

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2013] NZERA Auckland 437
5428937

BETWEEN

TOM RENSHAW
Applicant

A N D

KIWIANA FOODS LIMITED
Respondent

Member of Authority: Anna Fitzgibbon

Representatives: Applicant in person
No appearance for the Respondent

Investigation Meeting: 25 September 2013 in Auckland

Date of Determination: 25 September 2013

DETERMINATION OF THE AUTHORITY

The respondent, Kiwiana Foods Limited (Kiwiana) is ordered to pay the applicant Mr Tom Renshaw within 28 days of the date of this determination;

(a) holiday pay of \$960.11 gross,

(b) the cost of the filing fee of \$71.56.

Non- appearance of respondent

[1] Kiwiana failed to file a statement in reply and failed to attend the investigation meeting. I am satisfied that Kiwiana was properly served with the statement of problem and subsequent correspondence from the Authority together with a notice of investigation meeting. In those circumstances, I proceeded to investigate the matter in the absence of Kiwiana.

Employment relationship problem

[2] Kiwiana operates a café in Remuera which sells fish and chips and other takeaway foods. Mr Renshaw was employed by Kiwiana as a kitchen hand in June 2012, for just over one year. Mr Renshaw resigned from his employment, his last day being Tuesday, 18 June 2013. Kiwiana failed to pay Mr Renshaw accrued holiday pay owing to him at the date of his last day of employment totalling \$960.11 gross.

[3] Mr Renshaw sent a number of text messages and emails to Kiwiana, wrote a letter and left phone messages about the unpaid holiday pay but never received a response.

[4] Mr Renshaw seeks payment of his unpaid holiday pay. I order Kiwiana to pay Mr Renshaw holiday pay due to him of \$960.11 gross within 28 days of the date of this determination plus reimbursement of the filing fee cost of \$71.56. I also direct that pursuant to Regulation 26 of the Employment Relations Authority Regulations 2000, Mr Renshaw be provided with a certificate of determination, sealed with the seal of the Authority, recording that Kiwiana is ordered to pay Mr Renshaw the gross sum of \$960.11, plus the filing fee cost of \$71.56.

Anna Fitzgibbon
Member of the Employment Relations Authority