

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**[2012] NZERA Auckland 238
5369865**

BETWEEN JANICE GEE
 Applicant

AND HILLSBOROUGH TRAVEL
 LIMITED t/a TRAVELSMART
 Respondent

Member of Authority: Eleanor Robinson

Representatives: Murray Pope, Advocate for Applicant
 Maxine Malone for Respondent

Investigation Meeting: 13 July 2012 at Auckland

Determination: 13 July 2012

CONSENT DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The Applicant, Ms Janice Gee, claims that the Respondent, Hillsborough Travel Limited t/a Travelsmart (Travelsmart), owes her 11.62 days of unpaid statutory annual leave entitlement.

[2] Travelsmart disagrees and claims that Ms Gee is owed 6.31 days of unpaid statutory annual leave entitlement.

Issues

[3] The parties being in agreement on the fact that Ms Gee is entitled to unpaid statutory annual leave entitlement, the issue for determination is the total number of days of unpaid statutory annual leave entitlement to which Ms Gee is entitled.

Background Facts

[4] Ms Gee was employed by Travelsmart as a Senior Consultant from 5 January 2010 to 15 April 2011, and from 9 May 2011 to 1 December 2011.

[5] Following her resignation from Travelsmart, Ms Gee said that she had approached Travelsmart for payment in respect of outstanding statutory annual leave entitlement, but had been unable to get a satisfactory response.

Determination

[6] During the course of the Investigation Meeting the parties reached agreement that Ms Gee was entitled to 10 days statutory annual leave entitlement.

Remedies

[7] Travelsmart is to pay Ms Gee the sum of \$1,064.00 gross calculated in respect of 7 days outstanding statutory annual leave entitlement at the rate of \$19.00 per hour.

[8] Travelsmart is to pay Ms Gee the sum of \$504.00 gross calculated in respect of 3 days outstanding statutory annual leave entitlement at the rate of \$21.00 per hour

[9] Ms Gee is to be reimbursed the filing fee of \$71.50.

[10] Travelsmart is ordered to pay the outstanding amounts to Ms Gee by way of cheque payment as follows:

- i. The sum of \$500.00 by 30 July 2012
- ii. The sum of \$500.00 by 30 August 2012
- iii. The sum of \$568.00, plus the filing fee amount of \$71.50, by 30 September 2012.

Costs

[11] No order is sought as to costs.

Eleanor Robinson
Member of the Employment Relations Authority