IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH OFFICE

CA 61A/10
5288217

BETWEEN		LABOUR INSPECTOR DOUGLAS HIXON Applicant
AND		NEWZEALAND VINES LIMITED Respondent

Member of Authority: James Crichton

Representatives: Applicant in person
                          Rocky Luthera, for Respondent

Determination: 19 March 2010

SUPPLEMENTARY DETERMINATION OF THE AUTHORITY

Introduction

[1]   The substantive determination in this matter issued on 12 March 2010. It has been drawn to the Authority's attention that that determination failed to address the applicant's claim for the imposition of penalties against the respondent. That matter is addressed in this supplementary determination.

The claim for penalties

[2]   The statement of problem seeks the imposition for penalties for

   (a)   the failure to keep accurate time and wage records as required by s130 of the Employment Relations Act 2000 (the Act);

   (b)   the failure to furnish wage and time records to the Labour Inspector as is required by s229(1)(c) of the Act;

   (c)   the failure to pay employee entitlements in accordance with the Minimum Wage Act 1983 and section 23 of the Holidays Act 2003;

   (d)   the failure to provide written employment agreements to certain workers in breach of section 65 of the Act.

Determination

[3]   The respondent has failed to behave in good faith toward the applicant in this matter. The applicant says (and I accept) that the respondent has failed to honour its obligations in relation to many similar claims. It follows that the imposition of penalties is appropriate within the ambit of the Authority's jurisdiction.

[4]   Looking at the matter holistically the Authority directs that a penalty of $5000 be paid by the respondent in respect of the several breaches by the respondent. This sum is to be paid to the Authority for the credit of the Crown Bank Account.

James Crichton
Member of the Employment Relations Authority