

[3] At the time of issue of this determination the company remained registered on the Companies Office register.

[4] The company was notified of a case management conference to discuss how this application would be dealt with by the Authority. No response was received from the company. The Authority was unable to make contact Mr Hu at the time of the call on what was understood to be his number. Mr Li attended the call, confirmed the details of his application and advised the arrears remained outstanding.

[5] In the absence of any participation or response from the company and no challenge to the amounts claimed, the orders sought could be made exercising the Authority's power to proceed in the absence of a party where adequate notice has been provided and no good cause for absence or non-participation has been shown.¹

[6] Mr Li's claim is accepted based on what is said in his statement of problem and what is shown in a pay slip issued to him for the pay period ending 21 February 2016. The claim was submitted within the six year limitation period for such claims.²

[7] Arrears due have been calculated on the basis of the hourly rate of \$14.75 shown on Mr Li's final pay slip

Orders

[8] NZSale 168 Limited must pay the following sum to Meng Li within 28 days of the date of this determination:

- (a) \$805.65 for annual holiday pay; and
- (b) \$236.00 for alternative holiday pay; and
- (c) Interest on the total sum of \$1,041.65 for the period from 24 February 2016 until the date of payment, with that interest to be calculated using the Civil Debt Interest Calculator;³ and
- (d) \$71.56 in reimbursement of the fee paid to lodge an application to the Authority.

¹ Employment Relations Act 2000, ss 173(2) and 174D and Schedule 2 clause 12.

² Employment Relations Act 2000, s142.

³ Employment Relations Act 2000 Schedule 2 clause 11 and www.justice.govt.nz/fines/civil-debt-interest-calculator.

[9] In the event that the amount due is not paid Mr Li may file the order made in this determination in the District Court where it is then enforceable in the same manner as an order made or judgment given by the District Court.⁴

Robin Arthur
Member of the Employment Relations Authority

⁴ Employment Relations Act 2000, s 141(1).