

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2018] NZERA Auckland 143
3027951

BETWEEN A LABOUR INSPECTOR
Applicant

AND PARAMJEET SINGH
PARIHAR
First Respondent

AND KULDIP KAUR PARIHAR
Second Respondent

Member of Authority: Robin Arthur

Representatives: Rebecca Denmead, Counsel for the Applicant
Karina McLuskie, Counsel for the Respondents

Investigation: On the papers

Determination: 4 May 2018

DETERMINATION OF THE AUTHORITY

A. The Labour Inspector's application for this matter to be removed to the Employment Court to hear and determine is granted.

[1] Labour Inspector Ya Tsui has lodged an application in the Authority seeking orders for payment of penalties and \$132,722 in arrears of wages and holiday pay said to be owed to four workers. The workers were employed in two liquor stores in Hamilton operated by the partnership of Paramjeet Singh Parihar and Kuldip Kaur Parihar. The penalties are sought for alleged breaches of the Employment Relations Act 2000 (the Act), the Minimum Wages Act 1983 and the Holidays Act 2003.

[2] The Inspector has also sought removal of this matter to the Employment Court to hear and determine without the Authority investigating it.¹ She did so because the Inspector has also filed proceedings in the Court against the partnership of Mr Parihar and Mrs Parihar. Those proceedings involve claims under Part 9A of the Act for the

¹ Employment Relations Act 2000, s 178(1).

period from 1 April 2016 onwards and ask the Court to exercise its first instance jurisdiction to impose pecuniary penalties. The arrears sought in the matter lodged in the Authority are for an earlier period from 4 September 2011 to 31 March 2016.

[3] In their statement in reply to the Inspector's application for removal Mr Parihar and Mrs Parihar advised that they consent to the Authority matter being removed to the Court.

[4] The circumstances meet the criteria set out in s 178(2)(c) of the Act that allow the Authority to order removal of a matter where the Court has before it proceedings which involve related issues between the same parties. Removal of this matter will most likely make more efficient use of the resources of the employment institutions and the parties. There appeared to be no other relevant factors that would be a good reason not to order the removal of this matter.

Robin Arthur
Member of the Employment Relations Authority