

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2016] NZERA Christchurch 207
5629696

BETWEEN A LABOUR INSPECTOR OF
 THE MINISTRY OF BUSINESS,
 INNOVATION AND
 EMPLOYMENT
 Applicant

AND GOLDENTRAIN COMPANY
 LIMITED
 Respondent

Member of Authority: Andrew Dallas

Representatives: Aaron McIlroy, Counsel for the Applicant
 Rob Davidson, Counsel for the Respondent

Investigation Meeting: 17 November 2016 at Christchurch

Date of Determination: 17 November 2016

CONSENT DETERMINATION

Employment relationship problem

[1] A Labour Inspector of the Ministry of Business, Innovation and Employment and Goldentrain Company Limited (Goldentrain) have agreed terms to resolve the employment relationship problem between them.

[2] The parties have agreed that Goldentrain's failure to keep and maintain proper records has prevented the Labour Inspector from fully determining Goldentrain's compliance with minimum standards.

[3] Goldentrain agrees that it is liable for penalties:

- (a) under s 75 of the Holidays Act 2003, for failure to keep holiday and leave records under s 81 and s 83 of that Act.

(b) under s 10 of the Minimum Wage Act 1983, for failure to keep time and wage records under s 8A of that Act; and

(c) Under s 64(a) of the Employment Relations Act 2000, for failure to keep employment agreements.

[4] By consent and by this determination, the terms of agreement between the Labour Inspector and Goldentrain, which are now made orders of the Authority, are:

(a) Goldentrain will pay, within 28 days of the date of this determination, an aggregate penalty of \$20,000 for breaches of the above Acts to the Authority, which will then be paid into the Crown bank account;

(b) Goldentrain will pay, within 28 days of the date of this determination, \$71.56, being the Authority's filing fee to the Labour Inspector on behalf of the Ministry of Business, Innovation and Employment; and,

(c) Costs will otherwise lie where they fall.

[5] This determination is enforceable under s 137(1)(b) of the Employment Relations Act 2000.

A handwritten signature in blue ink, appearing to read 'Andrew Dallas', is enclosed in a thin black rectangular box.

Andrew Dallas
Member of the Employment Relations Authority