

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI
TE WHANGANUI-Ā-TARA ROHE**

[2020] NZERA 65
3082905

BETWEEN	MALEISHA HOLLY BRUNTLETT Applicant
AND	KAKIMADE LIMITED First Respondent
AND	MARK HAYMAN Second Respondent

Member of Authority: Trish MacKinnon

Representatives: Quinn Katene-Rosa, counsel for the Applicant
Mark Hayman for the Respondents

Investigation Meeting: By telephone on 17 February 2020

Date of Determination: 17 February 2020

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] Maleisha Bruntlett was employed as a chef by Kakimade Limited trading as Two Chefs until 15 October 2017. At that time she received her final wages from Kakimade Limited but did not receive any holiday pay. Ms Bruntlett seeks the payment of her statutory holiday pay entitlements plus interest.

[2] A telephone conference was convened with the parties on 17 February 2020, attended by Ms Bruntlett's representative and Mark Hayman, a Director of Kakimade Limited. Mr Hayman did not dispute that holiday pay was owed to Ms Bruntlett.

[3] As a result of my discussion with the parties on 17 February 2020, I am satisfied that Ms Bruntlett is owed 150.84 hours of holiday pay. It is clear she has not received any holiday pay in the two years and four months since her employment terminated. Mr Hayman did not dispute the sum Ms Bruntlett claims is owing to her, which is \$2,375.73.

[4] The Authority has the discretion under clause 11, Schedule 2 to the Employment Relations Act 2000 to order the inclusion, in the sum for which judgment is given, of interest. Ms Bruntlett has been deprived of the use of holiday pay owing to her for more than two years. I find it appropriate to exercise my discretion and award Ms Bruntlett interest on the amount she is owed. Interest has been calculated in the sum of \$171.16.¹

Orders

[5] Kakimade Limited is ordered to pay Ms Bruntlett the sum of \$2,546.90, being holiday and interest. Payment in full is to be made within seven days of the date of this determination.

Costs

[6] Ms Bruntlett has been represented by the Taranaki Community Law Centre. No costs, other than the reimbursement of the Authority's filing fee have been sought.

[7] I further order Kakimade Limited to reimburse Ms Bruntlett \$71.56, within seven days of the date of this determination.

Trish MacKinnon
Member of the Employment Relations Authority

¹ Calculated in accordance with Schedule 2 of the Interest on Money Claims Act 2016.