

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2015] NZERA Christchurch 44
5529174

BETWEEN YIFAN JIANG
Applicant

A N D SKY CENTURY CORP LIMITED
Respondent

Member of Authority: David Appleton

Representatives: Applicant in person
Penghao Du, Director for the Respondent

Investigation Meeting: Determined by consideration of the papers and following
a telephone conference call

Date of Determination: 9 April 2015

DETERMINATION OF THE AUTHORITY

- A. The correct respondent is Sky Century Corp Limited, and not Mr Penghao Du.**
- B. The respondent is ordered to pay to the applicant the net sum of \$4,274.80, together with the lodgement fee of \$71.56.**
- C. There is no further order as to costs.**

Employment relationship problem

[1] Ms Jiang worked for the respondent between April and October 2014 as a multimedia designer. Ms Jiang claims that, after she had resigned from the employment of the company, it owed her salary for the period 11 August 2014 to 3 October 2014 in the sum of \$4,274.80, excluding tax.

[2] Although no statement in reply was lodged, Mr Du took part in a case management telephone conference call on 27 February 2015. During this telephone conference, Mr Du confirmed that Ms Jiang is owed the money she claims.

[3] Ms Jiang had cited Mr Du personally as the respondent. However, Ms Jiang produced to the Authority a copy of an individual employment agreement dated 23 April 2014 naming Sky Century Corp Limited as the employer and herself as the employee. This agreement was signed by Ms Jiang and by Mr Du on behalf of the respondent company.

[4] During the telephone conference Mr Du stated that he would personally pay the money owed to Ms Jiang by way of instalments as the company was experiencing hardship. Mr Du agreed to put in writing a proposal for payment by instalment which Ms Jiang was to consider.

[5] Ms Jiang, however, has since advised the Authority that no such proposal has been made and, accordingly, it is appropriate for the Authority to formally determine this matter.

Determination

[6] One of the documents sent to the Authority by Ms Jiang was a document headed "Promissory Note" dated 10 October 2014 in which Mr Du promised to pay to Ms Jiang the sum of \$4,274.80, which was described as *Yifan Jiang's delayed salary from 11th August to 3rd October*.

[7] This promissory note was signed by Mr Du, as well as by Ms Jiang and a witness, Mr Liu. It is on the strength of this promissory note that Ms Jiang cited Mr Du personally as the respondent.

[8] I am satisfied that the correct respondent is Sky Century Corp Limited, and not Mr Du, and, indeed, the Authority has no jurisdiction to enforce the promissory note as there was no employment relationship between Ms Jiang and Mr Du personally. I therefore substitute Sky Century Corp Limited as the correct respondent.

[9] In light of the content of the promissory note referred to above, and the concession made by Mr Du during the telephone conference with the Authority, I am satisfied that Ms Jiang is owed the net sum of \$4,274.80.

Orders

[10] I order the respondent, Sky Century Corp Limited, to pay to the applicant, Ms Yifan Jiang the net sum of \$4,274.80.

[11] I further order the respondent, Sky Century Corp Limited, to reimburse the applicant, Ms Yifan Jiang the cost of her lodgement fee, \$71.56.

Costs

[12] Apart from the lodgement fee which I have dealt with above, Ms Jiang was not legally represented and has therefore incurred no legal fees. I therefore make no further orders as to costs.

David Appleton
Member of the Employment Relations Authority