



that the following amounts had been deducted from Ms Du Plessis final pay as money owed to Zuki's Limited at the end of her employment:

- \$325.00 for a Bio Gel Training Course
- \$500.00 for a ELOS Training Course
- \$180 for Product
- \$35.00 for a Hair Colour

[5] The Wages Protection Act 1983 prohibits employers from making deductions from the wages (including holiday pay) of its employees except in certain circumstances. In this case, Zuki's Limited needed to have Ms De Plessis express consent to make any deductions (ss.4 and 5(1)). It was common ground that Ms De Plessis had not provided a written consent for any deductions. In the absence of such consent, the deductions are therefore, unlawful.

[6] At the investigation meeting it was common ground that Ms Du Plessis had undertaken the training for Bio Gel and ELOS. Ms Du Plessis accepted that she should pay for the Bio Gel training and consent was given to the Authority to offset any orders by \$325.00.

[7] Ms Du Plessis also accepted that the Hair Colour was in fact worth \$45.00 and not the \$35.00 advised to the Labour Inspector. Consent was given to the Authority to offset the balance of \$10.00 from any orders of the Authority.

[8] Ms Du Plessis's uncontroverted evidence is that she did not receive the product valued at \$180.00 and therefore does not accept liability for this amount. Neither does Ms Du Plessis accept liability for the training she received on the new ELOS machine. I am satisfied there was no agreement between Ms Du Plessis and Zuki's Limited that requires the reimbursement of training expenses for the ELOS training.

[9] Given the unlawfulness of the deductions made to Ms De Plessis's final pay, she is entitled to receive her outstanding holiday pay. The amount owed will be offset by \$335.00 as consented to at the Authority's Investigation Meeting which Ms Du Plessis has acknowledged she owes to Zuki's Limited.

**Zuki's Limited is ordered to pay to the Labour Inspector for Ms Du Plessis's credit, the sum of \$743.80 gross in outstanding holiday pay within 28 days of the date of this determination.**

**Interest**

[10] The Authority has discretion to award interest on outstanding holiday pay. The unlawful deductions warrants an award of interest for the period Ms Du Plessis has been denied what is owed to her.

[11] The interest calculated under clause 11 of Schedule 2 of the Employment Relations Act is to be at a rate of not greater than the 90-day bill rate at the date of the order plus 2 percent. Interest is to be paid at the rate of 5%.

**Zuki's Limited is ordered to pay to the Labour Inspector for Ms Du Plessis's credit interest on the sum of \$743.80 at the rate of 5% per annum from 25 May 2008 until the date of payment. Such interest shall be paid within 28 days of the date of this determination.**

**Costs**

[12] The Labour Inspector shall have the lodgement fee on this application.

**Zuki's Limited is ordered to pay to the Labour Inspector \$70.00 in reimbursement of the filing fee on this application within 28 days of the date of this determination.**

Vicki Campbell  
Member of Employment Relations Authority