

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH OFFICE**

**BETWEEN** Labour Inspector (Jon Henning)  
**AND** Glenelg House Ltd  
**REPRESENTATIVES** Jon Henning in person  
No appearance for respondent  
**MEMBER OF AUTHORITY** Helen Doyle  
**INVESTIGATION MEETING** Dunedin 27 February 2007  
**DATE OF DETERMINATION** 28 February 2007

DETERMINATION OF THE AUTHORITY

***Employment relationship problem***

[1] Mr Henning, Labour Inspector, served on the respondent company a demand notice under s.224 of the Employment Relations Act 2000 for payment of holiday pay to two former employees of the respondent, Darren Kara and Sheryl Jenks.

[2] There was no objection lodged to the demand notice but there was no payment of the amounts set out in the notice. Mr Henning asks the Authority to make a compliance order under s.137 of the Employment Relations Act 2000 to enforce the payment of the moneys set out in the demand notice.

***The respondent***

[3] I am satisfied, after discussions with the support officer and consideration of the file, that the respondent company has been served with the statement of problem, advice of the time for a telephone conference and a copy of the notice of the investigation meeting. There has been no participation or response in any form from the respondent company.

[4] There was no attendance on behalf of the respondent at the investigation meeting. In the circumstances as described above I proceeded, after a short delay, to hear from Mr Henning.

***Determination***

[5] If there is no objection to the demand notice, it is prima facie evidence before the Authority that the respondent company owes Darren Kara the sum of \$730 being holiday pay and Sheryl Jenks the sum of \$635.38 being holiday pay.

[6] Mr Henning confirmed to me that the amounts set out in the demand notice have not been paid and remain outstanding.

[7] I am of the view that it is appropriate to make an order that Glenelg House Limited comply with the demand notice.

[8] I order Glenelg House Limited to pay to Jonathan Denis Henning for the credit of Darren Kara the sum of \$730 gross being holiday pay under the Holidays Act 2003.

[9] I order Glenelg House Limited to pay to Jonathan Denis Henning for the credit of Sheryl Jenks the sum of \$635.38 gross being holiday pay under the Holidays Act 2003.

[10] Such payments are to be made in full by Wednesday, 21 March 2007.

[11] I also order Glenelg House Limited to pay to Jonathon Henning the sum of \$70.00 being reimbursement of the filing fee

Helen Doyle  
Member of Employment Relations Authority