

BETWEEN GAGANDEEP SINGH
Applicant
AND NZ MASTER PAINTERS LTD
Respondent

Member of Authority: Eleanor Robinson
Representatives: Applicant in person
Antonio Carlos, Representative for Respondent
Investigation Meeting: 4 October 2016
Date of Oral Determination: 4 October 2016
Date of the Written Determination: 4 October 2016

ORAL DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The Applicant, Mr Gagandeep Singh, seeks an order for compliance and interest in relation to terms of settlement agreed with his employer, NZ Master Painters Ltd. The agreement reached by the parties was set out in a Terms of Settlement document dated 28 April 2016 and incorporated into a Determination of the Authority dated 28 April 2016¹

[2] Mr Singh claims that NZ Master Painters Ltd has not complied with the Determination

Issues

[3] The issue which had been brought before the Authority by Mr Singh is that NZ Master Painters Ltd has not complied with clause 2 of the Settlement which states:

2. NZ Master Painters Limited will pay Mr Gagandeep Singh the sum of \$2,000 nett on or before 2 June 2016 with a further amount of \$11,000 nett on or before Tuesday 28 June 2016 for arrears of wages.

¹ *Gagandeep Singh v NZ Master Painters Ltd* [2016] NZERA Auckland 129

[4] Mr Carlos confirmed that NZ Master Painters Ltd has not complied with the Terms of Settlement as incorporated into a Determination of the Authority.

Determination

Compliance Order

[5] The power of the Authority to order compliance is set out in s.137 of the Employment Relations Act 2000 (the Act), which states in s.137(i)(b) that the Authority has the power to order compliance with:

Any order, determination, direction or requirement made or given under this Act by the Authority or a member or officer of the Authority

[6] Compliance with determination [2016] NZERA Auckland 129 is ordered against NZ Master Builders Ltd.

Interest

[7] Mr Singh has applied for interest on the outstanding sums as set out in the Consent Memorandum.

[8] 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 annum².

[9] I consider that it is appropriate that NZ Master Builders Ltd is ordered to pay interest on the outstanding sums owed to Mr Singh.

[10] **In order to effect compliance with the Terms of Settlement as incorporated into Determination [2016] NZERA Auckland 129, I therefore order NZ Masters Builders Ltd to pay Mr Singh, no later than 30 November 2016, the outstanding amount under the Terms of Settlement:**

- i) the sum of \$13,000 net in accordance with the Terms of Settlement as incorporated into Determination [2016] NZERA Auckland 129, and**

² Judicature (Prescribed Rate of Interest) Order 2011 (SR2011/177)

- ii) **interest on that sum at the rate prescribed by the Judicature Act 1908, which is currently 5% per annum³.**

Costs

[11] While costs are reserved, I note here that, subject to his submissions, Mr Singh was not legally represented and, unless he incurred legal costs, it is therefore unlikely he has grounds to claim a contribution to any fair and reasonable costs.

Eleanor Robinson
Member of the Employment Relations Authority

³ Judicature (Prescribed Rate of Interest) Order 2011 (SR2011/177)