

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2024] NZERA 466
3269199

BETWEEN AMANDA CHIN TING FOO
Applicant

AND CHIEF EXECUTIVE OF THE
MINISTRY OF BUSINESS,
INNOVATION AND
EMPLOYMENT
Respondent

Member of Authority: Lucia Vincent

Representatives: Applicant in person
Petrina Siania for the Respondent

Investigation Meeting: On the papers

Submissions Received: 23 July 2024 from the Applicant
15 July 2024 from the Respondent

Determination: 31 July 2024

DETERMINATION OF THE AUTHORITY

What is the employment relationship problem?

[1] In an earlier determination I ordered Ministry of Business, Innovation and Employment (MBIE) take necessary steps to ensure Ms Foo receives her entitlement to 18 weeks parental leave payments.¹

¹ *Foo v Chief Executive of the Ministry of Business, Innovation and Employment* [2024] NZERA 386 at [24].

[2] Counsel for MBIE has since brought to my attention that the correct remaining entitlement is 16 weeks and 5 days.

[3] In a memorandum dated 15 July 2024 MBIE requested I amend my order to reflect that correction.

[4] By email on 23 July 2024, Ms Foo did not object.

Order

[5] I have decided to reopen the investigation for the limited purpose of making the above amendment to the order as requested:²

- (a) I amend the final sentence in paragraph [23] of my earlier determination and replace it with the following: “Ms Foo should receive her remaining entitlement.”
- (b) I amend the final sentence in paragraphs [24] of my earlier determination and replace it with the following: “I order MBIE take the necessary steps to ensure Ms Foo receives her remaining entitlement to parental leave payments.”

[6] Other than the above amendments, my earlier determination remains the same.

Costs

[7] There is no issue as to costs.

Lucia Vincent
Member of the Employment Relations Authority

² Clause 4, Schedule 2, of the Employment Relations Act 2000.