

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

[2017] NZERA Christchurch 91  
3001036

BETWEEN            A LABOUR INSPECTOR  
Applicant

AND                    AD LIQUOR LIMITED  
First Respondent

AND                    AMARJIT SINGH  
Second Respondent

RAMANDIP SINGH  
Third Respondent

3001441

A LABOUR INSPECTOR  
Applicant

AND                    AMARJIT SINGH  
Second Respondent

RAMANDIP SINGH  
Third Respondent

Member of Authority:    Andrew Dallas

Representatives:        Jessica Ellison, Counsel for the Applicant  
Vanessa Bainbridge, Advocate for the Respondent

Investigation Meeting:    16 May 2017 at Christchurch

Date of Determination:    8 June 2017

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**CONSENT DETERMINATION**

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**Employment relationship problem**

[1]     A Labour Inspector, Nicola Rowe, lodged proceedings 3001036 and 3001441 in the Authority on behalf of Bittu Rana against AD Liquor Limited (AD Liquor) and its directors, Amarjit Singh and Ramandip Singh. The proceedings alleged various breaches of minimum employment standards in respect of Mr Rana's employment.

[2] The proceedings were joined by the Authority under powers set out in s 221 of the Employment Relations Act 2000 (the Act).

[3] During the investigation meeting on 16 May 2017, the Labour Inspector and AD Liquor advised that they believed they could agree terms to resolve the part of the proceedings that related to the claims against AD Liquor. The parties asked for an adjournment to facilitate this.

[4] On 2 June 2017, Counsel for the Labour Inspector advised the Authority an agreement had been reached between them. The Labour Inspector and AD Liquor asked the Authority to issue a consent determination to record this agreement.

[5] The Authority has agreed to do so but records this determination does not resolve the Labour Inspector's proceedings against the directors.

[6] AD Liquor agrees that it has breached minimum employment standards in respect of Mr Rana and is liable for penalties arising from:

- i. Failure to pay minimum wages;
- ii. Failure to provide an employment agreement;
- iii. Failure to keep wages and time records;
- iv. Failure to keep holiday and leave records;
- v. Failure to provide public holiday, sick leave or bereavement leave entitlements;
- vi. Failure to provide annual holiday entitlements/pay final holiday upon termination of employment; and
- vii. Failure to obtain written consent for a deduction made from Mr Rana's wages.

[7] By consent and by this determination the terms of agreement between the Labour Inspector and AD Liquor , which are now made orders of the Authority, are:

- (a) AD Liquor will pay, by agreement between the parties, the Labour Inspector on behalf, and for the benefit of, Mr Rana \$17,392.02 (gross) as outstanding arrears;
- (b) AD Liquor will pay, by agreement between the parties, an aggregate penalty of \$15,000 to the Authority for subsequent payment into a Crown Bank Account; and
- (c) Costs will otherwise lie where they fall.

[8] This determination is enforceable under s 137(1)(b) of the Act.

Andrew Dallas  
Member of the Employment Relations Authority