

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2015] NZERA Christchurch 130
5552160

BETWEEN BRIDGET ANN FRANCES
ZONNEVELD (LABOUR
INSPECTOR)
Applicant

A N D HUGH AND DARLA LE
FLEMING AS TRUSTEES OF
LE EMARI TRUST
Respondent

Member of Authority: David Appleton

Representatives: Greg La Hood, Counsel for the Applicant
Charlotte Clifford, Counsel for Respondent

Date of Determination: 8 September 2015

CONSENT DETERMINATION OF THE AUTHORITY

[1] The parties have reached agreement and have jointly applied to the Authority for a consent determination. I grant that application and adopt the parties' draft wording, with minor amendments. Accordingly, this consent determination contains the orders of the Authority.

[2] The respondent operates a dairy farm at 31 Ryans Road, Morven, Waimate. The respondent failed to pay its employees Leonard Mercado Omamalin and Edward Valeriano Medida at least the minimum wage for all hours worked, in breach of s. 6 of the Minimum Wage Act 1983. The respondent had paid the outstanding arrears in full.

[3] Under s. 10 of the Minimum Wage Act 1983 every employer who fails to comply with section 6 is liable to a penalty imposed by the Employment Relations Authority. Such action can only be brought by a labour inspector under this section.

[4] In the course of negotiations the parties have reached agreement that the respondent will pay a penalty after the Labour Inspector's investigation found that the respondent failed to pay its two employees the minimum wage in accordance with s.6 of the Minimum Wage Act 1983.

[5] Hugh and Darla le Fleming as Trustees of the Le Emari Trust are therefore ordered to pay a penalty of \$2,500 to the Authority into a Crown Bank Account for its breach of s. 6 of the Minimum Wage Act 1983. The penalty must be paid within 14 days of the date of this determination.

[6] The parties are commended for having reached agreement in this matter.

David Appleton
Member of the Employment Relations Authority