

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

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

[2020] NZERA 55
3064876

BETWEEN GUILLAUME THIRON
First Applicant

AND VERONICA CREVECOEUR
First Respondent

AND DIDIER CREVECOUR
Second Respondent

Member of Authority: Michael Loftus

Representatives: Dharshini Ramanathan, counsel for the Applicant
Nil for the Respondent

Investigation Meeting: On the papers with input up to and including
29 November 2019

Determination: 6 February 2020

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] This is a claim for unpaid wages and holiday pay. When originally lodged there was also a claim for penalties but that has been withdrawn.

[2] The respondents, in their initial statement in reply, accepted money was owing and attributed their failure to pay to cashflow problems though there is no evidence to support that approach. The respondents also disputed the amount sought.

[3] The applicant then advised further monies had been paid and an amended statement of problem was lodged. The penalty claim was withdrawn at that time.

[4] There was no response to the amended statement of claim and a telephone conference was arranged to discuss the disposition of the matter. Unfortunately the respondents failed to participate.

[5] It emerged during the call that further money had been paid and the residual amount was now \$549.75 with that amount being attributable to unpaid wages. Given the parties positions as enunciated in the papers then available it was decided to conduct the investigation on the papers and a timetable for input was set though the respondents have failed to provide anything further.

[6] The claim is well supported with numerous documents including an employment agreement, bank statements and texts seeking outstanding money. To that I add the fact it is accepted by the respondents that wages were not paid though the amount was disputed. It is here I note s 132 of the Employment Relations Act 2000 and the absence of wage and time records. In such circumstances I am permitted to accept the claim as quantified by the applicant. I will order payment accordingly.

Conclusion

[7] For the above reasons I order the respondents, Veronica and Didier Crevecoeur to pay the applicant, Guillaume Thiron, \$549.75 (five hundred and forty nine dollars and seventy five cents) being unpaid wages. Payment is to be made no later than 4.00pm Friday 28 February 2020. The respondents are jointly liable.

[8] It is accepted money has continued to be paid since this claim was first raised so if further sums have been paid since 8 November 2019 that amount may be deducted from that ordered in [7] above.

[9] In closing I advise the respondents of a final point which is continuing failure may result in further consequences that could potentially include the imposition of fines, the sequestration of property and/or imprisonment.¹

Michael Loftus
Member of the Employment Relations Authority

¹ *Denyer v Peter Reynolds Mechanical Ltd t/a The Italian Job Service Centre* [2015] NZEmpC41 at [42] and *Broeks v Ross EmpC* Auckland AC36A/09, 11 November 2009 at [5]