

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2018] NZERA Auckland 116
3026351

BETWEEN XIAFAO WANG
 Applicant

A N D KIWI BAGELS LIMITED
 Respondent

Member of Authority: T G Tetitaha

Representatives: Applicant in person
 K Yu for Respondent

Investigation Meeting: 11 April 2018 by telephone

Submissions Received: 11 April from both parties

Date of Determination: 11 April 2018

**ORAL DETERMINATION OF THE
EMPLOYMENT RELATIONS AUTHORITY**

- A. I order Kiwi Bagels Limited to pay Xiafao Wang the sum of \$411.75 gross wage arrears pursuant to s.131 of the Employment Relations Act 2000.**
- B. I further order that Kiwi Bagels Limited pay \$71.56 as a contribution towards the costs incurred by Ms Wang of her filing fee.**

Employment relationship problem

[1] Ms Wang was employed by Kiwi Bagels Limited, trading as Bread Attack, on a part-time basis between 28 March to 19 April 2016. She worked for a total of five days but only received two days payment in wages.

[2] Ms Wang now seeks payment for the wages owed of \$411.75 gross. She also seeks to recover her filing fee of \$71.56.

[3] This hearing has proceeded today with the consent of both parties. We have utilised the services of a language line interpreter of the Mandarin language to assist the parties to give their evidence in Mandarin and to translate this oral determination from English to Mandarin. No statement in reply or briefs of evidence have been filed. The evidence I have relied upon has been the statement of problem and attachments and oral evidence given at today's hearing.

Determination

[4] There is no dispute about the facts. It is accepted Ms Wang is owed wages. Mr Yu told me that because of how long this matter has taken, he cannot remember all of the details so did not wish to file any statement in reply. He also told me that the reason for non-payment was a dispute with Ms Wang regarding the return of a cash till key and provision of her work visa.

[5] As explained to Mr Yu, that dispute would not prevent me determining Ms Wang's wages claim today. Kiwi Bagels Limited has not filed any statement in reply. There is no evidence before me that would raise any defence to Ms Wang's wage arrears claim.

[6] Even after checking with Mr Yu today, Kiwi Bagels is still not prepared to file anything further in this matter. In the circumstances, whilst sympathetic to Mr Yu's concerns, they will not halt or prevent Ms Wang from succeeding today.

[7] Therefore I order Kiwi Bagels Limited to pay Xiafao Wang the sum of \$411.75 gross wage arrears pursuant to s.131 of the Employment Relations Act 2000.

[8] I further order that Kiwi Bagels Limited pay \$71.56 as a contribution towards the costs incurred by Ms Wang of her filing fee. These sums ordered are to be paid immediately. In the event of non-payment, Ms Wang will be entitled to apply for further orders seeking compliance from the Authority. I will leave it to the parties to sort payment between themselves at this stage.

T G Tetitaha
Member of the Employment Relations Authority