

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN Nicola Louise Hape Medway, Labour Inspector of the Department of Labour (Applicant)

AND Renata Adele Wright and Alan James Keating trading as The Wright Builders of 65 Cottle Park Drive, Normandale Lower Hutt (Respondent)

REPRESENTATIVES Applicant in Person
Respondent in Person

MEMBER OF AUTHORITY P R Stapp

TELEPHONE CONFERENCE Wellington, 16 June 2006

DATE OF DETERMINATION 16 June 2006

DETERMINATION OF THE AUTHORITY

Employment relationship problem

This is an application for a Compliance Order under s 137 of the Employment Relations Act on a Demand Notice issued by the Inspector on 19 April 2006.

The background to the matter

The Department's Inspector received a complaint for the payment of holiday pay from Steven Murphy who was employed by Renata Adele Wright and Alan James Keating trading as The Wright Builders.

The inspector made a request for the supply of information from the employer about Mr Murphy's employment and followed up the employer's reply with a notice requiring the production of wages, time and holiday records on 22 February 2006 and 10 March 2006 without reply.

Further correspondence dated 7 April was sent by the Inspector putting the Respondent on notice of an intention to issue a Demand Notice. There was no reply and a Demand Notice was issued on 19 April 2006. There was no objection lodged by the Respondent.

Compliance Order

It is my decision to make a Compliance order.

I have noted that the Respondent disputes any payment of outstanding holiday pay. However, there has been no objection lodged by the Respondent in the timeframe required (s225 (2)), and for me to deal with any objection to the sum demanded, the Respondent would have to seek leave for an extension of time (s221). It has not done so.

Further, the Respondent has some issues with the complainant, Mr Murphy, about not attending work on his last day, his possession of the workshop keys, an outstanding Caltex bill and a personal loan. Any matters that relate to Mr Murphy's employment from the issues above would have to be considered as a separate application of an employment relationship problem, possibly for damages. Any other civil matters would have to be pursued in the Disputes Tribunal.

There is nothing to prevent the Respondent requesting mediation services to be provided by the Department of Labour on the above matters.

I am satisfied the Inspector has followed the requirements of the Act, put the respondents on notice and the Demand Notice is in order.

I hereby make a compliance order requiring Renata Adele Wright and Alan James Keating trading as The Wright Builders of 65 Cottle Park Drive, Normandale Lower Hutt to pay the sum of \$415.80 in terms of the Demand Notice issued on 19 April 2006. The sum is payable to Steven Murphy.

This order is to be complied with by 16 July 2006 (s137 (3) and 138 (3)).

Costs are reserved for the filing fee.

P R Stapp
Employment Relations Authority