

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKĀURAU ROHE**

[2024] NZERA 675
3316500

BETWEEN JIN JIANMING & ZHANG
 SHANXIANG & ZHANG
 RUIJIN
 Applicants

AND JASON LIANG
 Respondent

Member of Authority: Robin Arthur

Representatives: Paul Young, advocate for the Applicant
 Respondent in person

Investigation: By telephone conference with the representatives on 23
 September 2024 and by correspondence up to and
 including 11 November 2024.

Determination: 14 November 2024

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Jin Jianming, Zhang Shanxiang and Zhang Ruijin sought an order requiring Jason Liang to comply with an earlier order of the Authority for payment of wages arrears, costs of representation and expenses.¹

[2] The earlier order required Mr Liang to pay the following amounts by 18 December 2022:

- (i) \$6,737.50 for wage arrears, \$539 as holiday pay and \$71.56 in reimbursement of an Authority fee to Jin Jianming;
- (ii) \$4,800 for wage arrears, \$384 as holiday pay and \$71.56 in reimbursement of an Authority fee to Zhang Shanxiang;

¹ *Zhang & Ors v Liang* [2022] NZERA 611.

- (iii) \$7,255.50 for wage arrears, \$580.44 as holiday pay and \$71.56 in reimbursement of an Authority fee to Zhang Ruijun; and
- (iv) \$8,000 as costs, for the joint benefit of Jin Jianming, Zhang Shanxiang and Zhang Ruijun.

[3] A summary compiled by the applicants' representative said Mr Liang had paid only \$720 of the amount due to Jin Jianming, \$60 to Zhang Ruijin and \$480 of the costs award but had made no payments to Zhang Shan Xiang.

[4] Mr Liang, in his statement in reply, said he had made an agreement with the applicants' advocate to pay \$20 when he could afford to make a payment. He did not say whether they had agreed how often any such payment would be expected.

[5] He also had a different tally of payments already made. He said he had made payments totalling \$800 to Jin Jianming, \$800 to Zhang Ruijin and \$760 for the costs order.

[6] Mr Liang asked that any compliance order require him to keep to the arrangement he had made with the applicants' representative for payments by instalments of \$20. Mr Liang said he was without stable, ongoing employment. He said he would talk to the applicants' representative once he was in a financial position to "update" instalments.

The Authority's investigation

[7] This application has been investigated through a telephone conference with the applicants' representative and Mr Liang, followed by correspondence about what had been paid and what they had previously agreed about payment by instalments.

Outcome

[8] The applicants' representative confirmed that he had agreed with Mr Liang's initial proposal to pay by instalments of \$20. The application for a compliance order was made only when instalments stopped. He did not oppose continuation of payment by instalment to take account of Mr Liang's financial situation.

[9] Accordingly, Mr Liang is ordered to comply with the Authority's earlier orders for payment of the amounts due by paying a weekly instalment of \$20 to each of the applicants and for the payment of costs (that is a total of \$80 each week). The order for

these payments by instalments is made under s 137 and s 138(4) of the Employment Relations Act 2000. Mr Liang must make the first payment by no later than 14 days of the date of this determination. Payment by instalments must continue, each week, until the amounts due are paid in full.

[10] Leave is reserved for the applicants to revert to the Authority for variation of the level of instalment payment or, in the event of non-payment on an instalment, other orders.

Expenses

[11] Mr Liang must also reimburse the applicants for the fee of \$71.55 paid to lodge their application to the Authority.

Robin Arthur
Member of the Employment Relations Authority