

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2017] NZERA Auckland 242  
3013871

BETWEEN            YING DENG  
Applicant

A N D                NAN (KNOWN AS NANCY)  
WANG TRADING AS NEW  
WINDSOR AGED CARE  
Respondent

Member of Authority:    Nicola Craig

Representatives:        Applicant in person  
Respondent in person  
Nancy Wang (Respondent) for Proposed Second  
Respondent, Good Future Auckland Limited

Date of Determination:    17 August 2017

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**DETERMINATION OF THE AUTHORITY**

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**A. Good Future Auckland Limited (trading as New Windsor Aged Care)  
is joined as Second Respondent in this proceeding.**

**Claim by Ying Deng and response**

[1]     On 14 July 2017 Ying Deng filed an application in the Authority, identifying Ms Nan Wang (known as Nancy) from New Windsor Aged Care (a rest home) as the respondent. The statement of problem refers to Ms Deng as having an employment agreement with Ms Wang. The problems identified were a change in Ms Deng's hours of work and then a failure to offer her any work.

[2]     The employment agreement filed by Ms Deng refers to "New Windsor Aged Care" as her employer.

[3] Ms Wang filed a statement in reply in the name of “New Windsor Aged Care” on 9 August 2017 disputing Ms Deng’s claims and stating that her employment still had not ceased.

### **Identity of employer**

[4] There is no registered company called New Windsor Aged Care, or anything particularly similar.

[5] I took the statement of problem as identifying Ms Wang personally, trading as New Windsor Aged Care, as the employer.

### **Case management conference**

[6] Ms Deng applied to have her matter dealt with urgently on the basis of her understanding that the New Windsor Aged Care business was to be sold shortly.

[7] A case management conference with representatives was held by way of telephone on 14 August 2017. The Authority was assisted by an interpreter of the Mandarin language from Language Line.

[8] The Authority raised the issue of who the employer was, as there was reference on some documents filed with the statement of problem to Good Future Auckland Limited (GFAL), a company in which Ms Wang is a director and shareholder.

[9] Ms Deng initially expressed a willingness to change the Respondent to GFAL, however she then withdrew from that position. The matter was somewhat challenging to deal with over the telephone through an interpreter, so the Authority proposed leaving Ms Wang as a respondent and adding GFAL as a second respondent, with the identity of the employer being resolved later through the Authority process. Both Ms Deng and Ms Wang consented to this proposal.

## **Urgency**

[10] Ms Deng sought urgency on the basis of her understanding that the New Windsor Aged Care business was to be sold shortly. At the case management conference on 14 August 2017 Ms Wang provided some information regarding a dispute between herself and the other owner of the New Windsor Aged Care business. Ms Wang offered to have her lawyer provide details to the Authority.

[11] The Authority received a letter dated 15 August 2017 from Ms Wang's lawyer David Liu. Mr Liu's letter asserts that New Windsor Aged Care is owned by GFAL and confirms that a dispute existed between the two shareholders of GFAL, one of whom was Ms Wang. Some detail was helpfully provided of the process in place to deal with that dispute.

[12] As a result of information in Mr Liu's letter urgency was granted.

## **Joinder**

[13] Under s 221 of the Employment Relations Act 2000 (the Act) the Authority may, of its own motion or by application, direct parties to be joined to proceedings. This is to allow more effectual disposal of matters.

[14] As referred to above, Ms Deng's position appears to be that Ms Wang, trading as New Windsor Aged Care, was her employer personally. Ms Wang's position was that GFAL was trading as New Windsor Aged Care, and it was Ms Deng's employer.

[15] The Authority proposed joining GFAL to the proceeding. Both Ms Deng and Ms Wang consented to the Authority's joinder proposal.

[16] I am satisfied that joining GFAL to this proceeding will allow the Authority to more effectually dispose of Ms Deng's claim. I therefore order GFAL, trading as New Windsor Aged Care, to be joined as second respondent in this proceeding.

[17] At the case management conference on 14 August 2017 Ms Wang was offered the prospect of filing an amended or additional statement in reply in the event that joining of GFAL was granted. She was satisfied to proceed on the basis of the

statement in reply already filed. The Authority will now regard that as covering both respondents.

[18] A further case management conference will be arranged by the Authority to progress this case.

**Nicola Craig**  
**Member of the Employment Relations Authority**