

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2016] NZERA Christchurch 98
5620373

BETWEEN EMMA-JANE HUGHES
Applicant

A N D DE BURGH'S ENTERPRISES
LIMITED trading as HOTEL
D'URVILLE
Respondent

Member of Authority: David Appleton

Representatives: Applicant in person
Channy Mao, advocate for the Respondent

Date of Determination: 27 June 2016

**DETERMINATION OF
THE EMPLOYMENT RELATIONS AUTHORITY**

Employment relationship problem

[1] Ms Hughes claims that she is owed one week's pay and 10 day's holiday pay by the respondent. She also claims that she was unjustifiably constructively dismissed. The respondent denies that Ms Hughes is owed one week's pay, relying upon a term in the individual employment agreement to withhold one week's pay because Ms Hughes did not give the required notice of her resignation. It also denies unjustified constructive dismissal.

[2] Whilst the Authority has yet to investigate the claim for one week's pay and unjustified constructive dismissal, the respondent has conceded, through Ms Mao during a case management conference call on 22 June 2016, that the respondent owes Ms Hughes 10 days' holiday pay. Accordingly, I make the following order:

Order

[3] The respondent is to pay to Ms Hughes a sum equivalent to 10 days' holiday pay, such payment to be made no later than 5 working days from the date of this determination.

[4] Ms Hughes is not represented, and I make no order as to costs in relation to this matter.

David Appleton
Member of the Employment Relations Authority