

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Aidan Thompson (Applicant)
AND Graham Wilson (Respondent)
REPRESENTATIVES Aidan Thompson In person
No appearance for respondent
MEMBER OF AUTHORITY Janet Scott
INVESTIGATION MEETING 7 July 2005
DATE OF DETERMINATION 8 July 2005

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

The applicant seeks to recover arrears of wages alleged to be owed to him by the respondent.

There was no appearance at the investigation meeting by or on behalf of the respondent. I am satisfied the respondent has been served with both the Statement of Problem and Notice of Investigation Meeting. The meeting was delayed to allow for the situation that the respondent had been unavoidably detained. However, as there was neither an appearance for nor contact from the respondent to explain his absence I have proceeded to hear and determine the matter in accordance with Clause 12 of the Second Schedule of the Employment Relations Act 2000.

Applicant's Claim

The applicant advises he commenced work for the respondent on 12 February 2005. He was engaged as a builder's labourer at an hourly rate of \$15 per hour. Mr Thompson submitted that he worked the following days and hours for Mr Wilson (78 hours in total).

12 February	4.5 hours
14 February	9.5 hours
15 February	9.5 hours
16 February	9.5 hours
17 February	8.5 hours
18 February	8.5 hours
19 February	1 hour
21 February	9 hours
22 February	9.5 hours
23 February	8.5 hours

When Mr Thompson commenced his employment he was told he would be paid on Thursday 17 February. On the 17th he was told he was to be paid on a fortnightly basis. On Wednesday 23 February he was told by other workers they had not been paid for three months so he and a friend (who had commenced working for Mr Wilson at the same time) decided to leave the employment.

Mr Wilson has endeavoured to recover his wages directly from Mr Wilson who has ignored all approaches for payment.

Determination

I am satisfied the respondent owes the monies claimed to this worker.

The respondent is directed to pay to the applicant immediately the sum of \$1170 gross being arrears of wages owing to him i.e. 78 hours worked X \$15.00 an hour.

The applicant is also entitled to recover his filing fee and the respondent is directed to pay to the applicant the sum of \$70.00 to reimburse him for the cost of bringing this application.

Janet Scott
Member of Employment Relations Authority