

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2019] NZERA 357
3012953

BETWEEN

GLEN COLLINS
Applicant

AND

TAMMY ACTON-ADAMS
First Respondent

ANDREW MCKENZIE
Second Respondent

Member of Authority: Andrew Dallas

Representatives: Peter Moore, advocate for the Applicant
No appearance for the Respondents

Submissions received 27 May 2019 for the Applicant
None received from the Respondent

Determination: 17 June 2019

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] By determination issued on 4 March 2019, the Authority made findings and issued orders in respect of Glen Collins' employment relationship problem with Tammy Acton-Adams and Andrew McKenzie.¹

[2] Tammy Acton-Adams and/or Andrew McKenzie have not complied with the Authority's orders. Mr Collins now seeks to enforce the orders in the District Court.

¹ *Collins v Acton-Adams and McKenzie* [2019] NZERA 120 at para [53]

[3] The determination provided as a remedy that Ms Acton-Adams and Mr McKenzie on a joint and several liability basis pay Mr Collins three months lost wages, any applicable holiday pay on that amount as a remedy for his personal grievance under s 123(2) of the Employment Relations Act 2000 (the Act) and one weeks wages as notice of termination.

[4] Consistent with their non-compliance, Mr Collins has been unable to engage Ms Acton-Adams and/or Mr McKenzie in discussions about the quantification of these monies.

[5] Consequently, Mr Collins asked the Authority to reopen its investigation under cl 4(a) of sch 2 of the Act to determine the same. Satisfied this was an appropriate course in the circumstances, I agreed to do so.

[6] Ms Collins was then asked to calculate these monies in a manner consistent with the evidence before the Authority. Having done so, Mr Collins' calculations and quantum were provided to Ms Acton-Adams and Mr McKenzie for comment. No response was received from either or both.

Result

[7] In the absence of any comment from Ms Acton-Adams and Mr McKenzie and being satisfied with the calculations themselves and their consistency with the evidence provided at the investigation meeting, I find the quantified amounts to be:

- (i) 13 weeks lost wages (\$27.00 per hour x 65 hours per week) \$22,815 and holiday pay calculated at 8% on that amount of \$1825.20; and
- (ii) One week's wages (\$27.00 per hour x 65 hours) \$1755.00 and holiday pay calculated at 8% on that amount of \$140.40.

Total: \$26,535.60

[8] I direct the Authority Officer to issue a Certificate of Determination setting out Mr Collins remedies including the sums in para [7] above.

Costs

[9] There is no order for costs.

Andrew Dallas
Member of the Employment Relations Authority