

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI  
ŌTAUTAHI ROHE**

[2021] NZERA 181  
3118620

BETWEEN

PAIGE BEECH  
Applicant

AND

KYSTALADE 2016 LIMITED  
Respondent

Member of Authority: Helen Doyle

Representatives: Applicant self-represented  
No appearance for the Respondent

Information Received: On the papers and telephone conferences on 5 February and  
23 March 2021

Date of Determination: 4 May 2021

---

**DETERMINATION OF THE AUTHORITY**

---

- A Kystalade 2016 Limited is ordered to pay to Paige Beech within 28 days of the date of this determination:**
- (i) Holiday pay in the sum of \$2,685.72 gross.**
  - (ii) Interest in the sum of \$42.62.**
  - (iii) Reimbursement of the filing fee in the sum of \$71.56**

**Employment Relationship Problem**

[1] Paige Beech was employed by Kystalade 2016 Limited (Kystalade) between September 2019 and May 2020. She said in her statement of problem that she has not been paid properly during her employment for holiday pay, public holiday entitlements, wages, the first week of ACC and the Kiwi Saver employer contributions. Ms Beech did not have a copy of her employment agreement or pay slips.

[2] Kystalade took no steps in the proceedings. I am satisfied that Kystalade was properly served at its registered office which is the same as its address for service with the statement of problem. It did not lodge a statement in reply. I am further satisfied that Kystalade was properly served with advice about telephone conferences, directions and a Minute of the Authority. It did not comply with the Authority directions for wage and time, holiday and leave records, the supply of a copy of the employment agreement or Kiwi Saver information.

[3] The Authority asked for IRD and bank account information from Ms Beech to establish her earnings and payments for the first week of ACC. Ms Beech provided the information requested of her to the Authority. This enabled the Authority to assess the information that had been provided with the claims. It held a further telephone conference on 23 March 2021 and then provided a Minute to both parties.<sup>1</sup>

[4] Following the Minute being served Ms Beech advised that she wished to confine her claim to holiday pay. The Authority wrote to Ms Beech and Kystalade on 8 April 2021 confirming that and advised that it intended to issue a determination for holiday pay in the sum of \$2,685.72 gross together with interest from 31 May 2020 and reimbursement of the filing fee of \$71.56.

[5] Kystalade was given a further seven days to respond. Just outside of that timeframe there was advice that some budgetary advice would be sought however nothing further was heard. That was the first time there had been any response from Kystalade with respect to this matter.

[6] It is appropriate to determine the matter and make orders accordingly.

### **Holiday pay**

[7] The Authority calculated gross earnings received by Ms Beech were in the sum of \$33,571.56. In accordance with s 23 of the Holidays Act 2003, Ms Beech is entitled to 8 percent of her gross earnings since the commencement of her employment. Ms Beech said that she had not taken paid leave during her employment and Kystalade did not supply holiday and leave records to indicate otherwise. The Authority calculates that the sum of

---

<sup>1</sup> Only Ms Beech attended the conference call.

\$2,685.72 gross is owed to Ms Beech for holiday pay which is 8% of gross earnings of \$33,571.56.

[8] Kystalade 2016 Limited is ordered to pay to Paige Beech the sum of \$2,685.72 gross being holiday pay within 28 days of the date of this determination.

**Interest**

[9] Ms Beech has been waiting for her holiday pay for a considerable period of time. The Authority has the power to award interest under clause 11 of schedule 2 of the Employment Relations Act 2000. I find in the exercise of my discretion that Ms Beech is entitled to the interest on the amount of holiday pay calculated in accordance with the Interest on Money Claims Act 2016 from the end of her employment to the date of this determination.

[10] Kystalade 2016 Limited is ordered to pay to Paige Beech the sum of \$42.62 being interest within 28 days of the date of this determination.

**Filing fee**

[11] It is appropriate that Ms Beech be reimbursed her filing fee on her application.

[12] Kystalade 2016 Limited is ordered to pay to Paige Beech the sum of \$71.56 being reimbursement of the filing fee within 28 days of the date of this determination.

Helen Doyle  
Member of the Employment Relations Authority