



New Zealand Employment Relations Authority Decisions

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Wright v NCS NZ Limited (Auckland) [2016] NZERA 310; [2016] NZERA Auckland 248 (22 July 2016)

Last Updated: 29 November 2016

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2016] NZERA Auckland 248
5630538

BETWEEN SARAH WRIGHT Applicant

A N D NCS NZ LIMITED Respondent

Member of Authority: Anna Fitzgibbon

Representatives: Applicant in person

No appearance by or for Respondent

Investigation Meeting: On the papers

Date of Determination: 22 July 2016

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] The applicant, Ms Sarah Wright filed a statement of problem in the Authority on 23 June 2016. Ms Wright says she was employed by the respondent, NCS NZ Limited (NCS) at an annual salary of \$78,500 gross per annum. Ms Wright resigned from her employment with NCS with effect from 8 January 2016.

[2] Ms Wright says despite requests she has not been paid holiday pay owing to her. Ms Wright says the director of NCS, Mr Andrew Dove, does not dispute that she is owed holiday pay and agreed to pay the amount to her by instalment. To date, Ms Wright has not received any payments by instalment or otherwise.

[3] On 12 July 2016, NCS filed a statement in reply in the Authority accepting Ms Wright's claims for unpaid holiday pay. Mr Dove, for NCS, informed the Authority that mediation was therefore not required.

The investigation meeting

[4] As there was no dispute that NCS owes Ms Wright holiday pay, the parties were asked for consent for the matter to be dealt with by the Authority on the papers. The parties were given until 14 July 2016, to consent. Ms Wright has consented. There has been no reply by NCS.

[5] Ms Wright quantified the amount of holiday pay owing to her and provided this information to both the Authority and to Mr Dove from NCS. Mr Dove failed to respond. Ms Wright confirmed to the Authority by affirmation that her evidence was true and correct.

[6] I am satisfied that this is a matter that is suitable for the Authority to deal with on the papers.

Determination

[7] NCS admits Ms Wright's claim that she is owed holiday pay and that it has failed to pay her. As at 30 June 2015, Ms Wright says she was owed 30 days holiday pay amounting to \$9057.00 gross. Ms Wright claims holiday pay at the rate of 8% from 1 July 2015 until 31 December 2015 totalling \$3140.00 gross and holiday pay of

\$125.80 gross up to the date of termination. The total amount of holiday pay owing to

Ms Wright is \$12,323.80 gross.

[8] I order NCS to pay Ms Wright the sum of \$12,323.80 gross within 7 days of the date of this determination.

Costs

[9] I order NCS to reimburse Ms Wright the sum of \$71.56 being the cost of the

Authority's filing fee.

Certificate of Determination

[10] I direct that pursuant to Regulation 26 of the [Employment Relations Authority Regulations 2000](#), Ms Wright be provided with a certificate of determination, sealed with the seal of the Authority, recording respectively that NCS is ordered to pay Ms Wright the sum of \$12,323.80 gross in holiday pay under the [Holidays Act 2003](#) plus the filing fee of \$71.56.

Anna Fitzgibbon

Member of the Employment Relations Authority

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