

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Yilai (Frank) Fa (Applicant)
AND First City Developments Limited (Respondent)
REPRESENTATIVES Applicant in Person
No appearance by Respondent
MEMBER OF AUTHORITY Dzintra King
INVESTIGATION MEETING 26 September 2005
DATE OF DETERMINATION 26 September 2005

DETERMINATION OF THE AUTHORITY

The applicant says he is owed unpaid commission and holiday pay for the year March 2003 to end of February 2004. The respondent did not file a Statement in Reply or attend the hearing. I waited for ten minutes but no company representative attended. My determination, therefore, is based on the evidence given to me by the applicant.

Mr Fa was employed by First City developments Limited as a property developer. From March 2003 to the end of October 2003 he was paid a salary of \$600 net per week. From November 2003 to February 2004 he was paid a net salary of \$750 per week. During that time he took one week's holiday while he was working in China. His salary for that period was \$34,500 plus a commission payment of \$2,239.14 net, making a total of \$36,739.14. From that total a week's wages of \$750 are deducted for the period of one week's leave. The total on which holiday pay is owed is therefore \$35,989.14. Six per cent of that is \$2,159.35.

The respondent is to pay the applicant the following amounts forthwith:

- \$2,159.35 net in holiday pay
- \$2,239.14 net in commission
- Interest on the above amounts at the rate of 7%, the interest to run from 31 March 2004 until such time as the above amounts are paid in full.

Dzintra King
Member of Employment Relations Authority