

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2017] NZERA Auckland 177  
3002373

BETWEEN                      SACHIN NAYAK  
   Applicant  
  
A N D                              URBAN TURBAN NEW  
   ZEALAND LIMITED  
   Respondent

Member of Authority:       Rachel Larmer  
  
Representatives:            Nathan Santesso, Advocate for Applicant  
   Bhushan Arolkar, Director of Respondent  
  
Investigation Meeting:      On the papers  
  
Submissions Received:      06 June 2017 from Applicant  
   No submissions from Respondent  
  
Date of Determination:      20 June 2017

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**DETERMINATION OF THE  
EMPLOYMENT RELATIONS AUTHORITY**

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**A        Within 28 days of the date of this determination Urban Turban New Zealand Limited (Urban Turban) is ordered to pay Mr Nayak \$6,137.40 wages arrears arising from its failure to pay him the minimum wage for the period 04 July 2014 to 15 July 2015.**

**Employment relationship problem**

[1]        *Substantive determination* – In its substantive determination dated 01 June 2017<sup>1</sup> the Authority awarded Mr Nayak (amongst other things) wage arrears for the period 04 July 2014 to 15 July 2015 (the material period) arising from Urban Turban’s failure to pay him the minimum wage.

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<sup>1</sup> [2017] NZERA Auckland 160.

[2] *No agreement* – The parties were encouraged to resolve the amount owed by agreement<sup>2</sup> but that has not occurred. Mr Nayak has asked the Authority to fix that amount. Urban Turban was invited to file any relevant information or submissions but did not do so.

[3] *Mr Nayak's submissions* – Mr Nayak says he is owed \$6,137.40 wage arrears to take his wages up to the level of the minimum wage for the material period. This is calculated on the basis of a \$1.93 per hour shortfall for 60 hours per week for 53 weeks.

[4] *Outcome* – In the absence of any contradictory evidence I accept Mr Santesso's submissions. Urban Turban is ordered within 28 days of the date of this determination to pay Mr Nayak wage arrears of \$6,137.40.

[5] *Costs* – Costs on this application will be dealt with as part of the costs assessment on the substantive matter. Costs submissions have been timetabled to enable that to occur.

**Rachel Larmer**  
**Member of the Employment Relations Authority**

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<sup>2</sup> Ibid, paragraph [25].