

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

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

[2026] NZERA 321  
3244299

BETWEEN                      ZHENG WANG  
   Applicant  
  
AND                              JASMINE CATERING LIMITED  
   Respondent

Member of Authority:        Rachel Larmer  
  
Representatives:              David Kim, advocate for the Applicant  
   Martin Lyttleton, advocate for the Respondent  
  
Investigation Meeting:        26 May 2026 in Auckland and by AVL  
  
Date of Oral  
Determination:                26 May 2026  
  
Written Record of Oral        26 May 2026  
Determination:

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**WRITTEN RECORD OF ORAL DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

*The parties*

[1]     The Applicant, Mr Zheng Wang, was employed by the respondent, Jasmine Catering Limited (Jasmine Catering) from 7 September 2015 to 16 January 2017.

[2]     Mr Wang successfully claimed he was owed \$3,142.20 gross wage arrears for the period 4 April 2016 to 25 December 2016. Jasmine Catering was also ordered to contribute \$6,321.56 towards his legal costs for his successful claims against it and for successfully defending Jasmine Catering's counterclaims against him.

[3] Mr Wang has applied for a compliance order against Jasmine Catering requiring it to comply with the Authority's substantive and costs determinations.

[4] Ms Jessie Bo is Jasmine Catering's sole director. She did not dispute that Jasmine Catering has not paid Mr Wang the wage arrears and/or legal costs he was awarded by the Authority in 2023.

[5] The parties also agreed that they had not agreed on any payment arrangements that would have resulted in Mr Wang being paid the money he is owed.

#### *Previous determinations*

[6] The Authority has issued three previous determinations involving Mr Wang and Jasmine Catering, namely:

- (a) *Wang v Jasmine Catering Limited* [2023] NZERA 263 (substantive determination dated 25 May 2023; and
- (b) *Jasmine Catering Ltd v Wang* [2023] NZERA 264 (the counterclaim dated 25 May 2023).
- (c) *Wang v Jasmine Catering Ltd* [2023] NZERA 333 (costs determination dated 23 June 2023).

[7] This compliance order determination is the fourth determination the Authority has issued involving these parties.

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

[8] An in-person investigation meeting (IM) was held in Auckland on 26 May 2026.

[9] Mr Wang and his advocate attended the in person. Ms Bo was overseas and was unable to attend the IM. Jasmine Catering's advocate Mr Lyttleton attended via Teams in Ms Bo's absence.

[10] An oral determination was issued by the Authority at the investigation meeting on completion of the evidence.

**The issues**

[11] The following issues are to be determined:

- (a) Has Mr Wang been paid any of the money the Authority awarded him?
- (b) If not, should a compliance order be issued?
- (c) What costs and disbursements should be awarded?

**Has Mr Wang been paid any of the money the Authority awarded her?**

[12] The parties agreed no payments had been made to Mr Wang and no payment arrangement had been agreed with him.

[13] Accordingly, there was no dispute that Jasmine Catering has failed to comply with the Authority's substantive and costs determinations.<sup>1</sup>

**Should a compliance order be issued?**

[14] Mr Lyttleton submitted that Jasmine Catering owed outstanding taxes to Inland Revenue and will likely be liquidated soon. However, Jasmine Catering is still registered on the Companies Register.

[15] Mr Wang has waited to recover the money he was awarded by the Authority in 2023 to give Jasmine Catering an opportunity to challenge the Authority's determinations. The Employment Court's challenge process has now concluded, so Mr Wang is entitled to be paid the money Jasmine Catering owed him.

[16] There was no prospect of Mr Wang being paid anything unless a compliance order was issued. Accordingly, his compliance order application has been successful.

**What costs and disbursements should be awarded?**

[17] Mr Wang, as the successful party, is entitled to a contribution towards his actual legal costs, which the Authority was told were in excess of the notional daily tariff. Mr Wang is also entitled to be reimbursed the cost of his filing fee.

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<sup>1</sup> *Wang v Jasmine Catering Ltd* [2023] NZZERA 263; and *Wang v Jasmine Catering Ltd* [2023] NZERA 333.

[18] Accordingly, within 28 days of the date of this determination, Jasmine Catering is ordered to pay Mr Wang \$821.56, being a contribution of \$750.00 towards his legal costs plus \$71.56 to reimburse his filing fee.

### **Interest**

[19] Jasmine Catering has effectively had the use of Mr Wang's money which he was awarded in 2023 but which has still not yet been paid to him. It was therefore appropriate to award him interest on the money he is owed to reflect that he has been deprived of the use of his own money.

[20] Jasmine Catering is ordered to pay Mr Wang interest of \$1,503.80 on the \$10,967.56 he is owed. Interest is to run from 23 June 2023 (being the date the Authority's costs determination was issued) on the total amount owed of \$10,967.56 until it has been paid in full.

[21] Interest is to be calculated using the Civil Debt Interest Calculator on the Ministry of Justice website. That resulted in an interest of \$1,503.80 being awarded to Mr Wang for the period 23 June 2023 to today, 26 May 2026 (being the date of this determination).

### **Orders**

[22] Within 28 days of the date of this determination, Jasmine Catering Limited is ordered to pay Mr Wang \$11,789.12 gross, as follows:

- (a) Jasmine Catering Limited is ordered to comply with:<sup>2</sup>
  - (i) Paragraph [111] of the Authority's substantive determination dated 25 May 2023, by paying Mr Wang wage arrears of \$3,142.20 gross.
  - (ii) Paragraph [38] of the Authority's costs determination dated 23 June 2023, by paying Mr Wang \$6,321.56 towards his legal costs and disbursements.
- (b) Jasmine Catering Limited is ordered to pay Mr Wang interest for the period 23 June 2023 to the date of this compliance order determination of \$1,503.80 on the total amount outstanding of \$9,463.76.

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<sup>2</sup> *Wang v Jasmine Catering Ltd*, above n1.

- (c) Jasmine Catering is ordered to pay Mr Wang \$821.56 towards his costs and disbursements incurred in connection with this compliance order application.

### **Award of future interest**

[23] Interest will continue to run from 27 May 2026 (being the day following the date of this determination) on the amount of \$11,789.12 (being the amounts awarded in the Authority's two previous determinations plus interest from 23 May 2023 up to and including 26 May 2026) until Mr Wang has been paid in full, including any interest he has been awarded by the Authority.

[24] Interest is awarded on any part of the \$821.56 costs and disbursements Mr Wang has been awarded, which is to run from 24 June 2026 (being the 29<sup>th</sup> day after the date of this determination) until he has been paid in full, including all interest he has been awarded in this determination.

[25] All interest calculations are to be done using the Civil Debt Interest Calculator on the Ministry of Justice website.

### **Warning about breaches of this compliance order**

[26] If Jasmine Catering fails to comply with this compliance order then Mr Wang may apply under s 138(6) of the Act to the Employment Court for an exercise of its powers under s 140(6) of the Act.

[27] The Employment Court's powers under s 140(6) of the Act include the power to order (among other things) imprisonment for a period not exceeding three months, a fine up to a maximum of \$40,000 be imposed or order that property be sequestered.

[28] Any breach of the compliance order made in this determination must therefore be pursued by Mr Wang in the Employment Court, not the Authority.