

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2025] NZERA 422
3374003

BETWEEN	REBECCA YOUNG Applicant
AND	BOURSON LIMITED First Respondent
AND	YUZHEN QIU Second Respondent
AND	DE KAI LIU Third Respondent

Member of Authority:	Nicola Craig
Representatives:	Paul Mathews, advocate for the applicant De Kai (Larry) Liu, agent for the respondents
Investigation Meeting:	On the papers
Submissions received:	8 July 2025 from the applicant 7 July 2025 from the respondents
Date of determination:	16 July 2025

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Rebecca Young and Bourson Limited (Bourson) were involved in an earlier proceeding regarding their employment relationship. Ms Young worked in the Muffin Break café at Auckland's Botany Town Centre which was operated by Bourson.

[2] The Authority issued a determination finding that Ms Young was disadvantaged by unjustifiable actions of Bourson and awarded her compensation totalling \$10,000.¹

¹ *Rebecca Young v Bourson Limited* [2021] NZERA 113.

A later determination awarded \$7,500 to Ms Young as a contribution to her costs along with \$71.56 for the filing fee.² Under a third determination Bourson was ordered to comply with those determinations, as well as orders being made against current and former directors Yuzhen Qiu and De Kai (Larry) Liu (the third determination).³ Costs were required to be paid by the company and those directors.

[3] Ms Young now seeks a compliance order requiring payment of the remainder of the costs and filing fee ordered in the third determination. Mr Liu, on behalf of all the respondents, indicates some part payments have been made although accepting that not the total amount ordered has been paid.

The Authority's investigation

[4] A case management conference was held. Due to some uncertainty about what was being sought on behalf of Ms Young and how much had been paid, it was agreed to hold a short investigation meeting by audio-visual link. A notice of investigation meeting was sent.

[5] Further information was provided by the parties in emails.

[6] The meeting was set for 11 July 2025 but neither party initially attended. Mr Liu later contacted the Authority about attending, seemingly having understood he would be contacted by phone. In the meantime the Authority had proposed a determination be issued ordering compliance on certain terms. The parties were given an opportunity to respond but nothing was received by the deadline.

[7] As permitted by s 174E of the Employment Relations Act 2000 (the Act) this determination has not recorded everything received from the parties but has stated findings, expressed conclusions and specified orders made as a result.

The issues

[8] The issues for determination in this case are whether:

- (a) a compliance order be made against Bourson, Ms Qiu and Mr Liu; and
- (b) any party be required to contribute to another's costs.

² *Rebecca Young v Bourson Limited* [2021] NZERA 174.

³ *Rebecca Young v Bourson Limited, Yuzhen Qiu and De Kai Liu* [2022] NZERA 648.

Amounts ordered to be paid

[9] In the third determination Bourson, Ms Qiu and Mr Liu were ordered to be jointly and severally liable to pay Ms Young \$1,437.50 as costs and \$71.55 as the filing fee.⁴ These total \$1,509.05.

[10] The parties now agree that payment of \$1,210.00 has been made. Deducting \$1,210.00 from \$1,509.05, gives a sum outstanding of \$299.05.

[11] Bourson, Ms Qui and Mr Liu jointly and severally owe that money. Although Mr Liu indicated a willingness to keep paying, there were difficulties and in fact no further payments have been made since November 2024. The remaining money has been outstanding since January 2023. There is no adequate reason why a compliance order should not be issued against Bourson, Ms Qui and Mr Liu under s 137(1)(b) of the Act.

Further costs must be paid

[12] There is money outstanding and Ms Young is successful in obtaining a compliance order. She is entitled to reimbursement for the Authority's filing fee.

Orders

[13] Within 28 days of the date of this determination:

- (a) under s 137(1)(b) of the Employment Relations Act 2000 Bourson Limited, Yuzhen Qiu and De Kai Lai are ordered to comply with an Authority determination [2022] NZERA 648 by paying Rebecca Young \$299.05; and
- (b) Bourson Limited, Yuzhen Qiu and De Kai Lai are jointly and severally liable to pay Rebecca Young \$71.55 for the Authority's filing fee in this application.

Nicola Craig
Member of the Employment Relations Authority

⁴ Above, at n 3.