

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 68/09  
5149842

BETWEEN                      DARREN CARR (LABOUR  
INSPECTOR)  
Applicant

AND                              KEVIN HAYWARD  
BUTCHERY LIMITED  
Respondent

Member of Authority:        R A Monaghan

Representatives:            D Carr, advocate for Applicant  
J O'Shea, counsel for Respondent

By teleconference:         3 March 2009

Determination:             4 March 2009

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**DETERMINATION OF THE AUTHORITY BY CONSENT**

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**Employment relationship problem**

[1]     The labour inspector, acting on behalf of Russell Frederick Harris, says Mr Harris is owed arrears of holiday pay by his former employer, Kevin Hayward Butchery Limited. Penalties have also been sought.

[2]     The parties have resolved the matter and agreed that the resolution be issued as an order of the Authority by consent.

[3]     I therefore order as follows:

- a. Kevin Hayward Butchery Limited shall pay to the Department of Labour (for the use of Russell Harris) the sum of \$3,187.34 (gross);
- b. Kevin Hayward Butchery Limited shall pay costs in the sum of \$70;  
and

c. Payment shall be made within 7 days of the date of this determination.

[4] The claims for penalties are adjourned. If there has been no approach from the labour inspector in respect of them at the end of 28 days from the date of this determination, the claims shall lapse and the Authority will take no further action.

R A Monaghan

Member of the Employment Relations Authority