

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI  
ŌTAUTAHI ROHE**

[2020] NZERA 371  
3102152

BETWEEN            NAVNEET VERMA,  
                             HARPREET SINGH, AMARJIT  
                             SINGH and CHANGHYUN CHO  
                             Applicants

AND                    CANTERBURY COMPLIANCE  
                             CENTRE LIMITED  
                             Respondent

Member of Authority:    Helen Doyle

Representatives:        Navneet Verma and Harpreet Singh in person  
                             Tatiana Bondarenko, advocate for the Respondent

Investigation Meeting:    21 August 2020 by telephone conference

Further            Information    Copies of employment agreements  
Received:                Email from Ms Bondarenko dated 10 September 2020

Date of Determination:    15 September 2020

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**DETERMINATION OF THE AUTHORITY**

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**A        Within 28 days of the date of this determination Canterbury Compliance Centre Limited (Canterbury Compliance) is to pay to Navneet Verma:**

**(a) The sum of \$3,833.04 gross or \$2,708.42 net being unpaid holiday pay.**

**(b) The sum of \$101.70 being interest on that amount.**

**B        Within 28 days from the date of this determination Canterbury Compliance is to pay to Mr Harpreet Singh:**

**(a) The sum of \$2,103.49 gross or \$1,554.67 net being unpaid holiday pay.**

**(b) The sum of \$55.81 being interest on that amount.**

**C Within 28 days from the date of this determination Canterbury Compliance is to pay to Changhyun Cho:**

**(a) The sum of \$2,157.92 gross or \$1,590.44 net being unpaid holiday pay.**

**(b) The sum of \$57.26 being interest on that amount.**

**D Mr Amarjit Singh withdrew his claim.**

**D Within 28 days of the date of this determination Canterbury Compliance is ordered to reimburse the filing fee of \$71.56.**

### **Identity of the employer and applicants**

[1] The applicants lodged proceedings against the directors of Canterbury Compliance Centre Limited (Canterbury Compliance): Tatiana Bondarenko and Igor Khochev.

[2] Following a case management conference the Authority asked Mr Verma and Mr Harpreet Singh to provide copies of their respective employment agreements. It is clear from the individual employment agreements that Mr Singh and Mr Verma were employed by Canterbury Compliance. Mr Cho subsequently confirmed he was also employed by Canterbury Compliance.

[3] The Authority has accordingly amended the respondent's name to Canterbury Compliance.

[4] Mr Amarjit Singh advises that he wishes to withdraw his claim. His claim against Canterbury Compliance is therefore withdrawn.

[5] This determination deals with the claims of Mr Verma, Mr Harpreet Singh and Mr Cho.

### **Employment relationship problem**

[6] Mr Verma, Mr Harpreet Singh and Mr Cho say that they were not paid their holiday pay entitlements when their employment with Canterbury Compliance ended.

[7] Mr Verma seeks payment of outstanding holiday pay in the sum of \$3,833.04 gross or \$2,708.42 net.

[8] Mr Harpreet Singh seeks holiday pay in the sum of \$2,103.40 gross or \$1,554.67 net.

[9] Mr Cho seeks payment of outstanding holiday in the sum of \$2,157.92 or \$1,590.44 net.

[10] Ms Bondarenko confirmed during a case management conference with the Authority on 21 August 2020 that Canterbury Compliance did not dispute that there are amounts owing for holiday pay but is not in a position to pay the money in full. She said that offers for partial payment were unacceptable to the applicants.

[11] The Authority gave the parties an opportunity to make any further comments following the case management conference in a notice of direction dated 24 August 2020 in which the amounts alleged to be owed were set out. The notice also set out that consideration could be given to an award of interest on any amounts outstanding. The Authority then confirmed that Mr Cho wished to proceed and the amount he claimed to be owed was recorded with a further opportunity for comment.

[12] By email dated 10 September Ms Bondarenko confirmed that there had been offers made and that there were financial difficulties facing Canterbury Compliance. She noted that all employees from the company maintained their positions with its new owner when the business was sold.

[13] There is no dispute there is money owed for outstanding holiday pay to the three applicants. The fact there are difficulties in paying the amounts owed does not prevent the applicants obtaining orders for payment.

## **Orders made**

### *Holiday Pay*

[14] I order that Canterbury Compliance Centre Limited pay to Navneet Verma the sum of \$3,833.04 gross or \$2,708.42 net being unpaid holiday pay within 28 days of the date of this determination.

[15] I order that Canterbury Compliance Centre Limited pay to Harpreet Singh the sum of \$2,103.49 gross or \$1,554.67 net being unpaid holiday pay within 28 days of the date of this determination.

[16] I order that Canterbury Compliance Centre Limited pay to Changhyun Cho the sum of \$2,157.92 gross or \$1,590.44 net being unpaid holiday pay within 28 days of the date of this determination.

*Interest*

[17] The Authority may under clause 11 of the second schedule to the Employment Relations Act 2000 order the inclusion of interest in the sum it determines is owed. The Authority is required to assess interest in accordance with schedule 2 of the Interest on Money Claims Act 2016.

[18] All three applicants have been waiting for payment of their holiday pay for a considerable period. Their employment ended with Canterbury Compliance when the business was sold and they were transferred as employees to the new company. The pay slips for all three applicants confirm that holiday pay was to be paid on 27 September 2019 but it was not. I find it is appropriate to make an award of interest from 1 October 2019 to the date of this determination for each applicant

[19] The interest payable to Mr Verma is \$101.70

[20] The interest payable to Harpreet Singh is the sum of \$55.81

[21] The interest payable to Mr Cho is \$57.26.

**Costs**

[22] Mr Verma, Mr Harpreet Singh and Mr Cho represented themselves but they are entitled to reimbursement of the filing fee of \$71.56.

[23] I so order.

**Helen Doyle**  
**Member of the Employment Relations Authority**