwong. I am satisfied that the respondent

was properly served and is on notice of the proceedings, and therefore proceed to determine the matter on the evidence I have.

Issues

[4] Clause 2 of the terms of settlement records:

“Ciseaux Limited shall pay Mika Sakata on or before the 31st March 2010 without any admission of liability, the compensatory sum of \$3,000.00 in terms of section 123(1) (c) (i) of the Employment Relations Act 2000. This amount will be paid to the Applicant by way of direct credit.”

[5] Ms Sakata told the Authority that the respondent had her bank account details having been in the practice of paying her by direct credit during her employment. She also said that after 31 March she rang Dyer Whitechurch (the solicitors who had been representing the respondent) “*many times*” and requested payment. She told me that they undertook to speak to their client about the non-payment however she has never received the compensatory payment or any part of it.

[6] Ms Sakata now seeks an order for compliance with clause 2 of the mediated terms of settlement along with recovery of her \$70.00 filing fee.

Determination

[7] In the absence of any evidence to the contrary I am satisfied that the respondent has failed to meet its obligations pursuant to clause 2 of the terms of settlement between the parties dated 1 March 2010.

[8] I therefore order the respondent to comply with clause 2 of the terms of settlement. Specifically the respondent is ordered to pay to Ms Sakata the sum of \$3,000.00 and to do so within a period of 21 days from the date of this determination. I also order the respondent to reimburse Ms Sakata her \$70.00 filing fee.

Yvonne Oldfield

Member of the Employment Relations Authority