



[4] Interest is to be paid on that amount calculated at 5% from the date of termination of Ms Rea's employment, being 24 June 2010, to the date of payment.

## 2. Claim for penalties

[5] The claim for penalties was vaguely stated but was intended to arise out of the failures to make the payments with which Ms Rea's substantive claim was concerned.

[6] Section 135(5) of the Employment Relations Act 2000 contains a 12-month time limit on bringing claims for penalties under the Act. The present claim for penalties was made in an amended statement of problem lodged in the Authority on 7 December 2011. Not only had Ms Rea's employment had terminated in June 2010, her requests for payment were made formally in July 2010.

[7] Penalties for breaches of the Holidays Act 2003 must be brought by a labour inspector<sup>1</sup>, which did not occur here, and are also subject to a 12-month time limit.<sup>2</sup>

[8] The claim for penalties is time-barred and cannot proceed.

R A Monaghan

Member of the Employment Relations Authority

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<sup>1</sup> Holidays Act 2003 s 76(1)

<sup>2</sup> s 76(5)