



New Zealand Employment Relations Authority Decisions

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Nayak v Urban Turban Nw Zealand Limited (Auckland) [2017] NZERA 177; [2017] NZERA Auckland 177 (20 June 2017)

Last Updated: 29 June 2017

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2017] NZERA Auckland 177

3002373

BETWEEN SACHIN NAYAK Applicant

AND URBAN TURBAN NEW ZEALAND LIMITED

Respondent

Member of Authority: Representatives:

Investigation Meeting: Submissions Received:

Rachel Larmer

Nathan Santesso, Advocate for Applicant

Bhushan Arolkar, Director of Respondent

On the papers

06 June 2017 from Applicant

No submissions from Respondent

Date of Determination: 20 June 2017

DETERMINATION OF THE EMPLOYMENT RELATIONS AUTHORITY

A Within 28 days of the date of this determination Urban Turban New

Zealand Limited (Urban Turban) is ordered to pay Mr Nayak

\$6,137.40 wages arrears arising from its failure to pay him the minimum wage for the period 04 July 2014 to 15 July 2015.

Employment relationship problem

[1] *Substantive determination* — In its substantive determination dated 01 June

2017 the Authority awarded Mr Nayak (amongst other things) wage arrears for the period 04 July 2014 to 15 July 2015 (the material period) arising from Urban Turban's failure to pay him the minimum wage.

[2] *No agreement* — The parties were encouraged to resolve the amount owed by agreement² but that has not occurred. Mr Nayak has asked the Authority to fix that amount. Urban Turban was invited to file any relevant information or submissions

but did not do so.

[3] *Mr Nayak's submissions* — Mr Nayak says he is owed \$6,137.40 wage arrears to take his wages up to the level of the minimum wage for the material period. This is calculated on the basis of a \$1.93 per hour shortfall for 60 hours per week for 53 weeks.

[4] *Outcome* — In the absence of any contradictory evidence I accept Mr Santesso's submissions. Urban Turban is ordered within 28 days of the date of this determination to pay Mr Nayak wage arrears of \$6,137.40.

[5] *Costs* — Costs on this application will be dealt with as part of the costs assessment on the substantive matter. Costs submissions have been timetabled to enable that to occur.

Rachel Larmer

Member of the Employment Relations Authority

2 Ibid, paragraph [25].

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