

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKĀURAU ROHE**

[2021] NZERA 286
3119172

BETWEEN AMMAR AHMAD
 Applicant

AND REEM GROUP LIMITED
 First Respondent

AND MAHMOUD AL HARDEN
 Second Respondent

Member of Authority: Nicola Craig

Representatives: Sarah Fraser, counsel for the applicant
 Mahmoud Al Harden for the respondents

Investigation Meeting: On the papers

Submissions [and further 8, 13 and 20 April, 24 June and 1 July 2021 from the
Information] Received: applicant
 8 and 20 April 2021 from the respondents

Date of Determination: 6 July 2021

DETERMINATION OF THE AUTHORITY

A. Reem Group Limited has not complied with a determination of the Authority and is ordered within 28 days of the date of this determination:

- a) To comply with the determination by paying the sum of \$800 costs and \$71.56 for the Authority's filing fee; and**
- b) To pay \$71.56 for the filing fee in this application.**

What is Ammar Ahmad's claim and the response?

[1] The Authority issued a determination finding that Reem Group Limited (Reem or the company) had breached a settlement agreement with Ammar Ahmad (the earlier determination).¹

[2] As payment was not received, Mr Ahmad lodged an application for a compliance order requiring payment of the penalty and costs amounts owing under that determination along with interest and the filing fee of the compliance application.

[3] The second respondent, Mahmoud Al Harden, is the director of the first respondent Reem. Although Mr Al Harden was a party to the earlier determination, no orders were sought or made against him in that determination.

[4] Mr Al Harden informed the Authority that he had been contacted by a court about this matter.

How did the Authority investigate?

[5] A case management conference was held with Mr Ahmad's representative. Attempts to call Mr Al Harden were unsuccessful. Mr Ahmad's representative was not aware of any court action.

[6] In the absence of any objection, the Authority decided to investigate this matter on the papers.

[7] The Authority sought documentation from Mr Al Harden regarding the court involvement. He filed a letter from the Ministry of Justice Corrections Unit showing that a decision had been made about Reem's debt to the Ministry of Business, Innovation and Employment. Payment by automatic payments in monthly instalments was ordered.

[8] The Authority made further inquiries. As the earlier determination had ordered payment of the penalty into the Authority's account, with distributions to Mr Ahmad and the Crown account, the Ministry of Business, Innovation and Employment (MBIE) enforcement team had taken Reem to the District Court to enforce payment of the penalty.

¹ *Ammar Ahmad v Reem Group Limited & Mahmoud Al Harden* [2020] NZERA 66, file number 3071614.

[9] Given that, I make no compliance order regarding the penalty.

What remains?

[10] Mr Ahmad still wishes to pursue the costs award in the earlier determination along with the filing fee for the compliance. These are not the subject of MBIE's enforcement action and I can therefore proceed regarding them.

[11] Reem has not paid the costs and filing fee disbursement ordered in the earlier determination

[12] I order Reem to comply with the earlier determination within 28 days of the date of this determination by paying the costs of \$800 and the \$71.56 filing fee for the earlier application.

[13] I also order Reem to pay Mr Ahmad \$71.56 for the Authority's filing fee for the compliance application within 28 days of the date of this determination.

Nicola Craig
Member of the Employment Relations Authority