

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2026] NZERA 150
3437884

BETWEEN	JINGSHENG LIU Applicant
AND	LEGEND INTERNATIONAL HOLDINGS LIMITED First Respondent
AND	HONGYU HOLDING LIMITED Second Respondent
AND	WANG YU Third Respondent

Member of Authority:	Robin Arthur
Representatives:	David Kim, advocate for the Applicant Wang Yu for the Respondents
Investigation:	On the papers
Determination:	10 March 2026

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] This determination makes an order for compliance with orders made in an earlier determination of the Authority which required Hongyu Holding Limited (Hongyu) to pay Jingsheng Liu arrears of wages and holiday pay (with interest), remedies for a personal grievance and costs.¹ Mr Liu applied for the compliance order because he said the respondents had refused to pay the amounts due to him.

[2] On 3 November 2025 the Authority had ordered Hongyu to pay Mr Liu the following amounts:

¹ *Liu v Legend International Holdings Limited & Ors* [2025] NZERA 702.

- \$7,377.44 as arrears due for unpaid wages and holiday pay;
- interest on those arrears from 24 June 2024 until paid in full;
- \$5,440 for lost wages and \$15,000 as distress compensation as remedies for a personal grievance of unjustified dismissal; and
- \$3,071.55 for costs and expenses incurred in bringing his arrears and personal grievance claim.

[3] The determination also gave Mr Liu leave to recover the arrears of \$7,377.44 from Yu Wang personally if Hongyu was unable to pay that amount.² Mr Wang was found to be person involved in the breach of employment standards which had resulted in Mr Liu being owed those arrears.

[4] At the time of the Authority's determination Mr Wang was the manager of the kitchen making business in which Mr Liu was employed to work. The business is owned by Hongyu and trades under the name HY Kitchen. Mr Wang's wife, Yan Shen, is the director and sole shareholder of Hongyu.

[5] No orders were made against Legend International Holdings Limited (LIHL) as that entity was a previous employer of Mr Liu and the employment relationship had transferred to Hongyu.

[6] In his application for the compliance order Mr Liu also sought orders requiring the respondents to pay penalties and costs because he had needed to apply for a compliance order to pursue the payments due to him.

Investigation

[7] A copy of Mr Liu's statement of problem was served by courier to the registered office of Hongyu but the company did not lodge a statement in reply. Copies of the statement of problem sent to the addresses given for Mr Wang and LIHL on Mr Liu's application were returned undelivered. Those addresses are understood to be LIHL former business premises of Mr Wang, now closed.

[8] The Authority then contacted Mr Wang by telephone on two occasions in relation to Mr Liu's application for a compliance order. On the second occasion Mr

² Employment Relations Act 2000, s 142Y.

Wang confirmed the North Shore address to which the statement of problem was served to Hongyu was the correct address for the business and also for him. He said he was no longer working in the business. He said the director, Ms Shen, was presently in China and not expected to return to New Zealand until April.

[9] This is not a situation which requires further investigation or a direction to mediation.³ The Authority's first determination was not challenged and its orders for payments due to Mr Liu are enforceable. There is no doubt Hongyu has failed to meet the terms of orders made in the Authority's direction. It had not used the opportunity given to lodge a statement in reply to explain that failure. The Authority's direct inquiries to Mr Wang disclosed no reason to delay addressing Mr Liu's application for a compliance order.

Compliance order

[10] By order made under s 137 of the Act Hongyu must, by no later than 28 days from the date of this determination, pay Mr Liu the amounts found due to him under the Authority's determination of 3 November 2025.

[11] Mr Liu's request for penalties to be imposed is declined. The Act provides for a compliance order rather than a penalty where a person does not observe or comply with an order or determination of the Authority.

Options for further enforcement action

[12] If Hongyu does not now make the payments required by the compliance order, Mr Liu may ask the Employment Court to use its powers to impose a fine, to take property of the person in default or to order a term of imprisonment.⁴

[13] Additionally, Mr Liu also already has leave of the Authority to take steps to recover the arrears amount (\$7,377.44 for unpaid wages and holiday pay) directly from Mr Wang as a person involved in a breach of employment standards if Hongyu fails to pay that sum by the date due.⁵

³ Employment Relations Act 2000, s 174D.

⁴ Section 138(6) and s 140(6).

⁵ Section 142Y and *Liu v Legend International Holdings Limited & Ors* [2025] NZERA 702 at [55].

Costs

[14] In addition to the sums listed earlier in this determination, Hongyu must now also pay a further sum of \$1,071.55 to Mr Liu as a contribution to his costs and expenses for bringing a compliance order application.

Robin Arthur
Member of the Employment Relations Authority