

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2026] NZERA 194
3318840

BETWEEN A LABOUR INSPECTOR OF
 THE MINISTRY BUSINESS,
 INNOVATION AND
 EMPLOYMENT
 Applicant

AND SSM INVESTMENTS LIMITED
 First Respondent

AND SHAZNEEN SHARIZA KHAN
 Second Respondent

Member of Authority: Philip Cheyne

Representatives: Amy Webster and Shimal Sataiya-Calderwood, counsel
 for the Applicant
 Cathy Fisher and Matthew Orange, counsel for the
 Respondents

Date of Determination: 31 March 2026

CONSENT DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] During the course of the Authority's management of this matter, the parties resolved part of their employment relationship problem and have asked the Authority for a determination by consent recording the agreed terms. By consent and by this determination, the following orders are made.

Breaches by the First Respondent

[2] The First Respondent breached the Minimum Wage Act 1983 (MWA), Employment Relations Act 2000 (ER Act), Holidays Act 2003 (HA) and Wages Protection Act 1983 (WPA) in the following ways:

- a. Section 6 MWA by failing to pay five employees the minimum wage for all hours worked;¹
- b. Section 130 ER Act by failing to keep adequate wages and time records;
- c. Section 81 HA by failing to keep adequate holidays and leave records;
- d. Section 22 HA by failing to pay one employee annual holiday pay in accordance with that section when annual holidays were taken in advance;
- e. Sections 23-25 HA by failing to pay the employees' final holiday pay correctly;
- f. Section 27 HA by failing to pay employees their final holiday pay in their final pay period when their employment ended;
- g. Section 49 HA by failing to pay employees for public holidays that were not worked, but were otherwise working days;
- h. Sections 50 HA by failing to pay at least time and a half for all public holidays worked by the employees;
- i. Section 56 HA by failing to provide the employees alternative holidays for public holidays they worked that were otherwise working days;
- j. Section 60(2) HA by failing to pay out alternative holidays to the employees when their employment ended;
- k. Section 71 HA by failing to pay one employee for sick leave taken and another employee for bereavement leave taken;
- l. Section 4 WPA for failing to pay the entire amount of wages payable to the employees without deduction, in relation to hours worked and not paid, as well as delayed wage payments; and

¹ It is noted that while the Respondents accept this breach, they do not accept the extent of the hours claimed by the employees who worked in Auckland.

- m. Section 5 WPA for making deductions from employees' wages without written consent.

Involvement of the Second Respondent

[3] The Second Respondent:

- a. was a person involved in the above breaches;
- b. had knowledge of the essential facts that establish the above contraventions; and
- c. is liable to pay a penalty in relation to her involvement in the above breaches.

Payment of Arrears

[4] The First Respondent is liable to pay \$147,001.19 (gross)² in arrears relating to the above breaches, being:

Employee	Cromwell			Cromwell, then Auckland	
	Harrish	Fazima	Sabriyyah	Shaniya	Ashia
MWA/WPA (unpaid wages)	\$4,320.38	\$8,622.66	\$10,258.20	\$48,961.24	\$10,204.56
Unlawful Deductions (rent, loans etc.)	\$0	\$5,325.00	\$5,900.00	\$11,158.00	\$2,550.00
Holiday pay	\$1,432.96	\$802.54	\$1,433.74	\$9,794.86	\$9,297.98
Public Holidays (.5 time arrears)	\$611.60	\$194.60	\$973	\$3,396.36	\$1,334.40
Public Holidays (alt day arrears)	\$472.63	\$158.73	\$634.92	\$2,132.04	\$1,460.42
Public Holidays (not worked)	\$259.02	\$275.14	\$322.48	\$2,180.20	\$1,417.80
Sick Leave	-	-	\$158.73	-	-
Bereavement Leave	-	-	-	\$957	-
Total arrears:	\$7,096.59	\$15,378.67	\$19,681.07	\$78,579.70	\$26,265.16

² As noted above, the Respondents do not accept the extent of the hours claimed by the employees who worked in Auckland. However, they have agreed to pay the full amount claimed in good faith and accepting the Authority's ability under s132(2) to accept the employees' claim as proved when insufficient wage and time records have been kept.

[5] As requested by the parties, the Authority orders the Applicant to release the above amount from the funds it currently holds in an interest-bearing account and attend to the distribution of these arrears to the employees, including deduction and payment of tax, as appropriate.³

Interest on Arrears

[6] The Applicant withdraws its claim of interest on the arrears with no issue as to costs.

Costs to date

[7] The First and Second Respondents, on a joint and several basis, are to pay the Applicant \$8,000 as a contribution to legal costs incurred in relation to the proceedings to date (i.e. up to and including this consent determination).

[8] The Applicant is to release the above amount from the funds it currently holds and apply it towards paying the costs order above.⁴

Remaining Issues for Determination

[9] The parties agree the imposition of penalties is appropriate in the circumstances.

[10] The remaining issues for the Authority to determine are therefore the quantum of those penalties and any costs related to that determination.

[11] The parties will take the steps outlined in their joint memorandum to further that determination.

Philip Cheyne
Member of the Employment Relations Authority

³ See *A Labour Inspector v SSM Investments Limited* [2025] NZEmpC 256 at [3].

⁴ *Ibid.*