

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

[2017] NZERA Wellington 82
3006055

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

AND PARTY VAPE LIMITED
 Respondent

Member of Authority: Michele Ryan

Representatives: Claire English, for Applicant
 Anthony Woodhouse, for Respondent

Determination: 29 August 2017

**CONSENT DETERMINATION OF THE EMPLOYMENT RELATIONS
AUTHORITY**

[1] The parties have reached agreed terms to resolve the employment relationship problem between them.¹ They wish to have their terms of their agreement and an agreed statement recorded in a consent determination. These are as follows:

- (a) The respondent agrees to a 6 month follow up by the Labour Inspector with the provision of the then current wage and time records to the Labour Inspector.

- (b) The Labour Inspector took action against Party Vape Limited as an employer for failure to keep adequate records that demonstrated compliance with the Employment Relations Act and the Holidays Act and failure to engage with an Improvement notice. Party Vape Limited maintains that its breaches were inadvertent. The Inspectorate takes record

¹ Set out in a Joint Memorandum executed by the parties on 22 August 2017

keeping breaches seriously and encourages employers to remember that keeping good records is a minimum legal obligation and part and parcel of being an employer. Party Vape Limited engaged with the Inspectorate and its employees and has satisfied the Inspectorate that it has provided employees with all the legal entitlements and that it has appropriate record keeping systems in the future.

(c) The respondent agrees to pay the Labour Inspectorate \$3,071.56 as legal costs (which include the filing fee) such sum being payable to the Ministry of Business, Innovation and Employment within 5 working days.

[2] By consent and by this determination, the terms set out above at [1] (a) and (c) are now orders of the Authority.

[1] This determination is enforceable pursuant to s 137(1)(b) of the Employment Relations Act.

Michele Ryan
Member of the Employment Relations Authority