

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH OFFICE**

**BETWEEN** Diana Margaret McLeman (Applicant)  
**AND** New Zealand Commercial Care Limited (Respondent)  
**REPRESENTATIVES** Dennis Standing Counsel for the Applicant  
No appearance for the Respondent  
**MEMBER OF AUTHORITY** James Crichton  
**INVESTIGATION MEETING** On the papers  
**DATE OF DETERMINATION** 23 January 2006

**DETERMINATION OF THE AUTHORITY**

***Employment relationship problem***

- [1] By Determination CA90/05 the Authority found in part for Ms McLeman in her claim against New Zealand Commercial Care Limited (NZCCL).
- [2] That Determination was issued on 1 July 2005 and has been followed by a subsequent costs Determination CA90A/05 dated 18 August 2005.
- [3] By application filed on 7 September 2005, Ms McLeman seeks a compliance order to enforce the effect of both those Determinations.
- [4] The Determination dated 1 July 2005 (CA90/05) (Determination 1) orders NZCCL to pay Ms McLeman arrears of holiday pay, statutory holiday pay and wages totalling \$6,221.97 together with interest on that sum at the rate of 9% per annum commencing on 23 September 2004 until the arrears are paid in full.
- [5] In the Determination dated 18 August 2005 (CA90A/05) (Determination 2), NZCCL was ordered to pay Ms McLeman the sum of \$1,000 as a contribution to her costs.
- [6] The respondent has not paid any of the sums referred to above and NZCCL has not responded to service of the statement of problem seeking a compliance order.

***Determination***

[7] NZCCL is ordered to comply with the first and second Determinations of the Authority issued respectively on 1 July 2005 and 18 August 2005 and pay to Ms McLeman the sums ordered in those two Determinations, inclusive of the interest ordered to be paid in the first Determination, to be calculated from 23 September 2004 down to the date on which the arrears of wages are paid in full.

[8] NZCCL is to comply with the orders made in the first and second Determinations no later than 28 February 2006.

***Costs***

[9] NZCCL is ordered to pay to the applicant the sum of \$70 being the application fee for the compliance order paid to the Authority.

James Crichton  
Member of Employment Relations Authority