

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 306/09
5166871

BETWEEN DAVID MYATT (LABOUR
INSPECTOR)
Applicant

AND THE SERVICE CENTRE
LIMITED
Respondent

Member of Authority: Dzintra King

Representatives: David Myatt for Applicant
No Appearance by Respondent

Investigation Meeting: 27 August 2009

Determination: 27 August 2009

DETERMINATION OF THE AUTHORITY

EMPLOYMENT RELATIONSHIP PROBLEM

[1] Mr Kenneth Hewgill was an employee of the respondent, The Service Centre Limited, commencing on 6 November 2006. Mr Hewgill was made redundant on 7 November 2008.

[2] On 14 January 2009 Mr Myatt wrote to the respondent stating that he had been contacted by Mr Hewgill regarding his holiday pay and asking for copies of the time, wage and holiday records.

[3] The records were produced and Mr Myatt spoke to Mr Jeremy Amor, a director of the company. Mr Amor told him the company was no longer trading and acknowledged that Mr Hewitt was owed holiday pay.

[4] On 18 May 2009 Mr Myatt wrote to Mr Amor saying he assessed the amount of holiday pay owing as being \$1,927.68 gross and asking that payment of that amount be made.

[5] Mr Myatt emailed Mr Amor on 2 June 2009 asking him to attend mediation. No reply was received. On 19 June 2009 Mr Myatt advise Mr Amor that he would place the matter before the Authority.

[6] As the respondent has failed to provide a Statement in Reply or appear at the hearing I have no documentation or evidence before me from the respondent.

DECISION

[7] The respondent is to pay the applicant the sums of \$1,927.68 gross annual holiday pay owing to Mr Hewgill.

[8] The respondent is to pay interest on that amount at the rate of 4.65%, the interest to run from 7 November 2008 being the date of termination until such time as the amount is paid in full.

[9] A penalty is also sought. The respondent is to pay the sum of \$3,000 pursuant to s 75 Holidays Act 2003. This amount is to be paid into the Authority and then into the Crown Bank Account.

[10] The respondent is also to pay the applicant the sum of \$70, being the filing fee.

Dzintra King

Member of the Employment Relations Authority