

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

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

[2020] NZERA 67
3075295

BETWEEN PETER CLARK
 Applicant

AND GECKO INSTALLATIONS
 LIMITED
 Respondent

Member of Authority: Michele Ryan

Representatives: Alex Kersjes, advocate for the applicant
 Kyle Nash on behalf of the respondent

Investigation Meeting: 17 February 2020 by telephone conference.

Date of Determination: 17 February 2020

DETERMINATION OF THE AUTHORITY

Employment Relationship problem

[1] Mr Peter Clark, by his representative, has filed a statement of problem seeking payment of outstanding holiday pay, penalties and costs.

[2] During a telephone conference held between the Authority and the parties, Mr Kyle Nash, sole director of the respondent, accepted it owes Mr Clark \$635.95 (gross) in outstanding holiday pay. Mr Nash indicated he was willing to pay this sum and agreed to orders by the Authority reflecting that position.

[3] Mr Nash rejects Mr Clark's claim for costs and penalties. He says the company is no longer trading and is about to be placed in to liquidation. He says in any event it does not have the funds associated with this aspect of this claim.

Orders

[4] Pursuant to s 131 of the Employment Relations Act 2000, Gecko Installations Ltd via its director Mr Nash, is ordered to pay Mr Peter Clark;

(a) \$653.95 (gross) as outstanding holiday pay. This sum must be paid on or by 24 February 2020.

(b) The cost of the filing fee \$71.56 for this application at the Employment Relations Authority.

The remaining claims

[5] The claims concerning costs and penalties are adjourned whilst Mr Kersjes take instructions as to whether Mr Clark wishes to pursue those matters. They may be progressed if Mr Clark or his representative advise the Authority in due course to that effect.

Michele Ryan
Member of the Employment Relations Authority