

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2017] NZERA Auckland 30
5624946

BETWEEN JIAYAO WAN
 Applicant

A N D EW FORMOSA HOLDINGS
 LIMITED
 Respondent

Member of Authority: T G Tetitaha

Representatives: The Applicant in person
 No appearance by the Respondent

Investigation Meeting: 2 February 2017 by telephone conference

Submissions Received: 2 February 2017 from Applicant

Date of Oral Determination: 2 February 2017
Date of Written Determination: 3 February 2017

**ORAL DETERMINATION OF
THE EMPLOYMENT RELATIONS AUTHORITY**

- A. **EW Formosa Holdings Limited is to pay Jiayao Wan the sum of \$3,119.81 being her unpaid wages pursuant to s.131 of the Employment Relations Act 2000.**
- B. **EW Formosa Holdings Limited is to pay Jiayao Wan a contribution towards her costs of the Authority's filing fee of \$71.56.**

[1] Jiayao Wan (aka Shelly) seeks to recover the balance of six weeks wages owed from her employment with EW Formosa Holdings Limited (Formosa) of \$3,119.81.

Non-appearance by respondent

[2] Formosa has taken no steps to defend Ms Wan's proceedings. It was advised of today's teleconference and has shown no good cause for its failure to appear.

[3] Given the above, the length of time (2 years) since these wages were due and owing and the expense of attending a further hearing for Ms Wan, I have determined to proceed to hear this matter today.

Determination

[4] Ms Wan was employed as a duty manager/food and beverage attendant by Formosa. She had a fixed term contract expiring on 9 March 2015.

[5] At the end of her employment, Ms Wan was owed six weeks wages. She has received payment from a Formosa director, Tzong Wen Huang, totalling \$1,276.54. Ms Wan sought recovery of the remainder owing. Ms Wan confirmed she has not been paid the outstanding wages.

[6] An accountant for Formosa, Eva Liu, confirmed to Ms Wan by email on 30 September 2016 as follows:

Hi Shelly,

Sorry to delay to reply, as I am currently ... overseas.

I am sorry to hear that your wages were still partly unpaid by EW Formosa Holdings Limited. Since I was the internal accountant in the company until 1st October 2015 I can confirm with you that EW Formosa Holdings Limited owes you \$3,119.81 after the deduction of the 40% wages has been paid by Mr Huang personally (regard his shares holdings).

If your lawyer has any question, please do not hesitate to contact me on this email directly.

Best regards,
Eva

[7] I am persuaded Ms Wan is owed wages of \$3,119.81. Accordingly, I order EW Formosa Holdings Limited is to pay Jiayao Wan the sum of \$3,119.81 being her unpaid wages pursuant to s.131 of the Employment Relations Act 2000.

[8] EW Formosa Holdings Limited is to pay Jiayao Wan a contribution towards her costs of the Authority's filing fee of \$71.56.

T G Tetitaha
Member of the Employment Relations Authority