

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2024] NZERA 144
3259079

BETWEEN

ANTON PEARCE
Applicant

AND

ALPINE 182 DEGREES
LIMITED T/A THE
SPRINGFIELD HOTEL
Respondent

Member of Authority: Philip Cheyne

Representatives: Maryline Suchley, advocates for the Applicant
No appearance for the Respondent

Investigation Meeting: On the papers

Submissions and further 3 January 2024 from the Applicant
Information Received:

Date of Determination: 11 March 2024

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] In an earlier determination, Alpine 182 Degrees Limited t/a The Springfield Hotel was ordered to pay arrears (wages, holiday pay, other money payable and KiwiSaver contributions), unlawful deductions, interest and penalties to Anton Pearce.¹

¹ *Pearce v Alpine 182 Degrees Limited t/a The Springfield Hotel* [2022] NZERA 157.

[2] Mr Pearce says that the orders have not been complied with. He now seeks a compliance order under s 137 of the Employment Relations Act 2000.

The Authority's Investigation

[3] The statement of problem identified the respondent as "Alpine 182 Degrees trading as Springfield Hotel". The earlier orders were against "Alpine 182 Degrees Limited trading as The Springfield Hotel" (my emphasis). I amend the proceedings to show the respondent by its legal name.

[4] Alpine 182 Degrees Limited t/a The Springfield Hotel (Alpine) did not lodge a statement in reply or participate in a case management conference.

[5] I am satisfied from the file that Alpine was served with the statement of problem, notice of the case management conference and the Authority's directions.

[6] As directed, Mr Pearce lodged an affidavit in support of his application. I am satisfied from the file that the affidavit was served on Alpine.

[7] Mr Pearce agreed that the matter could be investigated and determined on the papers. Alpine was notified that the Authority would determine the matter without it having a further opportunity to be heard if it did not respond by 17 January 2024. Alpine has not responded or sought to defend the application.

A compliance order is appropriate

[8] Section 137 of the Employment Relations Act 2000 (the Act) gives the Authority power to order compliance where a person has not complied with an order or determination of the Authority.

[9] Alpine has not complied with the orders made on 22 April 2022.² There is no evidence to establish that Alpine is unable to pay those amounts. I consider that a compliance order is appropriate for the purpose of preventing further non-compliance with the Authority's orders.

² *Pearce v Alpine 182 Degrees Limited t/a The Springfield Hotel* [2022] NZERA 157.

[10] A copy of section 140 of the Employment Relations Act 2000 is attached, to bring to Alpine's attention the powers available to the Employment Court on Mr Pearce's further application, should it breach the Authority's compliance order.

Orders

[11] Alpine 182 Degrees Limited t/a The Springfield Hotel is to comply with the Authority's orders dated 22 April 2022 by paying the following amounts to Anton Pearce within 14 days of the date of this determination:

- (a) Arrears of \$5,800.00 (net);
- (b) Unlawful deductions of \$1,250.00;
- (c) Interest of \$325.00;
- (d) Kiwisaver contributions of \$1,000.00 (net); and
- (e) Penalties of \$1,250.00.

[12] Costs are sought. Mr Pearce is entitled to costs as the successful party. The steps involved a statement of problem, preparation and service of an affidavit and some ancillary attendances. I fix \$500.00 as a reasonable contribution to the costs involved in that work, together with a further \$71.55 to cover the lodgement fee. Alpine 182 Degrees Limited is ordered to pay Anton Pearce \$571.55 costs.

Philip Cheyne
Member of the Employment Relations Authority