

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**[2013] NZERA Auckland 405  
5430154**

BETWEEN

MAHUA PARAMANICK  
Applicant

AND

HYGIENE FOUNDATION  
LIMITED  
Respondent

Member of Authority: Eleanor Robinson  
Representatives: Applicant in Person  
No appearance for Respondent  
Investigation Meeting: 6 September 2013 at Auckland  
Determination: 6 September 2013

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**DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1] The Applicant, Ms Mahua Paramanick, claims that she is owed unpaid wages and other monies by the Respondent, Hygiene Foundation Limited (HFL).

[2] Ms Paramanick was employed by HFL as a Customer Service Manager from 4 March 2013 until 20 July 2013 in accordance with an individual employment agreement (The Employment Agreement) which on an attached Schedule itemised her salary as \$42,000.00 gross per annum.

[3] Ms Paramanick said she had received payment for the month of April 2013 only by way of remuneration since she commenced employment with HFL. Ms Paramanick's last working day with HFL was 20 July 2013.

[4] Ms Paramanick claims that she is owed:

- Unpaid wages for the period 4 March 2013 to 20 July 2013, less the sum of \$2,043.65 paid as remuneration.
- \$561.31 in respect of deductions made for the purchase of equipment which she has not received.

- Unpaid one month notice period in accordance with clause 13.2 of the Employment Agreement.

### **Failure of Respondent to attend or be represented**

[5] HFL did not attend, and was not represented, at the Investigation Meeting despite having been served with the Notice of Investigation. HFL had been properly served with the Notice of Investigation Meeting form. Attempts had been made by the Authority to contact HFL by email and telephone, but these had met with no response.

[6] For the reasons set out above I am satisfied that HFL had notice of the application and the date of the Investigation Meeting and that it chose not to attend or to be represented.

[7] I have therefore proceeded pursuant to clause 12 Schedule 2 of the Employment Relations Act 2000 to act as fully as if HFL had attended or been represented.

### **Determination**

#### *Statutory entitlement to wages*

[8] The Wages Protection Act 1983 governs the payment of wages between an employer and an employee. In accordance with s 4: *an employer shall, when any wages become payable to a worker, pay the entire amount of those wages to that worker without deduction.*

[9] Ms Paramanick's claims were supported by documentation substantiating the dates for which she was claiming non-payment and she gave evidence on oath which supported the documentary material filed with the Authority.

[10] I find that Ms Paramanick is entitled to payment of wages for the hours which she has worked, in addition to payment in respect of the payments for the equipment, and the unpaid notice period as set out below.

### **Remedies**

#### ***Wage claim***

[11] HFL is ordered to pay Ms Paramanick the sum of **\$13,798.00 gross** in respect of unpaid wages for the period 1 May 2013 to 20 July 2013 (calculated as \$15,841.70 less the sum of \$2,043.65 paid).

*Other monies owing:*

[12] HFL is to ordered to pay Ms Paramanick the sum of:

- **\$561.31 gross** in respect of monies deducted in respect of the purchase of equipment which was not provided to her.
- **\$3,500.00 gross** in respect of the unpaid one month notice period pursuant to clause 13.2 of the Employment Agreement.

*Interest*

[13] Ms Paramanick has applied for interest on the outstanding sums owed to her.

[14] The Authority has the power to award interest pursuant to clause 11 of the Second Schedule of the Act at the rate prescribed by the Judicature Act 1908, which is currently 5% per annum<sup>1</sup>.

[15] I consider that it is appropriate that HFL is ordered to pay interest on the outstanding sums owed to Ms Paramanick.

[16] HFL is to pay interest of 5% on the outstanding sums due to Ms Paramanick from the date of determination until the amounts owed are paid in full.

[17] Ms Paramanick is to be reimbursed the filing fee of \$71.56 by HFL.

**Costs**

[18] While costs are reserved, I note here that, subject to her submissions, Ms Paramanick was not legally represented and, unless she incurred legal costs, it is therefore unlikely she has grounds to claim a contribution to any fair and reasonable costs.

**Eleanor Robinson**  
**Member of the Employment Relations Authority**

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<sup>1</sup> Judicature (Prescribed Rate of Interest) Order 2011 (SR2011/177)