

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2013] NZERA Auckland 544
5408681

BETWEEN VANNESSA TURAHUI &
PETER TURAHUI
Applicants

A N D CODE SECURITY
SOLUTIONS LIMITED
Respondent

Member of Authority: Anna Fitzgibbon

Representatives: Vanessa Turahui and Peter Turahui in person.
No attendance by Respondent

Investigation Meeting: 26 November 2013 at Auckland by phone.

Date of Determination: 27 November 2013

DETERMINATION OF THE AUTHORITY

- A. Code Security Solutions Limited (Code Security) is ordered to pay Ms Vanessa Turahui arrears of wages of \$640 gross and to pay Mr Peter Turahui arrears of wages of \$790 gross within 28 days of the date of this determination.**

Non-appearance of respondent

[1] Code Security failed to file a statement in reply and failed to attend the investigation meeting on 8 November at which the Authority dealt with and determined applications brought against it by Ms Cherie Manning, Ms June Tane and Mr Kun Hong.¹

¹ [2013] NZERA Auckland 505

[2] Ms Turahui and Mr Turahui had a bereavement on 8 November and could not attend the Authority's Investigation Meeting on that day. Ms Turahui and Mr Turahui's applications against Code Security were dealt with by the Authority on 26 November by telephone. I am satisfied that Code Security was properly served with the statement of problem and subsequent correspondence from the Authority together with a notice of investigation meeting. In those circumstances, I proceeded to investigate the matter in the absence of Code Security.

Employment relationship problem

[3] Code Security provides security services. At all relevant times Mr Junior Satiu was a director and was responsible for the employment of staff.

Ms Vanessa Turahui

[4] Ms Turahui was employed by Code Security on a casual basis to provide security services at the Coromandel Gold Music Festival in late December 2012.

[5] Ms Turahui attended an induction at which she provided Mr Satiu with her bank and IRD details. Ms Turahui was not provided with an employment agreement. Ms Turahui worked for a total of 32 hours on 30 and 31 December 2012 at the rate of \$20 gross an hour as agreed with Mr Satiu. Despite numerous requests, Ms Turahui has never been paid for the work performed by her. The uncontested evidence is that Ms Turahui is owed wages of \$640 gross by Code Security.

[6] I order Code Security to pay Ms Turahui wages due to her of \$640 gross within 28 days of the date of this determination.

Mr Peter Turahui

[7] Mr Turahui was employed by Code Security on a casual basis as a team leader in the bar at the Coromandel Gold Music Festival. Mr Turahui attended an induction at which he provided Mr Satiu with his bank and IRD details. Mr Turahui was not provided with an employment agreement. Mr Turahui worked for 39 hours on 30 and 31 December at the agreed rate of \$20 gross an hour.

[8] Despite numerous requests, Mr Turahui has never been paid for the work performed by him. The uncontested evidence is that Mr Turahui is owed wages of \$790 gross by Code Security.

[9] I order Code Security to pay Mr Turahui wages due to him of \$790 gross within 28 days of the date of this determination.

[10] I also direct that pursuant to Regulation 26 of the Employment Relations Authority Regulations 2000, Ms Turahui and Mr Turahui be provided with certificates of determination, sealed with the seal of the Authority, recording respectively that Code Security is ordered to pay Ms Turahui the gross sum of \$640 and Mr Turahui the gross sum of \$790.

Anna Fitzgibbon
Member of the Employment Relations Authority