

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 132/09
5144969

BETWEEN SHEILA MARY UJDUR
Applicant

AND NORTHLAND MOTOR
HOLDINGS LIMITED
Respondent

Member of Authority: Yvonne Oldfield

Representatives: Applicant in person
 No appearance for Respondent

Investigation Meeting: 23 April 2009

Determination: 27 April 2009

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] This matter concerns a claim for holiday pay.

[2] Ms Ujdur was made redundant by Northland Motor Holdings in September 2008. The redundancy was part of an attempt to save the respondent's business but unfortunately it was not successful. Shortly after, the respondent's bank froze its accounts and the respondent ceased trading. In the meantime, Ms Ujdur had received pay in lieu of notice by instalments and had been part paid her outstanding holiday pay. This claim is for the balance of holiday pay owed, being the sum of \$4,418.64.

[3] The Statement of Problem indicated that the holiday pay claim had been investigated by a Labour Inspector who had examined wage and time records and established what was owed. Correspondence from the Inspector to the applicant was provided to me and indicated that the Inspector had obtained confirmation from the respondent that the quantum was not disputed.

[4] There was no appearance at the investigation meeting for the respondent. This was not unexpected. One of the directors, Ms Weatherup, had previously joined a teleconference with the Authority and the applicant where she advised that since she did not dispute that holiday pay was outstanding in the quantum claimed, she saw no purpose in attending the investigation meeting.

[5] Ms Ujdur did attend the investigation meeting and gave evidence to show how her claim was calculated. She explained that she seeks a formal determination because no liquidator has been appointed as yet and she wishes to proceed to attempt to recover what she is owed.

[6] In the circumstances, I am satisfied that holiday pay remains outstanding and that it has been calculated correctly.

[7] Ms Ujdur prepared and lodged her statement of problem without professional assistance. The relief sought was simply payment of the outstanding holiday pay. When I heard from her it appeared that what she really wanted was effectively a compliance order. I have considered whether this remedy is available to her but I am not satisfied in the circumstances that it is.

[8] **I order the Respondent to pay to the applicant outstanding holiday pay in the sum of \$4,418.64 gross**

Yvonne Oldfield

Member of the Employment Relations Authority