

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2014] NZERA Christchurch 109
5459385

BETWEEN INGRID KIM,
 LABOUR INSPECTOR
 Applicant

AND HURUNUI HOTEL (2004)
 LIMITED trading as HURUNUI
 HOTEL
 Respondents

Member of Authority: M B Loftus

Representatives: Ingrid Kim, on her own behalf
 Travis Cooper for the Respondent

Investigation Meeting: 22 July 2014 at Christchurch

Determination: 22 July 2014

CONSENT DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] The applicant, Ms Ingrid Kim, sought an order requiring the respondent, Hurunui Hotel (2004) Limited (the Hotel), comply with an Improvement Notice issued in accordance with Section 223D of the Employment Relations Act 2000. Penalties were also sought.

[2] Behind the notice was a belief the Hotel had failed to pay an ex-employee, Ms Sherrie Kendall, holiday pay upon cessation.

[3] Mr Cooper, a director and shareholder of the respondent, accepts the underlying accusation. He attributes this to circumstances beyond the Hotel's control.

[4] The parties discussed the situation during the meeting and concluded an agreement to resolve the issues between them. They ask I record their agreement in, and therefore make it enforceable as, a determination of the Authority.

[5] I accept the request and make the following orders.

[6] The respondent, Hurunui Hotel (2004) Limited, is to:

- a. Pay Ms Sherrie Kendall the sum of \$1,565.53 (one thousand, five hundred and sixty five dollars and fifty three cents) gross. PAYE is to be deducted prior to payment and forwarded to the Inland Revenue. Payment to Ms Kendall is to occur no later than Tuesday 19 August 2014; and
- b. Reimburse the Ministry of Business, Innovation and Employment for the filing fee of \$71.56 (seventy one dollars and fifty six cents) incurred in making the application. Again payment is to be made no later than Tuesday 19 August 2014 provided Ms Kim has advised the Hotel of an account number into which the money can be electronically transferred.

[7] The parties are to be commended for settling this matter.

M B Loftus
Member of the Employment Relations Authority