

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2025] NZERA 770
3356283

BETWEEN	KISSMAT BANUNA Applicants
AND	SHORCOM LIMITED First Respondent
AND	ANTHONY CORIN Second Respondent

Member of Authority: Rachel Larmer

Representatives: Applicant in person
Anthony Corin for the Respondents

Investigation: On the papers

Information provided: 25 and 26 November 2025 from the Applicant
25 and 26 November 2025 from the Respondents

Date of determination: 28 November 2025

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] The applicant, Ms Kissmat Banuna, has made a number of claims against her former employer, the first respondent Shorcom Limited (Shorcom). Mr Anthony Corin is Shorcom's sole director.

[2] Ms Banuna's claims against Shorcom can be briefly summarised as:

- (a) Wage arrears;
- (b) Breach of the employment agreement;
- (c) Breach of good faith;

- (d) Breach of the Wages Protection Act 1983 (the WPA);
- (e) Breach of s 130 of the Employment Relations Act 2000 (the Act)
- (f) Breach of the Holidays Act 2003 (the HA03);
- (g) Unjustified disadvantage;
- (h) Unjustified dismissal.

[3] An in-person investigation meeting has been set down for February 2026 to investigate these claims.

[4] During the Case Management Conference (CMC) held on 24 November 2025, Ms Banuna said she would be lodging an amended statement in reply (ASoP) that set out the claims she wanted to pursue against Mr Corin personally. Once that has occurred, then the claims against Mr Corin personally will also be investigated during the February 2026 investigation meeting.

The Authority's investigation

[5] The parties agreed that a wage arrears determination should occur as soon as possible, and prior to Ms Banuna's other claims being determined, as Shorcom currently owed considerable arrears to the Inland Revenue Department (IRD). The parties told the Authority during the CMC that they anticipated there was a risk that the IRD could apply to liquidate Shorcom in the immediate future.

[6] This determination is a partial determination, as it only determines Ms Banuna's wage arrears claim against Shorcom.

[7] The Authority discussed the wage arrears claim with the parties during the CMC. An agreed timetable was put in place during the CMC to allow the wage arrears claims to be determined 'on the papers'. The parties and Authority communicated via emails on 25 and 26 November 2025 so that an agreed position on the material facts for Ms Banuna's wage arrears claim was reached.

[8] The parties also agreed that interest, as discussed during the CMC, should be paid on Ms Banuna's agreed wage arrears.

What wage arrears does Shorcom owe Ms Banuna?

[9] Shorcom admitted that due to financial difficulties it was experiencing it had failed to pay Ms Banuna for:

- (a) Seven weeks' wages for hours she had worked but had not been paid over the period 4 November 2024 to 20 December 2024;
- (b) Four weeks' pay in lieu of contractual notice;
- (c) Her annual holiday pay entitlements when her employment ended on 20 December 2024.

[10] The parties advised the Authority that they agreed Ms Banuna was owed wage arrears of \$13,445.35 gross, consisting of:

- (a) \$7,403.83 gross, being 7 weeks x \$1,057.69 gross per week, for hours she had worked but had not been paid for;
- (b) \$4,230.76 gross, being 4 weeks x \$1,057.69 gross per week, for pay in lieu of contractual notice;
- (c) \$1,810.76 holiday pay arrears, being 8% of her total gross earnings of \$43,788.38 since her leave anniversary date of 3 April, less \$1,692.31 for the annual holiday she had already been paid for annual leave taken in advance of the entitlement arising.

What interest should be awarded?

[11] The parties also agreed that Ms Banuna should be paid interest from 4 November 2024, which was the date from when her wages were not paid, until the date of this determination (being 28 November 2025).

[12] Accordingly, Shorcom is ordered to pay Ms Banuna interest of \$699.91 on her total wage arrears of \$13,445.35 for the period 4 November 2024 to 28 November 2025.

[13] Interest continues to run from 29 November 2025 on the total amount of \$14,145.26 (being \$13,445.35 wage arrears plus \$699.91 interest up to and including 28 November 2025) until that amount has been paid to Ms Banuna in full. Future interest is to be calculated using the Civil Debt Interest Calculator on the Ministry of Justice website.

Outcome

[14] Within 28 days of the date of this determination, Shorcom is ordered to pay Ms Banuna \$14,145.26 plus ongoing interest from 29 November 2025 on any amount that remains outstanding as at that date until it has been paid in full.

Costs

[15] Costs are reserved and will be determined when the remaining substantive claims have been resolved.

Rachel Larmer
Member of the Employment Relations Authority