

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

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

[2020] NZERA 420  
3094014

BETWEEN

KARAN KIKANI  
Applicant

AND

WEBCOMMUNICATIONS (NZ)  
LIMITED  
Respondent

Member of Authority: Anna Fitzgibbon

Representatives: Applicant in person  
No participation by the Respondent

Investigation Meeting: 13 October 2020 at Auckland via Zoom

Date of Determination: 14 October 2020

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**DETERMINATION OF THE AUTHORITY**

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- A. The respondent, Webcommunications (NZ) Limited (Webcommunications), is ordered to pay the applicant, Mr Karan Kikani, the sum of \$6,299.38 owing under the Authority's determination of 5 February 2020 within 14 days of the date of this determination.**
- B. Webcommunications is to pay Mr Kikani the sum of \$271.56 in costs within 14 days of the date of this determination.**

**Employment Relationship Problem**

[1] The applicant, Mr Karan Kikani, has applied to the Authority under the Employment Relations Act 2000 (the Act), for an order requiring the respondent Webcommunications (NZ) Limited (Webcommunications), to comply with a determination issued by the Authority.

**Authority's determination of 5 February 2020**

[2] On 5 February 2020, the Authority ordered Webcommunications to pay Mr Kikani the following sums within 14 days of the date of its determination<sup>1</sup>:

- (a) \$5,766.50 gross in arrears of wages
- (b) \$461.32 gross in outstanding holiday pay
- (c) \$71.56 being the Authority's filing fee

**Application for compliance order**

[3] On 2 March 2020, Mr Kikani applied to the Authority for a compliance order claiming that Webcommunications had not paid any of the monies he was entitled to under the determination. The statement of problem and a copy of the Authority's determination of 5 February 2020 were served on Webcommunications at its registered office on 12 August 2020. The Authority was provided with a copy of the Affidavit of service.

[4] Webcommunications failed to file a statement in reply.

**No appearance by Webcommunications**

[5] On 21 September 2020, Webcommunications was served with a Notice of Investigation Meeting informing it that an investigation meeting would be taking place on 13 October 2020 via zoom, in respect of Mr Kikani's application for a compliance order. An affidavit confirming service of the Notice of Investigation meeting at Webcommunications' registered office was provided to the Authority. There was no appearance by or on behalf of Webcommunications at the Authority's investigation meeting held via Zoom on 13 October 2020.

[6] I am satisfied that Webcommunications was aware of the investigation meeting to be held on 13 October 2020. I am satisfied that that it received notice of the investigation meeting

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<sup>1</sup> *Kikani v Webcommunications (NZ) Limited* [2020] NZERA 53

and other correspondence from the Authority. Therefore, I proceeded with the investigation meeting.

### **Investigation meeting**

[7] An investigation meeting was held in Auckland via zoom on 13 October 2020. Mr Kikani participated from his location by Zoom and answered questions from the Authority. Mr Kikani affirmed that his evidence was true and correct. An interpreter fluent in the Hindi language attended the Authority's offices to assist the Authority.

[8] As permitted under s 174E of the Employment Relations Act 2000, this determination does not set out all the evidence or submissions received. The determination states findings of fact and law and makes conclusions on issues necessary to dispose of the matter.

### **Compliance order**

[9] Webcommunications has not been in communication with Mr Kikani and has failed to pay him monies owing to him under the Authority's determination of 5 February 2020. Mr Kikani has attempted to recover the monies owing to him directly from Webcommunications but has not been successful. I am satisfied that Webcommunications has not complied with the terms of the Authority's determination of 5 February 2020.

[10] Webcommunications is ordered to pay Mr Kikani the sum of \$6,299.38 owing under the Authority's determination consisting of \$5,766.50 gross in arrears of wages, \$461.32 gross in holiday pay and the filing fee of \$71.56.

### **Other costs**

[11] Mr Kikani has been put to the expense of making an application to the Authority that Webcommunications comply with the Authority's determination. Mr Kikani is entitled to reimbursement of the filing fee of \$71.56. In addition, Mr Kikani has sought to have the District Court enforce the Authority's determination at a cost to him of \$200. Mr Kikani has provided the Authority with a copy of the receipt from the District Court.

[12] Webcommunications is ordered to pay Mr Kikani for these costs totalling \$271.56.

**Orders**

[13] Within 14 days from the date of this determination, Webcommunications is ordered to pay Mr Kikani:

- (a) the sum of \$6,299.38 owing under the Authority's determination of 5 February 2020; and
- (b) the sum of \$271.56 being the costs incurred in filing the application for a compliance order and enforcing the Authority's determination.

**Anna Fitzgibbon**  
**Member of the Employment Relations Authority**