

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2014] NZERA Auckland 460
5514997

BETWEEN KATE FEENEY, LABOUR
INSPECTOR
Applicant

AND BALAJI SWEETS & SNACKS
NZ LIMITED
Respondent

Member of Authority: Robin Arthur

Representatives: Applicant in person
Satya Prakash for the Respondent

Submissions: Joint memorandum of the parties lodged on 7 November
2014

Determination: 11 November 2014

CONSENT DETERMINATION OF THE AUTHORITY

- A. Within 14 days of the date of this determination Balaji Sweets & Snacks NZ Limited (BSS) must pay to the Employment Relations Authority in Auckland a penalty of \$1800 under s 229(3) of the Employment Relations Act 2000. The penalty is for breaching s229(1)(d) of the Act by failing to provide the Labour Inspector with a copy of the holiday and leave record BSS was required to keep under s 81 of the Holidays Act 2003.**
- B. The Authority must transfer the amount paid as a penalty by BSS to a Crown bank account.**

Employment relationship problem

[1] By joint memorandum lodged with the Authority on 7 November 2014 the parties sought a consent determination making orders on the terms set out at A and B

above. This determination has made the orders sought the orders of the Authority to resolve this matter.

[2] The parties had attended mediation by direction of the Authority after the Labour Inspector sought orders for compliance and a penalty in relation to repeated failure to provide holiday and leave records.

[3] No order as to costs or expenses was sought.

Robin Arthur
Member of the Employment Relations Authority