

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2024] NZERA 273
3267039

BETWEEN	HU BIN, also known as 'BEN HU' Applicant
AND	PURE NEW ZEALAND INTERNATIONAL TRAVEL SERVICE LIMITED First Respondent
AND	ZHOU PENG Second Respondent

Member of Authority:	Eleanor Robinson
Submissions:	8 March 2024 from the Applicant None from the Respondent
Investigation Meeting	On the papers
Determination:	8 May 2024

DETERMINATION OF THE AUTHORITY

Application for compliance order

[1] The Applicant, Mr Hu Bin, has applied to the Authority under s 137 of the Employment Relations Act 2000 (the Act) for an order requiring the First Respondent, Pure New Zealand International Travel Service Limited (PNZ) and the Second Respondent, Zhou Peng, to comply with the terms of the determination given by the Authority (Determination [2023] NZERA 565).

[2] In the determination which was issued on 2 October 2023 ([2023] NZERA 565), I ordered the following sums to be paid within 28 days of the date of the determination:

- PNZ to pay Mr Bin the sum of \$10,000.00 in respect of an employment premium pursuant to s12A of the Wages Protection Act 1983.

- PNZ to pay Mr Bin the sum of the total sum of \$1,074.79 gross in respect of statutory public holidays s 50 of the Holidays Act 2003 (HA).
- PNZ to pay Mr Bin the sum of \$5,328.18 gross in respect of unpaid wages and holiday pay pursuant to s. to s 4 of the Minimum Wages Act 1983 and s 24 HA.
- To the extent that PNZ is unable to make the payments, Mr Peng is ordered to make the payment.
- PNZ is to pay Mr Peng the sum of \$4,977.46 in respect of expenses incurred.
- PNZ is to pay Mr Bin interest on the amounts ordered to be paid to him.
- I order PNZ to pay the full penalty amount of \$2,500.00 to the Authority for transfer to a Crown Bank Account.
- PNZ is to pay Mr Bin the sum of \$2,250.00 as costs.
- PNZ is to pay Mr Bin the filing fee of \$71.56.

[3] On 5 December 2023 Mr Bin applied to the Authority for a Compliance Order, claiming that PNZ and/or Mr Zhou had not paid him any of the monies to which he was entitled under the determinations.

Note

[4] During a case management conference to discuss the process for addressing the compliance order application by Mr Bin, Mr Zhou advised that PNZ would be submitting an application for a reopening of the investigation.

[5] That has been received and will be determined separately.

[6] This matter is being determined on the papers by agreement with the parties.

Compliance Order

[7] I am satisfied that PNZ has not complied with the terms of Determination [2023] NZERA 565. It is just in the circumstances for an order to be made requiring PNZ to comply with the determination.

Orders

[8] PNZ and/or Mr Zhou are ordered to pay Mr Bin the amounts set out above at paragraph [2] within 28 days of the date of this determination.

[9] **The interest payment ordered will continue to apply until such time as the amounts owed to Mr Bin are paid in full. Interest is to be calculated using the civil debt interest calculator and payment of that amount is to be made 28 days after the date of this determination.¹**

[10] **PNZ and/or Mr Zhou are ordered to pay a further sum of \$71.56 to Mr Bin in respect of the fee on the application for the Compliance Order.**

[11] **PNZ and/or Mr Zhou are also ordered to pay the sum of \$750.00 to Mr Bin as a contribution to his legal costs incurred in this application for a compliance order.**

[12] **PNZ and/or Mr Zhou are ordered to comply as ordered above within 28 days of service of this determination.**

Eleanor Robinson
Member of the Employment Relations Authority

¹ www.justice.govt.nz/fines/civil-debt-interest-calculator