

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2018] NZERA Christchurch 71
3005616

BETWEEN ARWINDER SINGH
Applicant

A N D VR LOFTS MANAGEMENT
LTD
Respondent

Member of Authority: Peter van Keulen

Representatives: Kenyon Stirling, Counsel for Applicant
Mark Ryan, Counsel for Respondent

Investigation Meeting: 17 May 2018 at Auckland

Submissions Received: 17 May 2018, from the Applicant
17 May 2018, from the Respondent

Date of Determination: 21 May 2018

CONSENT DETERMINATION OF THE AUTHORITY

- A. VR Lofts Management Ltd must pay \$601.80 (gross) to Arwinder Singh together with interest calculated on this amount being \$58.09, within 7 days of the date of this determination.**
- B. Costs are reserved.**

Employment relationship problem

[1] VR Lofts Management Ltd employed Mr Singh as a Housekeeping Manager at The Lofts, Queenstown from 18 July 2015.

[2] Mr Singh says that during his employment, he was required to work in excess of his contractual hours, but VR Lofts did not pay him for this additional work. He also claims VR Lofts did not pay him his final pay, which included three days' work, and his accrued but untaken annual leave (calculated at 8% of his total earnings).

[3] During the course of my investigation, VR Lofts conceded that it had not paid Mr Singh his final pay. It had calculated the wage payment for Mr Singh's final three days and the annual leave owing but then it deducted the amount owed due to its belief that Mr Singh had not given the requisite notice. VR Lofts accepts that this deduction was unlawful and it should pay the amount calculated for Mr Singh's final pay together with interest.

[4] The parties agreed that I would issue a determination by consent recording that VR Lofts would make this final payment and interest and that I would calculate the interest payable.

[5] I have calculated the interest payable pursuant to clause 11 of Schedule 2 of the Employment Relations Act 2000, and Schedule 2 of the Interest on Money Claims Act 2016.

[6] I note that this consent determination deals only with Mr Singh's final pay based on VR Lofts' calculation of the hours Mr Singh worked. Mr Singh's wage arrears claim based on working in excess of his contractual hours each week, which I investigated, will still be determined by me. This may include an additional payment for this last pay as Mr Singh says he worked more hours than VR Lofts recorded for his final three days and, of course, if there are wage arrears to be paid there will be an additional amount of accrued but untaken annual leave to be paid.

Determination

[7] VR Lofts Management Ltd must pay \$601.80 (gross) to Arwinder Singh together with interest calculated on this amount being \$58.09, within 7 days of the date of this determination.

[8] Costs are reserved.

Peter van Keulen
Member of the Employment Relations Authority