

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 8A/10
5139910

BETWEEN TIANHAN CHENG
 Applicant

AND JING WEI BAI aka WHITE
 BAI
 Respondent

Member of Authority: R A Monaghan

Determination: 28 April 2010

DETERMINATION OF THE AUTHORITY

[1] Determinations of Mr Cheng's employment relationship problem¹ and of costs in the matter² identified the respondent as 'White Bai'.

[2] Mr Cheng seeks to enforce those determinations, and has applied for an amendment to the entitling by way of amendment to the respondent's name. He deposed that the anglicised version of Mr Bai's name was used when the matter was filed in the Authority because Mr Bai himself used that version of his name in a claim he filed against Mr Cheng in the District Court. Mr Cheng deposed further that, despite this, in ordinary conversation with Mr Bai he used Mr Bai's Chinese name of Jing Wei Bai and he believes that is the name by which Mr Bai is known when the Chinese language is used.

[3] Section 219 of the Employment Relations Act 2000 permits the Authority to validate a thing informally done. Section 221 of the Act permits the Authority, in order to more effectually dispose of any matter before it according to the substantial merits and equities of the case, at any stage of the proceedings and upon such terms as it thinks fit, by order to:

¹ **Cheng v Bai**, Employment Relations Authority Auckland, 18 November 2009, AA 410/09

² **Cheng v Bai**, Employment Relations Authority Auckland, 14 January 2010, AA8/10

- (a)
- (b) amend or waive any error or defect in the proceedings;
- (c) ...
- (d) generally give such directions as are necessary or expedient in the circumstances.”

[4] With reference to the above provisions, to the extent that it is necessary to reopen the investigation of Mr Cheng’s employment relationship problem in order to address this application then I do so.

[5] With further reference to the above provisions, in that White Bai and Jing Wei Bai are the same person I order the amendment of the entitling to identify the respondent as ‘Jing Wei Bai aka White Bai. This determination reflects the amendment accordingly.

R A Monaghan

Member of the Employment Relations Authority