

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2014] NZERA Auckland 21  
5433506

BETWEEN CRAIG PAUL CARDWELL  
Applicant

A N D ROB GOLD BUILDERS LIMITED  
trading as GOLD CONSTRUCTION  
Respondent

Member of Authority: T G Tetitaha

Representatives: A E M Reid/C T Patterson, Counsel for Applicant  
G Bennett, Advocate for Respondent

Investigation Meeting: 21 January 2014 at Auckland

Date of Oral  
Determination: 21 January 2014

Date of Determination: 22 January 2014

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**INTERIM DETERMINATION OF THE AUTHORITY**

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**A. The recovery of wages pertaining to holiday pay is within the six year time limitation period set out in s142 Employment Relations Act 2000. Therefore the Authority has jurisdiction to investigate these claims.**

**Employment relationship problem**

[1] An issue arose at the start of hearing regarding the time limitation applying to part of the recovery of wages claim relating to holiday pay under s142 Employment Relations Act 2000. Both parties sought a ruling about the date on which the holiday pay fell due for payment to Mr Caldwell.

[2] Section 27 Holidays Act 2003 provides for employees to be paid holiday pay by agreement with the employer or at the end of their employment. Mr Cardwell's entitlement to payment for his holiday pay arose on 20 April 2012. Section 142

provides a six year time limitation period to file proceedings other than personal grievances.

[3] The recovery of wages pertaining to holiday pay is within the six year time limitation period set out in s142 Employment Relations Act 2000. Therefore the Authority has jurisdiction to investigate these claims.

**T G Tetitaha**  
**Member of the Employment Relations Authority**