

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2017] NZERA Auckland 61  
3000142

BETWEEN                      JIAHUI YU  
   Applicant

AND                              URBAN DÉCOR LIMITED  
   Respondent

Member of Authority:      Vicki Campbell

Representatives:           Applicant in Person  
   Lei Han for Respondent

Investigation Meeting:     9 March 2017

Determination:              10 March 2017

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**DETERMINATION OF THE  
EMPLOYMENT RELATIONS AUTHORITY**

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- A.      Urban Décor Limited is ordered to pay to Ms Jiahui Yu the sum of \$417.85 gross under section 131 of the Employment Relations Act 2000 within 28 days of the date of this determination.**
- B.      Urban Décor Limited is ordered to reimburse Ms Yu the sum of \$71.56 within 28 days of the date of this determination.**

**Employment relationship problem**

[1]      Ms Jiahui Yu claims she is owed arrears of wages by Urban Décor Limited (UDL) and seeks to recover the arrears through the Authority. Ms Yu also seeks reimbursement of transport and hardship costs. UDL denies the claims.

[2]      As permitted by s 174E of the Employment Relations Act 2000 (the Act) this determination has not recorded all the evidence and submissions received from Ms Yu

and UDL but has stated findings of fact and law, expressed conclusions on issues necessary to dispose of the matter, and specified orders made as a result.

### **Background**

[3] Ms Yu was employed by UDL undertaking tasks associated with customer services and receiving and despatching fabric. Ms Yu worked for seven days commencing on 31 August 2016.

[4] Ms Yu worked on 31 August and 1, 2, 5, 6, 8 and 9 September 2016. It was common ground that, although Ms Yu had been provided with a copy of the intended employment agreement, she did not sign it. Ms Yu was offered and accepted the job on the basis that she would be paid the applicable minimum rate of pay of \$15.25 per hour.

[5] On 9 September 2016 Ms Yu advised Mr Lei Han, the Managing Director of the UDL, that she was not physically able to complete the tasks associated with her job and she resigned.

### **Issues**

[6] The issues for determination are whether:

- a) Ms Yu is owed arrears of wages and if so, the amount owed;
- b) Ms Yu is entitled to reimbursement of \$10 for transportation costs;
- c) Ms Yu should succeed on her claim for hardship costs.

### **Arrears of wages**

[7] Ms Yu received payment of the appropriate wages her first week of work which was three days, but received no payment for the hours she worked between 5 and 9 September 2016.

[8] Ms Yu claims she is owed four days' pay amounting to \$382 nett. There is no dispute that Ms Yu has not received payment for the work she completed for UDL between 5 and 9 September 2016.

[9] Mr Lei Han, Managing Director, told me that he and Ms Yu reached agreement that if she left before Christmas then she would not be paid. Whether this arrangement was proffered by Mr Han or not, the terms were not set out in the intended employment agreement.

[10] Further, section 4 of the Wages Protection Act 1983 requires payment of the entire amount of any wages without deduction without the employee's written consent or where there has been an overpayment. Ms Yu has not provided written consent for Mr Han to make any deduction of wages payable, nor is there any argument that Ms Yu has been overpaid.

[11] Mr Han has provided me with the timesheet information relating to Ms Yu for the period 5-9 September 2016 inclusive. Ms Yu had the opportunity at the investigation meeting to review this information and confirmed its accuracy.

[12] Based on the timesheets I have calculated that Ms Yu worked a total of 27.4 hours over the period 5-9 September 2016. At the rate of \$15.25 per hour Ms Yu is entitled to a payment of \$417.85 gross. Taking into account \$60.08 in PAYE to be deducted, Ms Yu will receive a total payment of \$357.77 nett.

[13] Urban Décor Limited is ordered to pay to Ms Yu the sum of \$417.85 gross under section 131 of the Act within 28 days of the date of this determination.

#### **Transportation and hardship costs**

[14] Ms Yu has claimed \$10 for transportation costs and has made an unquantified claim for hardship costs.

[15] Ms Yu has failed to establish to my satisfaction any basis for either claim. I now confirm my oral indication of preliminary findings given to her at the investigation meeting that her application for transportation and hardship costs is declined.

**Costs**

[16] Ms Yu is entitled to recover the costs associated with filing her application. Urban Décor Limited is ordered to reimburse Ms Yu the sum of \$71.56 within 28 days of the date of this determination.

Vicki Campbell  
Member of the Employment Relations Authority