

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 421/09  
5285614

BETWEEN

CLIVE STANLEY  
WANKLYN  
Applicant

AND

TONY MOTTRAM T/A TJ  
LANDSCAPES  
Respondent

Member of Authority: Alastair Dumbleton

Representatives: Applicant and Respondent in person

Determination 25 November 2009  
(on papers):

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**CONSENT DETERMINATION OF THE AUTHORITY**

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[1] Mr Clive Wanklyn applied to the Authority on 3 November 2009 to recover total holiday pay and wages of \$1,474 from Mr Tony Mottram his former employer.

[2] Mr Mottram replied to the claim on 19 November 2009. He expressly accepted that the holiday pay is owed and stated that an offer by him to pay it in instalments has been rejected by Mr Wanklyn.

[3] The \$200 wages claimed Mr Wanklyn says was deducted unlawfully from his final pay. Mr Mottram admits making the deduction but claims it was justified to meet the IRD requirements for tax to be deducted and remitted.

[4] Mr Mottram has advised the Authority that he sees no point in undertaking mediation over this problem since he has not disputed the claim but simply has no

money to pay the amount sought by Mr Wanklyn. Mr Mottram has also advised that he does not require to be heard by the Authority at an investigation meeting.

[5] I therefore order Mr Mottram to pay Mr Wanklyn the total amount of \$1,474 as calculated by a Labour Inspector to be due to Mr Wanklyn.

[6] As this is not a personal grievance claim the Authority cannot award the \$500 claimed by Mr Wanklyn as compensation for his personal stress.

[7] Mr Mottram is also to pay \$70 to reimburse Mr Wanklyn the cost of bringing the application.

A Dumbleton  
**Member of the Employment Relations Authority**