

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2016] NZERA Christchurch 115
5583565

BETWEEN JUANITA VASZILYKO
Applicant
AND SOUTH PACIFIC MEATS
LIMITED
Respondent

Member of Authority: David Appleton
Representatives: Philippa Tucker, Counsel for Applicant
Christine Pidduck, Counsel for Respondent
Investigation Meeting: On the papers by consent
Submissions Received: 30 May, and 13 June 2016 for Applicant
28 June 2016 for Respondent
Date of Determination: 15 July 2016

DETERMINATION OF THE AUTHORITY No 2

Employment relationship problem

[1] By way of a determination dated 15 March 2016¹ the Authority found that Ms Vaszilyko had been unjustifiably constructively dismissed and was owed arrears of overtime and attendance allowance.

[2] The Authority awarded remedies as a consequence of its finding but was not able to calculate what arrears were owed in respect of overtime and attendance payments during the period when Ms Vaszilyko held the position of beef slaughter room supervisor.

¹ [2016] NZERA Christchurch 31

[3] The Authority directed the parties to seek to agree this sum but, seemingly, they have been unable to do so. However, once the Authority viewed the submissions from the respective representatives, it appears that they were, actually, in agreement or very close to it.

[4] Ms Pidduck submits that the respondent is in agreement with Ms Vaszilyko's calculation of the overtime that was due to her, being the gross sum of \$1,921.34.

[5] With respect to the attendance bonus that is owed to Ms Vaszilyko, the respondent actually calculates this figure to be greater than that sought by Ms Vaszilyko. Instead of \$1,978, as asserted by Ms Vaszilyko, the respondent calculates that she is owed the gross sum of \$2,036.

[6] Given that this latter sum is conceded to be owed by the respondent, I accept this sum as correct.

Orders

[7] I order the respondent to pay to Ms Vaszilyko the following gross sums:

- (a) \$1,921.34 in respect of overtime; and
- (b) \$2,036 in respect of attendance bonus.

Costs

[8] The costs incurred by this exercise, and any contribution payable, will be considered in a separate determination which will also consider how costs should be dealt with, with respect to the substantive investigation.

David Appleton
Member of the Employment Relations Authority