

and the notice of investigation meeting were served on the company. A point made in the notice of directions is that the proper identity of Mrs Walker's employer was an issue for investigation and determination.

[3] Late yesterday the Authority received an email from Mr Gardiner advising the company would not be represented at today's investigation meeting as it had been put into liquidation on 1 March 2010. The Companies Office website also reports the company's liquidation.

[4] The Companies Act 1993 at s.248(1)(c)(i) says *With effect from the commencement of the liquidation of a company, - Unless the liquidator agrees or the Court orders otherwise, a person must not – Commence or continue legal proceedings against the company ...* In the present matter the liquidator has not agreed nor has there been any Court order so the proceedings as against the company can be taken no further.

[5] As indicated by Mr Gardiner there was no appearance this morning for the company. However, I did continue for the purpose of determining the employer's proper identity. There was no written employment agreement. Mrs Walker performed housework for Mrs Frost during her recuperation from an operation. However, Mrs Walker told me that she always knew that her employer was the company. There is correspondence from the company to a third party in August 2009 about Mrs Walker as an employee of the company. To the extent that Mrs Walker was paid she received wages from the company. Accordingly I find that the company was Mrs Walker's employer.

[6] For Mrs Walker to pursue her claim any further she must contact the liquidator. The Authority's investigation is at an end.

Philip Cheyne
Member of the Employment Relations Authority