

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2014] NZERA Auckland 347
5448727

BETWEEN SHUBIN WANG
Applicant

A N D TAN PACIFIC LIMITED
Respondent

Member of Authority: Anna Fitzgibbon

Representatives: The Applicant in person
No appearance for the Respondent

Investigation Meeting: 4 and 25 August 2014 at Auckland

Date of Determination: 26 August 2014

DETERMINATION OF THE AUTHORITY

- A. The respondent, Tan Pacific Limited is ordered to pay the applicant, Mr Shubin Wang unpaid holiday pay totalling \$1,872.24 gross within 14 days of the date of this determination.**

Employment relationship problem

[1] The applicant, Mr Shubin Wang alleges that he is owed holiday pay in the sum of \$1,872.24 by the respondent, Tan Pacific Limited (Tan Pacific).

[2] Tan Pacific has not engaged with the Authority's process at any point, it failed to file a statement in reply and failed to attend the Authority's investigation meeting.

[3] Because of the absence of engagement from Tan Pacific, Mr Wang personally served the statement of problem on the director of Tan Pacific, Mr Bill Tan. Mr Tan took no steps to file a statement in reply.

[4] The investigation meeting was set down for 4 August 2014 but there was no appearance for Tan Pacific. Upon further enquiry it appeared Mr Wang had not personally served the notice of investigation meeting on Tan Pacific. The investigation meeting was therefore rescheduled for 25 August and Bay Corp New Zealand Limited effected personal service of the notice of investigation meeting on 20 August at the registered office of Tan Pacific being 2 Tapora Street, Auckland Central. There was no appearance for Tan Pacific at the investigation meeting on 25 August.

[5] I am satisfied that the Authority has done everything it can reasonably do to advise Tan Pacific of the claim against it and to give it a proper opportunity to be heard in relation to the claims that Mr Wang makes against it.

[6] Mr Wang was employed by Tan Pacific for approximately one year from early February 2013 until the end of January 2014. Mr Wang was employed as a barista at BB's Café Plus located at Tapora Street, Auckland Central. Mr Wang was paid \$14.25 gross an hour and during the course of his employment received his wages directly into his ASB bank account by Tan Pacific. The dates on which payment of wages by Tan Pacific to Mr Wang were made varied. Sometimes Mr Wang was paid every two weeks, sometimes he was paid every three weeks.

[7] Mr Wang produced the roster he had worked during the course of his employment together with bank statements showing wages paid. Mr Wang left his employment at the end of January 2014 but despite requests has not been paid holiday pay totalling \$1,872.24 gross.

[8] I am satisfied Mr Wang is owed holiday pay of \$1,872.24 gross. I order Tan Pacific to pay Mr Wang \$1,872.24 gross in holiday pay within 14 days of the date of this determination.

[9] To facilitate enforcement, a Certificate of Determination is to issue with this determination.

[10] I further order reimbursement by Tan Pacific of the filing fee of \$71.56, which is to be included in the Certificate of Determination.

Anna Fitzgibbon
Member of the Employment Relations Authority