

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**[2012] NZERA Auckland 71  
5351974**

BETWEEN VERONICA KLOETEN  
Applicant

AND COMBINED TANNING  
SUPPLIES LIMITED  
Respondent

Member of Authority: Eleanor Robinson  
Representatives Geoff Downey, Advocate for Applicant  
Ritesh Chandra for the Respondent  
Submissions Received 13 February 2012 from Applicant  
No submissions from Respondent  
Determination: 27 February 2012

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**SUPPLEMENTARY DETERMINATION OF THE AUTHORITY**

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[1] By determination dated 13 January 2012 ([2012] NZERA Auckland 9), the Authority found that Ms Veronica Kloeten had been unjustifiably dismissed and unjustifiably disadvantaged in her employment by the Respondent, Combined Tanning Supplies Limited (“CTSL”).

[2] The Authority’s substantive decision dealt in principle with the employment relationship problem raised by the Applicant, Ms Kloeten, but left the question of compensation for lost wages and for loss of a benefit pursuant to s 123 (1)(c)(ii) of the Employment Relations Act 2000 (“the Act”) to be quantified by the parties.

[3] The parties have been unable to resolve matters between them and the matter of quantification for lost wages and loss of a benefit has devolved to the Authority for determination.

[4] The Authority’s determination of 13 January 2012 held that Ms Kloeten was to be reimbursed lost wages for the period from 13 June 2011 until the date when Ms Kloeten would have started her maternity leave in early December 2011.

[5] The Authority's determination of 13 January 2012 also held that Ms Kloeten was to be reimbursed for the maternity benefits to which she had a reasonable expectation had her employment not been unjustifiably terminated.

[6] Mr Downey has submitted for Ms Kloeten that her gross weekly wages were \$675.00, and that she would have worked 25 weeks in the period from 13 June 2011 until the date when Ms Kloeten would have started her maternity leave if she had not been dismissed. Ms Kloeten is consequently entitled to:

\$675.00 per week x  
25 weeks

Resulting in a total amount of \$16,875.00 gross.

a. Ms Kloeten is also entitled to reimbursement of maternity benefits to which she had a reasonable expectation had her employment not been unjustifiably terminated. Ms Kloeten is to be paid parental leave in accordance with the Parental Leave and Employment Protection Act 1987 which sum equates to 14 weeks entitlement at the rate of \$458.82 per week. Ms Kloeten is consequently entitled to:

\$458.82 per week x  
14 weeks

Resulting in a total amount of \$6,423.48 gross.

### **Summary**

[6] CTLS is to pay Ms Kloeten \$16,875.00 gross pursuant to s 123 (1)(b) of the Act, and \$6,423.48 gross pursuant to s 123 (1)(c)(ii) of the Act.

**Eleanor Robinson**  
**Member of the Employment Relations Authority**