

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

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

[2025] NZERA 37  
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: 15 January 2025 by AVL

Submissions and/or further evidence: 15 January 2025 from the Applicant  
None from the Respondent

Determination: 24 January 2025

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**DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

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

**The Authority's investigation**

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

[3] An Authority Officer contacted FZ Group by telephone on 22 August 2024 and spoke to Hamish Storey, Director. Mr Storey was advised that a Statement of Problem had been lodged by Ms Sun and he provided an email address for service of the Statement in Reply.

[4] Mr Storey was contacted by the authority on 24 September 2024 and reminded that no Statement in Reply had been received from the Respondent, and was overdue, however he and FZ Group did not participate in any of the further stages of the Authority's investigation. All documents had been delivered to FZ Group's registered office.

[5] The Respondent was not present at the start of the investigation. The Investigation Meeting was delayed while the Authority Officer attempted to make contact by telephone and by email with FZ Group, but this was without success because the telephone numbers provided to the Authority had been disconnected. The email account had similarly ceased to exist.

[6] The Respondent did not attend the Investigation Meeting. Given the difficulties encountered in progressing this case, 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.

[7] 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**

[8] The issues requiring investigation are whether or not:

- Ms Sun is owed unpaid wages by FZ Group?
- Ms Sun owed holiday pay by FZ Group?

#### **Background**

[9] FZ Group is involved in the building construction sector. It has two directors, Mr Storey and Mingyong Zheng, and at the time Ms Sun was working there had approximately 35 employees, 10 of whom were office employees and the other employees were carpenters working onsite.

[10] Ms Sun said she commenced employment with FZ Group as a Quantity Surveyor in August 2019. She reported to Mr Storey and another director. She was worked 45 hours a day, 9 hours daily Monday to Friday, and her salary was \$85,000.00 per annum.

[11] From February 2024 Ms Sun said she began to experience issues with her salary payments. These were delayed, but were paid after Ms Sun queried the late payment. However the payment delay became more protracted, and as a result she started to apply for other employment to ensure a regular income.

[12] Ms Sun resigned her employment at FZ Group on 17 May 2024 having not been paid since 28 April 2024.

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

[13] Employees are to be paid all wages owed to them as and when they fall due pursuant to s 4 of the WPA. They are also to be paid annual holiday pay in accordance with s 23 of the HA when their employment comes to an end.

[14] Ms Sun has provided evidence supporting her claim to unpaid wages and holiday pay.

[15] I determine that Ms Sun is owed the sum of \$4,903.85 gross as unpaid wages, (calculated as \$85,000.00 per annum ÷ 52 weeks x 3 weeks) and the sum of \$115.39 as holiday pay (calculated as 333.15 hours x \$36.32 per hour).

### **Interest**

[16] As stated above, employees are to be paid all wages owed to them as and when they fall due and to be paid any accrued annual leave entitlement at the date of termination.

[17] FZ Group has failed to make full payment of all the outstanding payments due to Ms Sun.

[18] Ms Sun said that the delays and subsequent non-payment in FZ Group making all the payments due to her meant she was unable to pay her home loans and she became very stressed.

[19] The purpose of interest is to reimburse someone for the loss of use of monies to which there is established entitlement as is the case with Ms Sun.

[20] I consider it appropriate therefore to award Ms Sun interest on the amounts owed to him.

[21] 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**

[22] FZ Group is also ordered to pay Ms Sun \$71.56 in respect of the Authority filing fee.

## **Orders**

[23] 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 WPA**
- **The sum of \$115.39 gross as unpaid holiday pay pursuant to s 23 of the HA**
- **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**

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

Eleanor Robinson  
Member of the Employment Relations Authority