

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 72/10
5292010

BETWEEN

KAY JACKSON
Applicant

AND

PLATOS GREEK TAVERNA
LIMITED
Respondent

Member of Authority: R A Monaghan

Representatives: K Jackson in person
No appearance for respondent

Investigation Meeting: 16 February 2010

Determination: 16 February 2010

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Kay Jackson seeks unpaid wages and holiday pay from her former employer, Plato's Greek Taverna Limited (PGTL).

Preliminary matter

[2] PGTL has not filed a statement in reply, and did not attend the investigation meeting.

[3] The statement of problem and notice of investigation meeting were served on the company at its registered office. A member of the Authority's support staff was in contact with the on-site manager regarding the filing of a statement in reply and the investigation meeting. By message dated 4 February 2010 the manager informed the Authority that payment would be made to Ms Jackson within 7 days of that date. No payment was made.

[4] I am satisfied the company had notice of Ms Jackson's claim and of the date of the meeting.

[5] Since PGTL did not attend and was not represented at the meeting, and has not shown good cause for its failure to attend or be represented, I have proceeded to hear and determine this matter under Clause 12, Schedule 2 of the Employment Relations Act 2000.

Determination

[6] Ms Jackson was employed as a member of the floor staff at the restaurant owned by PGTL, commencing 29 August 2009. Wages were payable at the rate of \$14.50 per hour.

1. Unpaid wages

[7] Ms Jackson did not receive payments due for work done in the fortnights ending 15 and 29 November 2009. A payslip for the fortnight ended 15 November 2009 showed she should have been paid \$884.50 (gross). Her record of hours worked for the fortnight ended 29 November 2009 shows she was owed \$967.88 (gross) for that fortnight.

[8] PGTL is therefore ordered to pay to Ms Jackson the sum of \$1,852.38 (gross) as unpaid wages. Interest is payable on this sum.

2. Holiday pay

[9] Ms Jackson terminated her employment in November 2009 because of the failure to pay her wages. She did not receive holiday pay when her employment terminated.

[10] Payslips and correspondence which Ms Jackson produced show that her total earnings to the date of termination were $\$5742.02 \times 8\% = \459.36 .

[11] PGTL is therefore ordered to pay to Ms Jackson the sum of \$459.36 (gross) as holiday pay. Interest is payable on this sum.

Summary of orders

[12] PGTL is ordered to pay to Ms Jackson:

- a. \$1,852.38 (gross) as unpaid wages; and
- b. \$459.36 (gross) as holiday pay.

[13] I further order that interest be paid on the above amounts calculated as 4.8% from 29 November 2009 to the date of payment.

Costs

[14] Ms Jackson is entitled to be reimbursed for the filing fee of \$70. I order accordingly.

R A Monaghan

Member of the Employment Relations Authority