

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

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

[2026] NZERA 201  
3374685

BETWEEN	TARANJOT SINGH Applicant
AND	SIAN ENTERPRISES LIMITED First Respondent
AND	SATWANT SINGH Second Respondent

Member of Authority:	Eleanor Robinson
Representatives:	John Wood, counsel for the Applicant Arunjeev Singh, counsel for the First and Second Respondents
Investigation Meeting:	On the papers
Submissions and/or further evidence	17 March 2026 from the Applicant 19 March 2026 from the Respondent
Determination:	2 April 2026

---

**PRELIMINARY DETERMINATION OF THE AUTHORITY**

---

**Employment Relationship Problem**

[1] The Applicant, Taranjot Singh, claims that he was unjustifiably dismissed and unjustifiably disadvantaged by the First Respondent, Sian Enterprises Limited (Sian). Taranjot Singh also claims that he is owed monies by the First Respondent as a result of it breaching employment standards, and that the Second Respondent, Satwant Singh, is a person involved in the breaches.

[2] Sian and Satwant Singh deny that Taranjot Singh was unjustifiably dismissed or unjustifiably disadvantaged in his employment. Sian and Satwant Singh also deny that they breached any employment standards in respect of Taranjot Singh.

[3] Counsel for the First and Second Respondent, Arunjeev Singh, raised two preliminary issues: the first that the Second Respondent, Satwant Singh, should not be joined as a party to

the proceedings, the second issue that the Statement of Problem did not raise Taranjot Singh's claim for unjustifiable dismissal within the statutory 90 day time limit.

[4] The first preliminary issue is not being pursued and Satwant Singh remains as the Second Respondent in this matter.

[5] This determination addresses the preliminary issue of whether Taranjot Singh raised his grievance claims within the statutory 90 day time limit.

### **The Authority's investigation**

[6] The parties agreed to the Authority determining this issue based on the papers currently before the Authority including the Statement of Problem and the Statement in Reply, documents submitted by the parties, and submissions from the parties.

[7] As permitted by s 174E of the Employment Relations Act 2000 (the Act) this determination has stated findings of fact and law, expressed conclusions on issues necessary to dispose of the matter and specified orders made. It has not recorded all evidence and submissions received.

### **Brief Background**

[8] Taranjot Singh was employed by Sian as a Driver on 23 March 2024. He was provided with a written employment agreement which stipulated that he was to work 30 hours a week at a rate of \$29.66 per hour.

[9] Taranjot Singh was concerned that he was not being paid properly and engaged professional representatives. On 6 March 2025 his representatives formally raised concerns with Sian that he had been working longer hours without appropriate compensation, and that from the following week he would work the contractual 30 hours with additional hours worked being paid.

[10] Sian denied the allegations and there followed communications between it and Taranjot Singh's representatives about the issues he was raising.

[11] On 13 March 2024 Sian issued a formal notice of the commencement of an investigation and placed Taranjot Singh on paid suspension.

[12] An investigation meeting took place on 3 April 2025 and was followed on 8 April by an invitation to a disciplinary meeting to be held on 10 April 2025. Despite protesting at the short notice, Taranjot Singh's representatives submitted his response to Sian's allegations.

[13] On 11 April 2025 a letter was received terminating Taranjot Singh's employment with Sian.

[14] On 29 April 2025 a Statement of Problem was lodged in the Authority on behalf of Taranjot Singh. The following day the Authority contacted Arunjeev Singh to ask if he would accept service on behalf of the First and Second Respondents.

[15] Arunjeev Singh confirmed that he acted for the First and Second Respondents and that the Statement of Problem and attached documents could be served on him.

[16] The documents were received by Arunjeev Singh on 1 May 2025. The Statement of Reply was received by the Authority on 14 May 2025.

[17] The parties subsequently attended mediation, but the matter did not resolve at mediation.

**Did Taranjot Singh raise his personal grievance within the statutory 90 day time limit?**

[18] Taranjot Singh has raised personal grievances for unjustifiable dismissal and unjustifiable disadvantage. Section 114 (1) and (2) of the Act state:

- (1) Every employee who wishes to raise a personal grievance must, subject to subsections (3) and (4), raise the grievance with his or her employer within the period of 90 days beginning with the date on which the action alleged to amount to a personal grievance occurred or came to the notice of the employee, whichever is the later, unless the employer consents to the personal grievance being raised after the expiration of that period.
- (2) For the purposes of subsection (1), a grievance is raised with an employer as soon as the employee has made, or has taken reasonable steps to make, the employer or a representative of the employer aware that the employee alleges a personal grievance that the employee wants the employer to address.

[19] The personal grievance must be raised within 90 days of the action occurring or coming to the notice of the employee.

*Submissions for the Respondents*

[20] Arunjeev Singh submits on behalf of Sian and Satwant Singh that Taranjot Singh's personal grievance was not raised in accordance with s114 of the Act. It is submitted that it was out of time because Taranjot Singh did not raise his grievance with his employer, Sian, within the statutory 90 day time limit, but instead lodged proceedings directly with the Authority.

[21] It is submitted that s 114(1) of the Act provides that an employee must raise a grievance with their employer within 90 days, and this is defined in s 114(2) as the grievance being made “as soon as the employee has made, or taken reasonable steps” to make the employer aware that the employee has a grievance they want the employer to address. The scheme of the Act requires that the employer be given the first opportunity to address the grievance internally because a fundamental principle of the employment relations framework is that parties should attempt to resolve their differences before seeking intervention from the Authority.

[22] It is submitted that lodging a grievance in the Authority is not a substitute for raising the grievance with the employer first. This action by Taranjot Singh has deprived his employer, Sian, the opportunity to resolve the matter internally or through mediation, which is the primary object of Part 9 of the Act.

[23] Moreover, it is further submitted that Taranjot Singh has not applied for leave to lodge his grievance out of time, and there are exceptional circumstances which exist to justify the delay. It is submitted that in the absence of such an application, the Authority cannot and should not investigate the substantive claim.

#### *Submissions for the Applicant*

[24] Mr Wood submits on behalf of Taranjot Singh, that the view that a personal grievance cannot be raised by being first raised in a Statement of Problem lodged in the Authority is incorrect.

[25] In support of this proposition, it is submitted that in the case of *Premier Events Group Ltd v Beattie (No 3)* the Employment Court held that:<sup>1</sup>

....the case law supports a finding that an employee may raise a personal grievance if a third party brings that grievance to the attention of the employer within the 90 day period. An employee who submitted an application to the Authority could be confident (because that is the normal procedure) that the Authority would serve that application to the named employer soon after its submission.

[26] It is submitted that the earlier ruling in *Premier Events* was upheld by the Court in *Panapa v Spotless Facility Services (NZ) Ltd* in which the Court stated:<sup>2</sup>

That being the case, and given that it is common ground that the statement of problem provided sufficient detail to raise the personal grievance, Ms Panapa raised her personal grievance within 90 days of it crystallising.

---

<sup>1</sup> *Premier Events Group Ltd v Beattie (No 3)* [2012] NZEmpC 257 at [10].

<sup>2</sup> *Panapa v Spotless Facility Services (NZ) Ltd* [2021] NZEmpC 88 at [42].

[27] It is therefore submitted for Taranjot Singh that the personal grievance has been raised in a manner that has been held to be acceptable to the Court. The raising of the grievance was within the 90 day time limit because Taranjot Singh was dismissed on 11 April 2025 and he lodged his Statement of Problem with the Authority on 29 April 2025. It is submitted that it is likely the Authority will have served the documents on Sian soon after that date.

#### *Discussion*

[28] An object of the Act as set out in s 3 is that of building productive employment relationships through the promotion of good faith in all aspects of the employment relationship.

[29] Taranjot Singh's employment agreement included a section entitled: 'Resolving employment relationship problems' which stated if an employee had any concerns about their employment, they should inform their employer as soon as possible, and that if the concern was a personal grievance, it should be raised with the employer within 90 days.

[30] Taranjot Singh raised concerns about his employment during his employment with Sian. Following an investigation, he was dismissed.

[31] Taranjot Singh did not raise his personal grievance for unjustifiable dismissal with his former employer Sian, but with the Authority.

[32] In *Premier Events* the Court further commented on the approach set out in s 114 of the Act:<sup>3</sup>

What is required is that the employee has made the employer aware of the grievance and that awareness occurred in this case when the employer was served with the statement of problem. In addition, the inclusion of the words "has taken reasonable steps to make", a phrase which was absent from the Employment Contracts Act also clearly allows a grievance to be raised where reasonable steps have been taken even if the employee has not succeeded in directly raising the grievance with the employer. I consider that Parliament's use of this phrase confirms this Court's interpretation that a "circuitous route"<sup>9</sup> for raising a personal grievance may be permissible depending on the facts of the case. In this case, the reasonable steps taken were the filing of the claim with the Authority.

[33] I find that a personal grievance can be raised by lodging a Statement of Problem with the Authority because the Authority will promptly serve it on the Respondent, provided that the correct respondent has been identified.

[34] The Authority will also direct the parties to mediation if they have not already attended mediation unless there is a persuasive reason why that might not be appropriate on the basis that the Act promotes mediation as the primary problem-solving mechanism for enforcing employment standards as set out in s 3(a)(v) of the Act.

---

<sup>3</sup> Premier Events above n 1

[35] However, I accept as valid Arunjeev Singh's submission that lodging directly with the Authority deprives the parties of an opportunity to resolve the matter internally. It is always preferable that issues between parties are resolved as soon as possible and without the necessity for involvement in a more formal forum.

**Outcome**

[36] I determine that Taranjot Singh raised his personal grievance within the statutory 90 day time limit.

**Costs**

[37] Costs are reserved pending the final outcome.

Eleanor Robinson  
Member of the Employment Relations Authority