

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI  
TE WHANGANUI Ā TARA ROHE**

[2023] NZERA 689  
3221819

BETWEEN	JARETH SKEWS Applicant
AND	ARMER FARMS (N.I.) LIMITED Respondent

Member of Authority:	Sarah Kennedy-Martin
Representatives:	No appearance for the Applicant Graeme Elvin, counsel for the Respondent
Investigation Meeting:	On the papers
Submissions received:	29 September 2023 from the Respondent
Determination:	21 November 2023

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**DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1] Mr Skews lodged a statement of problem in the Authority at a time when he was represented. At a case management teleconference on 5 July 2023, it was agreed the preliminary issue dealing with who the employer was would be heard on the papers. A timetable was set for both parties to lodge evidence and submissions. Mr Skews was to lodge his evidence by 1 September 2023.

[2] On 1 September 2023, Sacked Kiwi who were acting for Mr Skews, sought an extension of seven days for Mr Skews to lodge his evidence. No evidence was lodged. Mr Skews' advocate later advised they had been unable to establish contact with Mr Skews and they were no longer instructed to act for him.

[3] The Respondent filed a memorandum on 28 September 2023 seeking to have Mr Skews' application dismissed if he did not file any evidence. The Respondent's view is that the Authority did not have jurisdiction to hear Mr Skews' claim because he was never an employee, or a person intending to work.

[4] The Authority served a notice of investigation at the last known addresses for Mr Skews. The notice of investigation informed both parties the matter was to be heard on the papers, that it may be dismissed and costs awarded against the Applicant (Mr Skews) if he did not respond within seven days.<sup>1</sup>

[5] There has been no response from Mr Skews and no evidence was lodged to support his claim. On that basis Mr Skews has been unable to satisfy the Authority that Armer Farms (N.I.) Limited was the employer in relation to his claims lodged in the Authority. Mr Skews' claims are therefore dismissed.<sup>2</sup>

[6] Given the matter has not proceeded no order for costs will be made.

Sarah Kennedy-Martin  
Member of the Employment Relations Authority

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<sup>1</sup> Employment Relations Authority Regulations 2000, schedule 1, form 8.

<sup>2</sup> Employment Relations Act 2000, schedule 2, clause 12.