

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Kamal Dholakia  
**AND** Global Peace New Zealand Trust  
**REPRESENTATIVES** In person, for Applicant  
Paul Rajan, for Respondent  
**MEMBER OF AUTHORITY** Marija Urlich  
**INVESTIGATION MEETING** 21 November 2006  
**DATE OF DETERMINATION** 20 December 2006

SUPPLEMENTARY DETERMINATION OF THE AUTHORITY

[1] Kamal Dholakia seeks a certificate of determination in relation to awards made in his favour in a determination ("the determination") of the Authority dated 8 December 2006 (AA372/06). Some of the sums awarded in that determination have not been quantified and I do so as follows:

[2] Paragraphs 12 and 13 of the determination provide:

*I find that Mr Dholakia's salary rate is that set out in the written employment agreement, \$32,500 per annum. The wages he has been paid should be recalculated from \$12.74 gross per hour to \$15.625 gross per hour.*

*Mr Dholakia was paid for 156 hours at \$12.74 per hour during the period of his employment with the Trust. The Trust has provided pay records and timesheets to support these payments. It says Mr Dholakia was paid for the hours he worked. Orders regarding the correct hourly rate are above.*

[3] **Global Peace New Zealand is ordered to pay Kamal Dholakia \$450.06 gross being the difference between the hourly rate paid for 156 hours work and the awarded hourly rate.**

[4] Paragraph 15 of the determination provides:

*Mr Dholakia is entitled to be paid for eight hours at the rate of \$15.625 gross per hour and I so order.*

[5] **Global Peace New Zealand is ordered to pay Kamal Dholakia \$125 gross, for unpaid work performed in December 2005.**

[6] Paragraphs 17 and 18 of the determination provide:

*Mr Dholakia has not been paid for public holidays which fell during his employment with the Trust on days which would otherwise be working days. Those public holidays were 25, 26 December 2005, 1, 2 and 30 January and 6 February 2006.*

*Mr Dholakia is entitled to be paid for the six public holidays which fell between and*

*including 25 December 2005 to 6 February 2006 at the rate of \$15.625 gross per hour for 8 hours each day<sup>1</sup>.*

[7] **Global Peace New Zealand is ordered to pay Kamal Dholakia \$659 gross for public holidays falling between 25 December 2005 and 6 February 2006.**

[8] Paragraph 21 of the determination provides:

*That Mr Dholakia received a message from a volunteer about the return to work date has not been challenged. Mr Dholakia made reasonable efforts to confirm his return to work date and he was entitled to rely on the information provided by a Trust representative. **Mr Dholakia is entitled to 8 hours pay at the rate of \$15.625 for 5 January 2006 and I so order.***

[9] **Global Peace New Zealand is ordered to pay Kamal Dholakia \$125 gross for attending work on 5 January 2006.**

[10] Paragraphs 26 and 27 of the determination provide:

*Mr Dholakia has not received his holiday pay entitlement from the Trust. No penalty was sought against the Trust for failing to pay the holiday pay entitlement when it was due and owing nor has interest calculated on that sum been sought. That these further sanctions have not been sought should not be mistaken by the Trust as acceptance that withholding the payment on the basis provided was lawful.*

***Mr Dholakia's holiday pay is due and owing and should be paid forthwith recalculated to include in his gross earnings, taking into account the above orders for hourly rate, hours worked and outstanding payment for public holidays, and I so order.***

[11] **Global Peace New Zealand is ordered to pay Kamal Dholakia his holiday pay entitlement of \$200.79, being 6% of his gross earnings calculated pursuant to section 25 Holidays Act 2003.**

Marija Urlich  
Member of Employment Relations Authority

---

<sup>1</sup>Refer clause 6 relevant employment agreement and Section 48 Holidays Act 2003