

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

CA 53A/09  
5139180

BETWEEN                      LABOUR INSPECTOR (JO-  
ANN DUFF)  
Applicant

AND                              SOUTHERN TRAIL BIKES  
AND HORSE FLOATS  
LIMITED  
Respondent

Member of Authority:      Paul Montgomery

Investigation Meeting:    On the papers

Determination:              9 June 2009

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**DETERMINATION OF THE AUTHORITY**

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[1]      In a determination issued on 27 April 2009 the Authority ordered the respondent to provide the time and wage records for a former employee, Mr Anthony Kenneth Turner, to the Labour Inspector within ten working days of the date of that determination's issue. It has failed to do so.

[2]      On 9 May 2009 the copy of the determination sent to the Directors' last known address was returned unopened to the Authority's Christchurch Offices.

[3]      Subsequently, Ms Duff has made an application for an order that the respondent pay the holiday pay due to Mr Turner and to refund an unauthorised deduction of \$761.00 from the workers wages.

[4]      In respect of the latter sum, in spite of the Labour Inspector explaining to the directors that they needed to furnish a written authority from Mr Turner to render the deduction lawful, no such authority has been provided and the Labour Inspector has assessed the deduction as unlawful.

[5] Based on the Labour Inspector's calculation provided to the directors of the respondent and now also to the Authority, Mr Turner is owed \$214.43 in holiday pay. When this sum is added to the unlawful deduction from wages, the total due to Mr Turner is \$975.43.

### **Determination**

[6] The respondent is ordered to provide a cheque for the sum of \$975.43 to the Labour Inspector. The cheque is to be made out to Anthony Kenneth Turner and is to be received by the Labour Inspector no later than ten working days after the date of issue of this determination.

### **Costs**

[7] No order for costs is made.

Paul Montgomery  
Member of the Employment Relations Authority