

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2025] NZERA 105
3312120

BETWEEN MINGYU SUN
Applicant

AND FZ GROUP NZ LIMITED
Respondent

Member of Authority: Eleanor Robinson

Representatives: Applicant in person
No appearance by the Respondent

Investigation Meeting: 21 February 2025 by AVL

Submissions and/or further evidence: 29 January 2025 from the Applicant
None from the Respondent

Determination: 24 February 2025

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The Applicant, Mingyu Sun, had claimed she was owed monies by the Respondent, FZ Group NZ Limited (FZ Group), specifically unpaid wages and annual leave.

[2] That matter was determined by the Authority on 24 January 2025 on the evidence available to it. Ms Sun has now provided further evidence on the annual leave part of her claim and this supplementary determination addresses that issue.

The Authority's investigation

[3] The Authority received written and, under affirmation, oral evidence from the Applicant, Ms Sun.

[4] The Respondent did not attend the Investigation Meeting. I was satisfied that no good cause had been shown for FZ Group's failure to attend and I consequently proceeded with the Investigation Meeting pursuant to clause 12 of Schedule 2 of the Act.

[5] As permitted by s 174E of the Employment Relations Act 2000 (the Act) this determination has stated findings of fact and law, expressed conclusions on issues necessary to dispose of the matter and specified orders made. It has not recorded all evidence received.

Issues

[6] The issue requiring investigation is the amount of holiday pay due to Ms Sun.

Is Ms Sun owed unpaid wages and/or holiday pay by FZ Group?

[7] Employees are to be paid annual holiday pay in accordance with s 23 of the HA when their employment comes to an end.

[8] Ms Sun has provided further evidence and particulars in the form of payslips supporting her claim to unpaid wages and holiday pay.

[9] Ms Sun says that that during the period of her employment she took 529 hours of annual leave. The dates of the leave taken are verified by the payslips Ms Sun had retained since the commencement of her employment with FZ Group in August 2019.

[10] That means that Ms Sun is owed 311 hours of accrued annual leave by FZ Group.

[11] I determine that Ms Sun is owed the sum of \$11,295.52 gross as holiday pay (calculated as 311 hours x \$36.32 per hour).

[12] The sum of \$4,903.85 gross awarded as unpaid wages in Determination {2025} NZERA 12 is unaltered.

Interest

[13] I consider it appropriate therefore to award Ms Sun interest on the amount of holiday pay owed to her.

[14] Interest is payable in accordance with Schedule 2 of the Interest on Money Claims Act 2016. A calculator to assist in the calculation of interest is available on the Ministry of Justice website.

Filing Fee

[15] FZ Group has also been ordered to pay Ms Sun \$71.56 in respect of the Authority filing fee in Determination {2025} NZERA 12 .

Orders

[16] I have made the following orders FZ Group is ordered to pay to Ms Sun the following amounts:

- **The sum of \$4,903.85 gross as unpaid wages pursuant to s 4 of the Wages Protection Act 1983**
- **The sum of \$11, 295.52 gross as unpaid holiday pay pursuant to s 23 of the Holidays Act 2003**
- **interest on the amounts ordered to be paid to her.**
- **\$71.56 in respect of the Authority filing fee.**
- **All payments are to be made within 14 days of the date of this determination.**

Costs

[17] Ms Sun represented herself and there is no order for costs

Eleanor Robinson
Member of the Employment Relations Authority