

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2013] NZERA Auckland 551
5433091

BETWEEN

SHARNJIT SEKHON
Applicant

A N D

Q TECHNOLOGY LIMITED
Respondent

Member of Authority: T G Tetitaha
Representatives: Applicant in person
No appearance by Respondent
Investigation Meeting: 2 December 2013 by telephone
Date of Determination: 4 December 2013

DETERMINATION OF THE AUTHORITY

A. The personal grievance is dismissed. There is no order for costs

Employment relationship problem

[1] Sharnjit Sekhon was offered a job as an ICT Systems Analyst by Q Technology Limited. Prior to commencing her employment, Ms Sekhon had to complete one month's training at the Telco College and obtain a work VISA.

[2] Ms Sekhon paid \$25,000 to Telco College for training. The training never occurred. She seeks urgent orders for repayment of her fees from Q Technology Limited and compensation for lost employment.

Issues

[3] Prior to this matter going to hearing, a preliminary issue needs to be determined namely, was there an employment relationship between Ms Sekhon and Q Technology Limited? If there was an employment relationship, she may proceed to

hearing. If not, the application must be dismissed. This matter shall be dealt with on the papers.

Was there an employment relationship between the Applicant and Q Technology Limited?

[4] Ms Sekhon's job offer and individual employment agreement names Q Technology Limited as her employer.

[5] The letter dated 13 June 2013 with the offer of employment states her employment *would commence once [her] work VISA has been approved and you have graduated from the Telco College course.*

[6] At a teleconference on 2 December 2013, the Applicant confirmed she had not received or completed any training with Telco College. A search of the companies office showed no registered entity of that name. The fees were paid to another entity, the Hygiene Foundation Limited. Telco College and Hygiene Foundation Limited were not the Applicant's employers. Ms Sekhon also confirmed she did not have a work VISA.

[7] The employment relationship with Q Technology commenced upon Ms Sekhon obtaining a work VISA and completing the Telco College training. Neither condition was met. Accordingly, there was no employment relationship problem which the Authority has jurisdiction over until the employment relationship commences.

[8] It is with some sympathy for this Applicant that the Authority cannot assist her. The personal grievance is dismissed. There shall be no order for costs.

T G Tetitaha
Member of the Employment Relations Authority