



amount of information – including wage and time records and banking statements - which was forwarded to the Labour Inspector to allow him to assess the applicant's entitlement to holiday pay and holiday payments made.

The Labour Inspector completed his report and submitted it to me on 17 November 2006. The Labour Inspector concluded that the amount of \$96.63 gross is owing to the applicant as arrears of holiday pay.

The Authority considered the Labour Inspector's assessment and prepared a memorandum to the parties explaining the assessment. The parties were advised the Authority agreed with the Labour Inspector's assessment as a correct statement of the arrears of holiday pay owing to Ms Ng based on the information provided and the correct application of the Holidays Act 2003. That memorandum was sent to the parties on 18 January 2007.

The parties were reminded that the applicant was seeking arrears of holiday pay owing and costs (being the \$70 filing fee incurred in bringing the matter to the Authority). The parties were advised that if the Authority were to confirm the sum owing and costs this would lead to a determination by the Authority that the respondent pay to Ms Ng the sum of \$96.63 gross as arrears of holiday pay and \$70 costs. The parties were invited to comment on this proposal. Submissions were to be made in writing to the Authority by 9 February 2007. The Labour Inspector's report and other relevant information was provided to the parties to assist them in making submissions.

Neither party has provided submissions. I have, however, been advised that Mr McCracken has contacted the Labour Inspector to dispute his assessment of holiday pay owing. He was reminded of the Authority's directions in the matter – that the parties had been invited to make submissions to the Authority. No submissions have been received from him.

## **Determination**

In accordance with the advice given to the parties on 18 January, I accept the Labour Inspector's assessment as to the arrears of holiday pay owing to the applicant. The Labour Inspector's assessment is based on a *correct* application of the provisions of the Holidays Act 2003 having regard to the facts of the case and relevant employment records.

I therefore direct the respondent to pay to the applicant the sum of \$96.63 gross as arrears of holiday pay and \$70.00 net in costs (to reimburse the applicant for the cost of filing in the Authority).

Janet Scott  
Member of Employment Relations Authority