

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 323/09
5130164

BETWEEN HARCHARAN SINGH
 Applicant

AND IMPACT ELECTRICAL
 LIMITED
 Respondent

Member of Authority: Dzintra King

Investigation Meeting: On the papers

Papers received: 1 April and 24 August 2009 from Applicant
 13 October 2008 from Respondent

Determination: 8 September 2009

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] Mr Harcharan Singh, the applicant, seeks a compliance order against the respondent, Impact Electrical Limited.

[2] On 13 March 2008 the parties entered into a mediated settlement pursuant to s 149 Employment Relations Act 2000. The respondent was to pay the applicant the sum of \$1,550 within 14 days.

[3] On 10 July 2008 the applicant filed an application for a compliance order.

[4] On 30 July 2008 a Statement in Reply was received. The respondent contended it could not pay the money in full but was making regular payments into the applicant's bank account.

[5] During a conference call on 29 September 2008 I asked the respondent to provide me with any additional information, including details of the company's financial position.

[6] Correspondence from Glenfield Accounting was received on 13 October 2008 and a copy was sent to the applicant.

[7] Nothing further was heard from the applicant and on 21 December 2008 the Authority asked Mr Singh whether the payments were still being made, how much was still owed and whether he wished to proceed with the compliance order application.

[8] On 1 April 2009 Mr Singh emailed stating that the respondent had been making irregular payments and that he could not give the total amount still owed but believed it to be about \$340.

[9] The Authority contacted Mr Singh asking him to clarify the amount owed on 30 June 2009.

[10] On 24 August 2009 Mr Singh sent a list of payments made by the respondent until 31 July. At that stage he was still owed \$551.30.

[11] Mr Singh's letter was copied to the respondent but no reply was received.

[12] Pursuant to s 137 I order that the respondent pay the sum of \$551.30 to the applicant within 14 days of the date of this determination. If the respondent has made any further payments they are to be deducted from the sum owed.

Dzintra King

Member of the Employment Relations Authority