

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2025] NZERA 719
3392664

BETWEEN BRIDGET TRELEAVEN
Applicant

AND MRZW LIMITED
First Respondent

AND RUI MAO
Second Respondent

Member of Authority: Antoinette Baker

Representatives: Alex Kersjes, advocate for the Applicant
No appearance for the First Respondent
No appearance for the Second Respondent

Investigation Meeting: On the papers

Last information received: 17 October 2025 from the Applicant

Date of Determination: 10 November 2025

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The applicant, Ms Treleaven seeks compliance orders under s 137(1)(b) of the Employment Relations Act 2000 (the Act) against the first respondent (M). M was ordered to make payments to Ms Treleaven in an Authority Determination dated 23 July 2024 (substantive determination) and then costs in a Determination dated 3 September 2024 (costs determination). The total of those orders is \$30,613.00. Ms Treleaven says none of this money has been paid to her by M. Under s 137(2) of the Act Ms Treleaven further seeks a compliance order against the sole director and shareholder of the first respondent, Mr Rui Mao to have him take steps to have M pay.

[2] There has been no participation in this matter from either respondent despite the Authority providing them the opportunity to do so. I outline this below.

The Authority's Investigation

[3] The statement of problem was lodged on 21 July 2025 and served at the registered address for service and the address showing as the same for Mr Mao¹ on 29 July 2025. This was just after a previous representative for M on the substantive matters indicated that he would find out if he had instructions and then did not revert back to the Authority. No statement in reply was received from the respondents within the time provided.

[4] I was allocated this matter on 8 September 2025. I directed service of the notice of the phone conference call at the registered address for service for M after Authority attempts to contact Mr Mao were unsuccessful. Service occurred. The notice of the phone conference call included the reason for the upcoming call, what would be discussed, how to ensure that a phone was enabled to receive calls, and also 'Please be aware that if I am unable to reach you or you choose not to take part, the teleconference may proceed in your absence.'

[5] At the phone conference call, Ms Treleaven's representative, Mr Kersjes joined. Having had no contact from M or Mr Mao or any representative for either, I asked the Authority officer to ring the phone number on the Authority file for Mr Mao. No one answered that call. I continued with the phone conference call in the absence of the respondents.

[6] My Directions dated 8 October 2025 after the above phone conference call were served on the respondents. The parties were directed to provide any further information by way of sworn affidavit and or submissions with attached relevant documents to support. The applicant was asked to provide an outline of the steps taken to have M pay the orders and any responses received; and evidence to support the seeking of costs on this application. The respondents were given the opportunity to reply with any supporting documentation. I indicated I would deal with the matter on the papers unless, after further material was received, I considered that I needed to test evidence by convening a meeting.

[7] Ms Treleaven lodged an affidavit and through her representatives lodged submissions within the timetable directed. These documents were again served on the respondents. Nothing

¹ <https://app.companiesoffice.govt.nz/companies/app/ui/pages/companies/5703296/>

has been received from the respondents in reply as directed. I reserved this determination on the papers.

Should there be compliance orders against M?

[8] In the determination issued on 23 July 2024 M was ordered to pay the following:

- a. \$15,000.00 compensation under s123(1)(c) of the Act.
- b. \$7,800.00 gross in lost wages under s 128 of the Act.
- c. \$63.00 for a deduction under s4 Wages protection Act 1983.
- d. A penalty of \$500.00 for breach of s130 of the Act to be paid wholly to Ms Treleaven.
- e. A penalty of \$500.00 for breach of s134(1) of the Act to be paid wholly to Ms Treleaven.

[9] In the determination issued on 3 September 2024 M was ordered to pay Ms Treleaven \$6,750 as a contribution to her costs.

[10] Based on the information provided by Ms Treleaven I am satisfied that the above orders remain unpaid by M. M remains registered on the New Zealand Companies Office Register (the register) irrespective of whether it continues to trade in the business that it previously employed Ms Treleaven to work in being one trading as 'The Coffee Club'. As noted above, the register shows that Mr Mao through an accountant filed an annual return as recently as October 2025 listing the same address for service used in these proceedings². Like M, Mr Mao has had the opportunity to respond to this application with reasons why M has not paid the orders of the Authority from over 12 months ago. Emails from Ms Treleaven's representatives to the then representative for M show unsuccessful attempts to have the orders paid and are more in line with non-responses rather than anything meaningful. These communications reference attempts to have enforcement through a District Court process which I understand from Ms Treleaven's sworn affidavit was unsuccessful as to the involvement by bailiffs.

[11] Accordingly, based on what is before me I am satisfied this matter remains outstanding because of a likely disregard by M and by Mr Mao to respond in any meaningful way. While the same emails referenced above (and Ms Treleaven's own sworn affidavit) acknowledges a

² As above at note 1.

debt she owes to Mr Mao, I dealt with this in the substantive determination and determined it did not attract her having remedies reduced under s 124 of the Act.³ I did however in that same determination note that she could, in other separate civil enforcement proceedings, face having enforcement against her. These are not however matters I can take into consideration here.

Compliance Order against M

[12] I am satisfied based on the above that M has not complied with the terms of determination [2024] NZERA 440 dated 23 July 2024 and [2024] NZERA 526 dated 3 September 2024. I find it is just in the circumstances for an order to be made requiring M to comply with these two determinations. I further find it just to order M pay to Ms Treleaven the filing fee on this application which is \$71.55.

Should there be compliance orders against M?

[13] Under s 137(2) of the Act, the Authority may order ‘a person who is a party or in respect of which that person is a witness’ ... ‘to do any specified thing or to cease any specified activity, for the purpose of preventing further non-observance of, or non-compliance with that provision, order, determination, direction or requirement.’

[14] While submissions for Ms Treleaven use the language of ‘joint and severable’ liability in relation to Mr Mao, her own affidavit is consistent with the statement of problem in that the order sought is under s137(2) of the Act which is not for an order sheeting home liability against Mr Mao.

[15] Mr Mao is a party to this application. He shows as the sole director and shareholder of M with the same address for service including his continued status in the recent October 2025 annual return filed. Like M, he has been given the opportunity to respond and reply to the application that a compliance order be made against him under s 137(2) of the Act. He has not taken that opportunity and as above I find some consistency here in that it is likely a disregard for the Authority’s orders. Based on what is before me I find it appropriate to order Mr Mao to take all necessary steps as the director and shareholder of M to ensure that M complies and pays the money it was ordered to pay to Ms Treleaven in the above two determinations issued over a year ago.

³ *Treleaven v MRZW Limited* [2024] NZERA 440 at [43].

Summary of orders

[16] Within 14 days from the date of this determination, MRZW Limited under s 137(1)(b) of the Act is ordered to pay Bridget Treleaven the following amounts:

- a. \$15,000.00 compensation under s123(1)(c) of the Act.
- b. \$7,800.00 gross in lost wages under s 128 of the Act.
- c. \$63.00 for a deduction under s4 Wages protection Act 1983.
- d. A penalty of \$500.00 for breach of s130 of the Act to be paid wholly to Ms Treleaven.
- e. A penalty of \$500.00 for breach of s134(1) of the Act to be paid wholly to Ms Treleaven.
- f. The filing fee of \$71.55.
- g. \$6,750 as a contribution to her costs.

[17] Within 14 days from the date of this Determination Rui Mao under s 137(2) of the Act is to comply with an order to take all steps necessary as sole director and shareholder of MRZW Limited to have MRZW Limited release the funds necessary to comply with its obligation to pay Bridget Treleaven the amounts ordered and set out above at [16] a. to g.

Antoinette Baker
Member of the Employment Relations Authority