

scheduled investigation meeting I proceeded to hear and determine the matter in accordance with the provisions of Clause 12 of the second Schedule of the Act.

[4] Subsequent to the investigation meeting I requested the Labour Inspectorate uplift wage, time and holiday records for Mr Livschitz held by Aakland Chemicals. I am advised the records have not been provided.

Wage arrears

[5] Mr Livschitz has compiled his wage claim using his bank records of wages received set against his agreed monthly salary payments. He did not receive pay slips. The sum claimed totals \$5784.50(net). This is made up of total outstanding wages of \$11588.50(net) from August, September and December 2007 and May, August, October and November 2008 less payments received of \$5784.50.

[6] I accept Mr Livschitz's evidence that he has made demand on Aakland Chemicals of these sums, that it has failed to pay these sums and that this remains the case.

Annual Leave

[7] Mr Livschitz claims outstanding unpaid annual leave entitlement of 14 days. He has compiled this claim based on recollection and diary notes. Neither he nor the Authority has had access to his wage and time records.

[8] Based on the information received I am satisfied that a total of 14 days annual leave entitlement remains outstanding. Mr Livschitz's fortnightly salary was \$1001.03(net) and is the proper basis for the calculation of outstanding holiday pay.

Determination

[9] **I find the wages claimed are owed to Harvey Livschitz and order Aakland Chemicals (Auckland) Limited to pay him \$5784.50(net).**

[10] I find holiday pay entitlement of \$1001.03(net) is owed to Harvey Livschitz and order Aakland Chemical (Auckland) Limited pay him that sum.

[11] Mr Livschitz has been denied wages and holiday pay entitlements due and owing. **Interest is to be calculated on these sums at the rate of 5% from 13 November 2008 until date of payment: refer schedule 2 clause 11 Employment Relations Act 2000.**

[12] A copy of this determination is to be served on Aakland Chemicals (Auckland) Limited as soon as practicable by leaving a copy of the same at its address for service being 2a Newsome Street, Onehunga, Auckland.

Costs

[13] Aakland Chemicals (Auckland) Limited is ordered to reimburse Harvey Livschitz the \$70 filing fee incurred in lodging this application.

Marija Urlich

Member of the Employment Relations Authority