

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Arpinder Singh (Applicant)  
**AND** Shonit Kids World Ltd t/a Toyworld (Respondent)  
**REPRESENTATIVES** Arpinder Singh In person  
No appearance for Respondent  
**MEMBER OF AUTHORITY** Janet Scott  
**INVESTIGATION MEETING** 8 April 2005  
**DATE OF DETERMINATION** 8 April 2005

**DETERMINATION OF THE AUTHORITY**

**Employment Relationship Problem**

In a claim brought by the applicant Mr Singh, he sought to recovery arrears of wages alleged to be owed to him by Neil Raniga of Toyworld, Manukau City. I am satisfied that the correct respondent in this matter is Shonit Kids World Ltd and have amended the respondent's identity accordingly.

**Respondent's Request for Adjournment**

There was no appearance at the investigation meeting by or on behalf of the respondent. On the afternoon of 7 April, Mr Raniga contacted the Authority to request an adjournment of the proceedings as he had overseas guests to attend to. I declined the adjournment because Mr Raniga has been on notice of this hearing date since 28 January 2005 and has had plenty of time to organise his affairs around the hearing date set. I also refused to adjourn this hearing because the respondent has a long history of failing to attend investigation meetings set to address wage arrears claims brought by his former employees. His tank of credibility with this Authority Member is empty!

There was no appearance for the respondent and I have proceeded to hear and determine the matter in accordance with Clause 12 of the Second Schedule of the Employment Relations Act 2000. I note that in response to my declining the request for an adjournment I was requested to ring the respondent's accountant. I did so but he had no idea why I had rung and nothing to say on the respondent's behalf. I did confirm the correct name of the respondent in this matter with him.

**Claim**

Mr Singh commenced work with the respondent on 20 September 2004. He was employed to assemble toys and bicycles and undertook stock deliveries. His evidence was that the agreed rate of

pay was \$15 per hour. He asked Mr Raniga for an employment agreement and was advised it would be provided later. At the end of his first week of employment (after he had worked 48 hours) he requested a pay slip and was again advised it would be provided later. When he checked his bank account he found he had not been paid as per the verbal agreement reached with Mr Raniga. He gave evidence he was only paid for 43 hours at \$12.50.

Mr Singh took this up with Mr Raniga who said it would be fixed the next pay week. Mr Singh worked 46 hours and 45 minutes in the second week of his employment. At the end of that week he was told by Mr Raniga that business was no good and not to come on Monday. He has not been paid for the second week of his employment despite approaching Mr Raniga for payment.

In his Statement of Reply Mr Raniga advises that Mr Singh did work for the two weeks in question but phoned on 4 October and left a message to say that he had been hurt and was on ACC. He was asked to provide medical certificates but had not been in touch. As they had not heard from him one week's wages had been withheld.

## **Determination**

I found the applicant to be a credible witness and prefer his evidence over the information provided in the respondent's statement in reply.

I find that arrears of wages are due and payable to the worker and that he has not been paid the sums owed to him. I therefore direct the respondent to pay to the applicant the following sums as arrears of wages, holiday pay and costs.

Arrears of wages for week 20 -26 September 2004 (shortfall on wages agreed)	\$182.50 gross
Arrears of wages for week 27 September 3 October 2004	\$701.25 gross
Holiday pay on total earnings for 2 weeks @ 6% of total earnings	<u>\$ 85.28 gross</u>
Total	\$969.03 gross
Costs. Mr Singh is entitled to recover his filing fee.	\$ 70.00 net

## **Summary of Orders**

**The respondent is directed to pay to the applicant the sum of \$969.03 gross as arrears of wages owing and \$70 net to reimburse him for costs he has incurred in this matter.**

Janet Scott  
Member of Employment Relations Authority