

BETWEEN LEON NEAL
 Applicant

AND ABLE METAL PRODUCTS LIMITED
 Respondent

Member of Authority: Leon Robinson

Representatives: Applicant In Person
 Chris Elstob for Respondent

Determination: 20 March 2007

DETERMINATION OF THE AUTHORITY

[1] Mr Leon Neal ("Mr Neal") makes application for a compliance order against the respondent Able Metal Products Limited ("Able"). He asks the Authority to order that Able comply with the terms of a Record of Settlement between the parties signed by a Department of Labour mediator under section 149 of the Employment Relations Act 2000 ("the Record of Settlement").

[2] At a preliminary conference by telephone with the parties, they reached a compromise. Rather than require them to attend an investigation meeting, I directed that they supply to the Authority a written record of their compromise. They have done so in the form of a signed agreement dated 19 March 2007.

[3] I am satisfied that Able has failed to comply with the terms of the Record of Settlement. It is appropriate to resolve the matter by making a compliance order. The order is made with the consent of both parties.

[4] The parties have now quantified the arrears of wages component of the Record of Settlement as the sum of \$112.00. Able has also agreed to pay Mr Neal's costs being the Authority's lodgement fee on this application, and unarranged overdraft fees which are charged as a result of Able's non compliance and Mr Neal's forbearance. These two items I award as costs to Mr Neal on this application.

[5] **I order Able Metal Products Limited to comply with the Record of Settlement dated 24 January 2007, and to do so by 31 May 2007.**

[6] For the avoidance of doubt, it is agreed that the payments due under the Record of Settlement together with the costs here awarded to Mr Neal shall be paid according to this schedule of instalments:-

Date	Amount
31 March 2007	\$1,207.00
30 April 2007	\$1,025.00
31 May 2007	\$1,025.00

[7] Able should be aware that that any further non-compliance places it at peril of serious consequences because the Authority's orders here may be the subject of a further application for compliance in the Employment Court. The Employment Court is empowered to impose penalties for continuing non-compliance including imprisonment, fines and the sequestration of property.

Leon Robinson
Member of Employment Relations Authority