

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2026] NZERA 332
3348380

BETWEEN DENISSE GOHANNA GUZMAN
ROMAN
Applicant

AND GABRIELA DINA
NASCIMENTO DE SOUZA
GODOY MOREIRA
First Respondent

AND ALEX SANDRO DE MENZIES
GODOY MOREIRA
Second Respondent

Member of Authority: David G Beck

Representatives: Jason Archer, counsel for the Applicant
No appearance by the Respondents

Investigation Meeting: 7 May 2026 in Christchurch

Submissions Received: 7 May 2026 from the Applicant
No submissions from the Respondents

Date of Determination: 29 May 2026

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] In a determination issued on 1 May 2023, the Authority found Maunga Horepa Contractors Limited owed Denisse Gohanna Guzman Roman arrears of minimum entitlements and a penalty was ordered against them to be paid in full to Ms Roman, being:

- (i) \$2,572.73 wage arrears.

(ii) Holiday and Public Holiday wage arrears of 4650.68.

(iii) Interest on the above in the amount of \$136.83.

(iv) A penalty in the amount of \$3,000.

(v) A costs contribution of \$2,250 and the Authority filing fee of \$71.56. ¹

[2] The above awards and costs have not been paid by Maunga Horepa Contractors Limited (MHCL) and Ms Roman has sought leave to pursue orders under s 142Y of the Employment Relations Act 2000 (the Act) against Gabriela Dina Nascimento De Soza Godoy Moreira and Alex Sandro De Menezes Godoy Moreira as co-directors and equal shareholders of MHCL on the basis Mr Roman says they were both involved in the failure to pay Ms Roman's minimum entitlements.

The Authority's investigation

[3] As they also did in the Authority investigation meeting of 1 May 2023 that led to the determination at issue, Gabriela and Alex Moreira did not participate in any of the proceedings and although directed to do so, they filed no statements in reply or briefs of evidence. However, during the first Authority investigation documentation was provided by the Moreira's, that Member Vincent noted was of "limited assistance" to her investigation. ² Ms Roman also provided evidence of her attempt to enforce the Authority's determination in the District Court that showed Alex Moreira appeared for MHCL at a financial assessment hearing. Ms Roman also provided a 29 July 2024, communication from the Ministry of Justice that indicated after conducting a "Warrant to Arrest" hearing no order had been made. The registrar's notes indicated Alex Moreira appearing for the debtor and he had said the company was not trading and that Gabriela Moreira was seeking to have the company closed as it had no assets. However, a search of the New Zealand Register shows the company has not yet been removed from the register although it appears to be inactive and notice has been given by the Registrar of Companies of its removal for failure to file an annual return.

[4] I am satisfied that Gabriela Moreira and Alex Moreira have been served with the current application, were made aware of the investigation meeting and have unfortunately chosen not to participate. I confirm that exercising discretion under s 142Y(2) of the Act the

¹ *Denisse Gohanna Guzman Roman v Maunga Horepa Contractors Limited* [2023] NZERA 215.

² Note 1 at [3].

Authority has given Ms Roman prior leave to seek to recover the wage arrears and other money identified as owing from the Moreiras. I note that this leave to recover, cannot extend to recovery of the \$3,000 penalty ordered by the Authority as s 142X(2) of the Act confines recovery to an action initiated “only by a Labour Inspector”.

[5] At my investigation meeting, I was provided with a written brief of evidence from Ms Roman and she attended the investigation meeting to answer questions.

[6] Pursuant to s 174E of the Act, I make findings of fact and law and outline conclusions to resolve the disputed issue and make orders, but I do not record all details of submissions received.

Were Gabriela and Alex Moreira persons involved in the breaches?

[7] I am satisfied on the documentary and oral evidence provided by Ms Roman that most of her dealings were with Gabriela Moreira who she knew as a director of the company. This included Gabriela approaching Ms Roman to work for her cleaning business and arranging for Ms Roman’s work visa to be transferred to MHCL; initially directing her work and, recording hours worked by timesheets Gabriela provided. However, Ms Roman recalled any time she raised issues about her pay she was advised by Gabriela that she would have to consult Alex Moreira (her partner) as he handled all the financial side of the business. Ms Roman says she received email communication from a company email and was of the understanding the Moreiras both had access to this email account. Ms Roman says she was dismissed by Gabriela Moreira but when attempting to recover unpaid entitlements she dealt with both directors of MHCL.

Finding

[8] I conclude on the uncontested evidence, that both Gabriela and Alex Moreira were persons involved in the identified breaches of failing to pay Ms Roman her wages due and statutory entitlements. I also observe that Ms Roman at the time of the employment was a vulnerable migrant worker seeking to gain New Zealand permanent resident – a status she has now established. I find Gabriela and Alex Moriera are to be held jointly and severally liable to pay the amounts ordered by the Authority in the 1 May 2023 determination.³

³ Note 1.

Orders

[9] By order of the Authority pursuant to ss 142Y and s137 of the Employment Relations Act 2000, Gabriela Dina Nascimento De Souza Godoy Moreira and Alex Sandro De Menzes Godoy Moreira are on a joint and several liability basis ordered to pay Denisse Gohanna Guzman Roman:

- (a) \$911.60 wage arrears.
- (b) A \$1661.13 notice payment.
- (c) \$168.10 Public Holiday pay.
- (d) \$482.58 holiday pay
- (e) Costs of \$2,250 and the Authority filing fee of \$71.55c.
- (f) Interest on awards (a) – (d) in the amount of \$136.83

[10] Pursuant to s 137(3) of the Employment Relations Act 2000 the above orders must be met by no later than 3 July 2026.

Costs

[11] Costs for this application are at the discretion of the Authority and here Denisse Hoshana Guzman Roman was successful in her action establishing the parties to the breach and has obtained a compliance order. Counsel, on behalf of Canterbury Community Law Canterbury, has sought a costs contribution to prepare this application, submissions and representation at the investigation meeting. I can see no reason why a costs order to reimburse community law for their representation should not be made on the basis the Authority and the Employment Court has previously accepted this is appropriate.⁴

[12] I fix the costs contribution amount at \$1,500 to be paid by Gabriela Dina Nascimento De Souza Godoy Moreira and Alex Sandro De Menzes Godoy Moreira to the Community Law Canterbury (PO Box 2912, Christchurch 8140) within 28 days of the issuing of this

⁴ See for example the Employment Court costs decision *Chevelle Motors Ltd v Cranswick* [2017] NZEmpC 112 and now Chief Member Dallas' discussion of why a community law centre, for public interest reasons, may be granted a contribution to the costs of representation in *Celia Popkin v Innovative Landscapes Limited* [2020] NZERA 374, an approach upheld by the Employment Court in *Innovative Landscapes (20150 v Popkin* [2020] NZEmpC 96, [2020] ERNZ 262 at [21]-[22].

determination. I also order Gabriela Dina Nascimento De Souza Godoy Moreira and Alex Sandro De Menzes Godoy Moreira to pay Denisse Gahanna Guzman Roman an additional filing fee for this application of \$71.55.

David G Beck
Member of the Employment Relations Authority