

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA 197/07
5076653**

BETWEEN WEN XIAO MI
 Applicant

AND AWATAHA CORPORATE LIMITED
 Respondent

Member of Authority: Leon Robinson

Representatives: Applicant In Person
 Maria Amoamo for Respondent

Investigation Meeting: 27 March 2007
 13 June 2007

Determination: 29 June 2007

DETERMINATION OF THE AUTHORITY

The problem

[1] The applicant Ms Wen Xiao Mi ("Ms Mi") claims she is owed four weeks wages by Awataha Corporate Limited ("Awataha").

[2] The parties, despite sincere efforts, were unable to resolve the problem between them by the use of mediation.

[3] Initially, Ms Mi claimed she was owed wages for two weeks from 1 February to 15 February 2006 together with an additional two weeks from 12 April 2006 to 26 April 2006. I am satisfied, as I understand both parties are, that she has been paid in respect of those periods.

[4] At the meeting held on 13 June 2007, Ms Mi revised her claim and maintains she is owed wages for the whole of May 2006. Ms Maria Amoamo who represents Awataha ("Ms Amoamo") disputes this and maintains Ms Mi did not work in May 2006 at all. It also transpired that Ms Mi has not been paid her holiday pay for the time of her service with Awataha. She makes application to the Authority for these entitlements.

[5] I adjourned the last meeting to allow the parties some time to attempt to resolve both matters between them but I am advised they have been unable to do so. Following receipt of that advice, I formally called for Awataha to produce to me its wages and time record required to be kept by it under section 130 of the *Employment Relations Act 2000* (or any other Act). Its time to provide the record expired on 28 June 2007.

[6] Consequent upon its failure to produce and because Awataha does not prove the claims incorrect (it admits holiday pay is owed), I accept as proved Ms Mi's evidence that she is owed wages for May 2006 and holiday pay.

The determination

[7] **I order Awataha Corporate Limited to pay to Wen Xiao Mi four weeks gross wages of \$1,846.15.** As she has stood out of that sum since it was due to her, I think it fit that she have interest on it. **I order Awataha Corporate Limited to pay to Wen Xiao Mi interest on the sum of \$1,846.15 at the rate of 10% per annum from 1 June 2006 to the date of payment.**

[8] Ms Mi is also owed holiday pay, as admitted but not quantified. **I order Awataha Corporate Limited to pay to Wen Xiao Mi her outstanding holiday pay. I also order Awataha Corporate Limited to pay interest on the sum of holiday pay owed at the rate of 10% per annum from 1 June 2006 to the date of payment.**

Costs

[9] **I order Awataha Corporate Limited to pay to Wen Xiao Mi \$70.00 being the lodgement fee on this application.**

Leon Robinson
Member of Employment Relations Authority