

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2013] NZERA Auckland 554
5437906

BETWEEN	JAMES DENYER, LABOUR INSPECTOR Applicant
A N D	PETER REYNOLDS MECHANICAL LIMITED TRADING AS THE ITALIAN JOB SERVICE Respondent

Member of Authority: Rachel Larmer

Representatives: Applicant in person
No appearance by Respondent

Investigation Meeting: 03 December 2013 at Auckland

Date of Determination: 03 December 2013

DETERMINATION OF THE AUTHORITY

- A. Mr Peter Reynolds is ordered to comply with the Authority's determination dated 3 October 2013¹ within 7 days of the date of this determination by paying to Mr Denyer, on behalf of employee Mr Gareth Costa:**
- (a) \$1,568.80 holiday pay;**
 - (b) Interest at the rate of 5% on the amount of \$1,568.80 from 22 October 2012 until that amount is paid in full;**
 - (c) \$71.56 to reimburse the filing fee.**

¹ [2013] NZERA Auckland 460.

B. Mr Reynolds is also ordered within 7 days of the date of this determination to pay Mr Denyer \$71.56 to reimburse him for the filing fee for this application.

Employment relationship problem

[1] Labour Inspector Mr Jim Denyer seeks a compliance order against Mr Reynolds ordering him to comply with the Authority's substantive determination of 3 October 2013² because Mr Reynolds has not paid any of the amounts in that determination.

No appearance by respondent

[2] Mr Reynolds did not file a Statement in Reply, nor did he apply for leave to file a Statement in Reply out of time. I am satisfied the Statement of Problem and the Notice of Investigation Meeting were both served on Mr Reynolds, who did not appear at the Authority's investigation meeting today.

Outcome

[3] I am satisfied that it is unlikely Mr Reynolds will pay Mr Denyer the amount he has been order to pay unless a compliance order is issued. Accordingly, Mr Reynolds is ordered to comply with the Authority's determination of 03 October 2013 by paying Mr Denyer:

- (a) \$1,568.80 unpaid holiday pay;
- (b) Interest at the rate of 5% on \$1,568.80 from 22 October 2012 until that amount has been paid in full;
- (c) \$71.56 to reimburse the filing fee for that substantive application.

[4] Mr Reynolds is ordered to comply with the Authority's determination of 03 October 2013 by paying the above amounts within 7 days of the date of this determination.

² Ibid 1.

Costs

[5] Mr Reynolds is ordered to pay Mr Denyer \$71.56 to reimburse the filing fee for this application.

Rachel Larmer
Member of the Employment Relations Authority