

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**[2014] NZERA Auckland 528  
5457716**

BETWEEN REPEKA AIGA  
Applicant

AND TEJAL TAYLOR  
Respondent

Member of Authority: T G Tetitaha

Representatives: C Faumuina, Applicant's Representative  
Respondent in person

Date of Determination: 22 December 2014

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**DETERMINATION OF THE AUTHORITY**

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**A. Tejal Taylor is to pay Repeka Aiga wages arrears of \$2,887.14 less PAYE pursuant to s131 Employment Relations Act 2000.**

**B. Tejal Taylor to pay a contribution towards Repeka Aiga's legal costs of \$71.56 being her filing fee.**

**Employment Relationship Problem**

[1] Repeka Aiga filed an application seeking payment of wage arrears. She submits throughout her employment, the respondent, Tejal Taylor, paid her below the minimum wage. The total amount sought is \$2,887.14.

**Facts leading to dispute**

[2] Ms Aiga was employed as a cleaner by Ms Taylor from October 2012 to May 2013. During that period she worked 698.5 hours. She was paid an hourly rate of \$10.50. She received wages of \$7,334.25.

[3] During her employment the applicable minimum wage rate was \$13.50 from 1 April 2012<sup>1</sup> increasing to \$13.75 from 1 April 2013.<sup>2</sup>

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<sup>1</sup> & <sup>2</sup> Section 4 Minimum Wage Order 2012

[4] Ms Aiga worked several public holidays. These were Labour Day, Christmas Day, New Year's Day, day after New Year's Day, Waitangi Day, Good Friday and ANZAC Day.

[5] Her employment ended when the respondent stopped giving her work. She was told Ms Taylor had sold the business.

### **Issues**

[6] There is a single issue for determination namely what wages (if any) are owed to Ms Aiga?

### **Determination**

[7] At a teleconference on 13 November 2014, Ms Taylor advised she accepted she was Ms Aiga's employer, did not wish to file any further evidence about her status as the employer and was happy to go ahead with whatever was determined by me.

[8] I directed Ms Taylor to file the wage and time record. She has complied by filing a handwritten note showing the dates Ms Aiga worked for her. These include the above public holiday dates.

[9] Ms Aiga was directed to check the wage and time record and advise if she accepts the stated dates and hours she worked for the respondent.

[10] The parties were to file any further information and I would determine if the matter could be dealt with on the papers.

[11] Section 160(1)(f) of the Employment Relations Act 2000 empowers me to follow whatever procedure I consider appropriate in investigating a matter. Given the evidence shows substantial agreement between the parties about the dates worked, Ms Taylor's position she shall accept any determination issued by me, the single issue of the wage arrears claim and the need to resolve this matter which was filed in April 2014, I determine it is appropriate for me to deal with the matter on the papers.

[12] I accept Ms Aiga's sworn evidence showing the hours worked and amounts paid. Between October 2012 and 31 March 2013 she worked 560.50 hours including

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time and a half for Labour Day, Christmas Day, New Year's Day, day after New Year's Day, Waitangi Day, Good Friday. The applicable minimum wage rate was \$13.50. She should have received \$7,566.75 gross wages for this period.

[13] Between 1 April 2013 and May 2013 she worked 138 hours including time and a half for Good Friday and ANZAC Day. The applicable minimum wage rate was \$13.75. She should have received \$1,897.50 gross wages for this period.

[14] In total her gross wages for the period of her employment should have been \$9464.25. She received \$7,334.25 in wages. She is owed \$2,130.00 gross wages less PAYE.

[15] Given her employment ended before a twelve month period had elapsed she is entitled to 8% of her gross wages as holiday pay<sup>3</sup> totalling \$757.14 less PAYE.

[16] Accordingly I determine Tejal Taylor is to pay Repeka Aiga wages arrears of \$2,887.14 less PAYE pursuant to s131 Employment Relations Act 2000.

[17] Both parties were self-represented. Ms Aiga was represented by her mother. Ms Taylor appeared on her own behalf. Ms Aiga has incurred the cost of her filing fee. I order Tejal Taylor to pay a contribution towards Repeka Aiga's costs of \$71.56 being her filing fee.

**T G Tetitaha**  
**Member of the Employment Relations Authority**

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<sup>3</sup> Section 23(2) Holidays Act 2003