

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2014] NZERA Auckland 468
5520646

BETWEEN CHELSEA LEIGH TOBIN
Applicant

A N D AMPHIBIANS SWIMMING
ACADEMY LIMITED
Respondent

Member of Authority: Rachel Larmer

Representatives: Applicant in person
No appearance for Respondent

Investigation Meeting: 17 November 2014 at Auckland

Date of Determination: 17 November 2014

DETERMINATION OF THE AUTHORITY

A Within 28 days of the date of this determination Amphibians Swimming Academy Limited is ordered to pay Ms Tobin wage arrears of \$493.37 wage arrears and to reimburse her \$71.56 for her filing fee.

No Statement in Reply

[1] Amphibians was served with Ms Tobin's Statement of Problem on 30 September 2014. It has not filed a Statement of Reply. It did not seek leave to file a Statement in Reply out of time.

No appearance

[2] Amphibians was served with the Authority's Notice of Hearing on 10 November 2014 but it did not appear at the investigation meeting today.

Employment relationship problem

[3] Ms Tobin was employed as a "part time all round person/administrator" by Amphibians Swimming Academy Limited (Amphibians). She started work on 23 July 2014 and was paid \$18.50 per hour. Ms Tobin worked Wednesday 9.30am-12pm and Thursday and Friday 3pm-6pm.



[4] Ms Tobin was not paid her wages for the weeks commencing 25 August 2014; 01 September and 08 September. She claims wage arrears of \$493.37. I accept her evidence about that.

[5] Amphibians is ordered to pay Ms Tobin wage arrears of \$493.37 within 28 days of the date of this determination.

[6] As a result of not being paid Ms Tobin discovered that Amphibians had not registered her as an employee with Inland Revenue Department so PAYE and KiwiSaver had not been paid despite being deducted from the wages was paid.

[7] Contrary to the requirements of s.65 of the Employment Relations Act 2000 (the Act) Amphibian did not give Ms Tobin a written employment agreement.

[8] Ms Tobin as the successful party is entitled to be reimbursed for her filing fee. Amphibians is ordered to pay her \$71.56 for that.

[9] Amphibians is ordered to pay Ms Tobin the \$564.93 she has been awarded within 28 days of the date of this determination.



Rachel Larmer
Member of the Employment Relations Authority

