

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Ross Gelissen (Applicant)
AND Oasis Properties Limited (Respondent)
REPRESENTATIVES Ross Gelissen, In person
Michael McGurk, for the Respondent
MEMBER OF AUTHORITY Ken Anderson

DATE OF DETERMINATION 28 April 2006

SUPPLEMENTARY DETERMINATION OF THE AUTHORITY

In a determination issued 8 September 2005 (AA 342/05), the Authority found that Mr Gelissen did not have a personal grievance. However, an order was made in favour of Mr Gelissen, that:

“Oasis Properties are ordered to pay to Mr Gelissen his usual wages for 7 and 8 June 2004 and holiday pay calculated as 6% of his gross earnings for the period of his employment at Leisure World.”

Despite a request from the Authority for the Respondent to provide the wage records for Mr Gelissen, they were not forthcoming, hence the above order was made on the evidence of Mr Gelissen, as there was nothing to contradict that evidence.

Mr Gelissen has since conveyed that he has not received payment from the Respondent and has provided a sworn statement as to the wages and holiday pay that he believes is owing to him.

Pursuant to sections 137 and 138 (1)(a) of the Employment Relations Act 2000, the Authority is of its own motion, treating this matter as a failure to comply with the above order.

Mr Gelissen states that in addition to the wages and holiday pay to which the order of 8 September 2005 applies, he is owed a further weeks' wages. However, that evidence was not available to the Authority when the order was made and I am not inclined to accept it now.

The sworn statement of Mr Gelissen has been served upon the Respondent with an invitation from the Authority to respond by 12 April 2006. No response has been received.

Upon the sworn evidence of Mr Gelissen, I am satisfied that he is entitled to be paid wages for the days of 7 and 8 June 2004 being the gross sum of \$268.50. I am further satisfied that Mr Gelissen is entitled to be paid annual holiday pay calculated as 6% of \$8,994.49, being the gross sum of \$539.67.

Determination

Oasis Properties Limited is ordered to pay to Mr Ross Gelissen outstanding wages of the gross sum of \$268.50 and holiday pay of the gross sum of \$539.67 – a total gross sum **\$808.17**, plus interest at the rate of 7% per annum, from 8 September 2005 until payment is made.

This payment must be made not later than 26 May 2006.

Ken Anderson
Member
Employment Relations Authority