

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

**I TE RATONGA AHUMANA  
TAIMAHI ŌTAUTAHI ROHE**

[2025] NZERA 113  
3328620

BETWEEN

JULIENNE SMITH  
Applicant

AND

SIGNORA CAFÉ LIMITED  
Respondent

Member of Authority: Antoinette Baker

Representatives: Applicant in person  
Ian Brassfield, for the Respondent

Investigation Meeting: On the papers

Last information received: 24 February 2025

Determination: 24 February 2025

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**DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1] Ms Smith has applied for an order that her former employer, the respondent (SC) has breached its obligation under the Holidays Act 2003 to pay her the final balance of her termination holiday pay. I am dealing with this application on the papers.

[2] SC through its sole director Mr Brassfield says that SC does not dispute the final holiday pay is owed to Ms Smith but that the company ceased trading in September 2024 and has been trying to pay all employees an equal share of final entitlements when assets sold off provide funds. Correspondence to all staff at the time supports this was the situation

communicated. Mr Smith says that SC has no money and is likely to be liquidated. The companies register currently does not show any issue of insolvency.<sup>1</sup>

[3] The parties do not dispute that a balance of \$808.91 net remains owing to Ms Smith from what the final payslip indicates was a total net figure of \$1,398.91. Ms Smith's view is that she ought not to be mixed in with others employee's unpaid holiday pay in apportioned shares. I accept she is entitled to be paid her holiday pay in full. The simple matter is that SC is in breach of a balance of holiday pay entitlement and is ordered to pay the balance owing to Ms Smith.

[4] The parties are not represented, and this matter has been dealt with expediently without the need for further information to be provided or the need for an investigation meeting. Accordingly, there is no order for costs except the filing fee which I find reasonable to order against SC.

[5] Within 28 chronological days from the date of this order Signora Café Limited is to pay Julienne Smith:

- a. The sum of \$808.91 net representing the final balance of her final holiday pay entitlement under the Holidays Act 2003; and
- b. the filing fee in this application of \$71.55.

Antoinette Baker  
Member of the Employment Relations Authority

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<sup>1</sup> <https://app.companiesoffice.govt.nz/companies/app/ui/pages/companies/2174047>