

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2017] NZERA Auckland 285  
3001329

BETWEEN                    A LABOUR INSPECTOR OF  
   THE MINISTRY OF BUSINESS,  
   INNOVATION AND  
   EMPLOYMENT  
   Applicant

A N D                        JINGMIN SUN t/a SUNS  
   MOTORS  
   Respondent

Member of Authority:      Rachel Larmer

Representatives:          Marija Urlich, for Applicant  
   Jesse Seang Ty Nguy, for Respondent

Investigation Meeting:    On the papers

Date of Determination:    15 September 2017

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**DETERMINATION OF THE  
EMPLOYMENT RELATIONS AUTHORITY**

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**Employment relationship problem**

[1]     The Labour Inspector has brought claims against Jingmin Sun who is trading as Suns Motors alleging that he breached minimum employment standards by failing to pay minimum wages and holiday pay to three employees – Bowen Shen, Yuh (Alex) Sheng and Xiangzhao Chen.

[2]     Mr Sun admits to these breaches.

[3]     Mr Sun is ordered to pay the Labour Inspector the following amounts to remedy the breaches in respect of each employee:

- (a)     **Bowen Shen:** The sum of \$33,344.20 consisting of \$28,312.79 wage arrears, \$3,316.50 holiday pay arrears and interest on the wage arrears of \$1,714.19 for the period 28 June 2013 to 29 September 2015;

- (b) **Yuh (Alex) Sheng:** The sum of \$21,928.97 consisting of \$18,403.55 wage arrears, \$2,397.60 holiday pay arrears and interest on the wage arrears of \$1,127.82 for the period 16 June 2014 to 29 September 2015;
- (c) **Xiangzhao Chen:** The sum of \$23,390.91 consisting of \$16,128.46 wage arrears, \$6,059.44 holiday pay arrears and interest on the wage arrears of \$1,203.01 for the period 13 June 2014 to 29 September 2015.

[4] Mr Sun is ordered to pay the above amounts directly into a bank account nominated by the Labour Inspector. Payments must be made in accordance with the payment schedule the parties jointly filed with the Authority on 15 August 2017. The agreed payment schedule now becomes orders of the Authority.

[5] In accordance with the agreed payment schedule, the first payment to be made in respect of each employee is \$10,000. This first payment totalling \$30,000 for all three employees must be made by Mr Sun into the Labour Inspector's nominated bank account within five working days of the date of this determination.

[6] The remaining outstanding payments are to be made by way of 15 equal monthly instalments. The monthly instalment payments are for a total of \$3,244.27 for all three employees, commencing on the 20<sup>th</sup> of the month following the first payment.

[7] Mr Sun is ordered to continue making these equal monthly payments of \$3,244.27 on the 20<sup>th</sup> of each month following the first payment, until the full amount has been paid in respect of each of the three named employees.

[8] If Mr Sun defaults on any of the payments specified in this determination whether in terms of not paying on the scheduled date or within the specified time or for the full specified amount then (in accordance with the parties' stated agreement) the full amount outstanding at the time of the default must be paid by Mr Sun to the Labour Inspector's nominated bank account within three working days of the earliest date of the default.