



23 March 2021

File No. DOIA 2021-1602

Danny Hooper

fyi-request-14740-ddfefaa0@requests.fyi.org.nz

Dear Danny Hooper

Thank you for your email of 24 February 2021 to the Ministry of Business, Innovation and Employment (the Ministry) requesting, under the Official Information Act 1982, the following information:

I am hoping you can please release all communications letters emails records of conversations pertaining to the underpayment of holiday pay entitlements by Flight Centre to their employees. I understand they have reached an enforceable agreement with MBIE on a method to recalculate annual pay please include this along with any indicated time frame of completion.

The Labour Inspectorate (LI) is actively working with Flight Centre regarding their Holidays Act 2003 (the Act) non-compliance. Flight Centre undertook their own review into the Holidays Act non-compliance and entered into an Enforceable Undertaking (EU) voluntarily. It is important to note no complaint was received and no investigation was undertaken by the LI.

Unfortunately we cannot provide a timeframe but can advise that the LI has provided feedback to Flight Centre regarding the remediation calculations performed and have proposed a way forward. If an agreement is reached a second EU (the payment EU) will be provided to Flight Centre for signing.

Due to the nature of the information requested under the Official Information Act, the Ministry will withhold your request in full under section 9(2)(b)(ii) of the Act, to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Please note current and past employees are able to request this information direct from their employer. The employer will be providing calculations along with explanations to employees regarding how their payments and entitlements under the Act have been provided. If an employee finds the employer is not engaging they can contact Tracy Torrance at Tracy.Torrance@mbie.govt.nz who will assist in their request.

Further information on compliance with the Holidays Act can be found here: <https://www.employment.govt.nz/resolving-problems/steps-to-resolve/labour-inspectorate/addressing-holidays-act-non-compliance/>

You have the right to seek an investigation and review by the Ombudsman of our response to your request. Information about how to make a complaint is available at: www.ombudsman.parliament.nz or freephone: 0800 802 602.

Yours sincerely

Stu Lumsden
National Manager Labour Inspectorate
Ministry of Business, Innovation and Employment

