

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
AUCKLAND**

**I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKĀURAU**

**[2020] NZEmpC 159
EMPC 487/2019**

IN THE MATTER OF challenges to determinations of the
Employment Relations Authority

BETWEEN CAROL SUSANNE BAKER
Plaintiff

AND HAURAKI RAIL TRAIL LIMITED
First Defendant

AND PETER FOSTER MAYNARD
Second Defendant

Hearing: On the papers

Appearances: C Baker, plaintiff in person
No appearance for defendants

Judgment: 1 October 2020

**JUDGMENT OF JUDGE M E PERKINS
(Quantification of wages and interest)**

[1] In a judgment dated 17 September 2020,¹ I upheld several of the plaintiff Carol Baker's non-de novo challenges against determinations of the Employment Relations Authority (the Authority).² Amongst the orders in the judgment, the first defendant, Hauraki Rail Trail Ltd was to reimburse Ms Baker for lost wages for the three months following termination of her employment. In addition, I ordered that both defendants were jointly and severally liable to Ms Baker for interest calculated in accordance with

¹ *Baker v Hauraki Rail Trail Ltd* [2020] NZEmpC 148.

² *Baker v Hauraki Rail Trail Ltd* [2019] NZERA 679 (substantive) (Member Trotman) and *Baker v Hauraki Rail Trail Ltd* [2020] NZERA 164 (costs).

the Interest on Money Claims Act 2016, sch 2 on a sum of \$19,321.56, which had on an earlier occasion been ordered as compensation.

[2] In the judgment I indicated that, until Ms Baker provided information as to her calculations of the wages and interest, a judgment could not finally be issued for those amounts. Ms Baker was granted leave to file a memorandum setting out those calculations. She has now done so. She has also sworn and filed an affidavit annexing documents to support the figures which she has claimed.

[3] In respect of the loss of wages, Ms Baker claims the sum of \$10,900.65. I am satisfied that this sum is owing to her. Judgment is accordingly entered against Hauraki Rail Trail Ltd for that amount, and it is ordered to pay her that sum forthwith.

[4] Insofar as the interest is concerned, Ms Baker has set out calculations showing that the amount of such interest is \$2,993.57. Judgment for this sum is accordingly entered against the first and second defendants jointly and severally. They are ordered to pay this sum to Ms Baker forthwith.

[5] If the defendants fail to now pay the sums which they have been ordered to pay to Ms Baker in both the judgment dated 17 September 2020 and this judgment, further interest will become due until such payment is made. Such interest is also to be calculated in accordance with the Interest on Money Claims Act 2016, sch 2.

[6] Ms Baker sought interest in respect of the wages claim. However, until the wages claim was quantified, as it now is by virtue of this judgment, interest could not commence to run on the figure of \$10,900.65.

M E Perkins
Judge

Judgment signed at 3.30 pm on 1 October 2020