

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2026] NZERA 395
3433564
3433585

BETWEEN	A LABOUR INSPECTOR OF THE MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT Applicant
AND	BOTTLE BOX HOLDINGS LIMITED First Respondent
AND	MANPREET SINGH Second Respondent

Member of Authority:	Simon Greening
Representatives:	Michelle Brown, counsel for the Applicant Manpreet Singh for the Respondents
Investigation Meeting:	On the papers
Submissions received:	8 June 2026 from the Applicant None from the Respondents
Determination:	22 June 2026

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] On 22 December 2025 the Labour Inspector lodged an application in the Authority alleging Bottle Box Holdings Limited (BBH) failed to supply wages and time records and holiday and leave records for seven employees, as required by s 229 of the Employment Relations Act 2000 (“the Act”).

[2] The Labour Inspector also alleged that BBH failed to supply wages and time records and holiday and leave records, after receiving written notice as required by s 232 of the Act and failed to maintain compliant wages and time records and holiday and leave records for the same group of employees.

[3] The Labour Inspector seeks penalties against BBH for the alleged breaches, pursuant to s 229(3), s 232(4), and s 130(4) of the Act. The Labour Inspector also seeks a penalty pursuant to s 75 of the Holidays Act 2003 (HA03).

[4] The Labour Inspector alleges that Manpreet Singh, being the sole director of BBH, is a person involved in the alleged breaches of s 130 of the Act and s 81 of the HA03. Therefore, the Labour Inspector seeks penalties against Mr Singh pursuant to s 75 of the HA03, s 130(4) and 142(x) of the Act.

[5] The Labour Inspector seeks removal of this application to the Employment Court.

[6] The Labour Inspector has also made an application to the Employment Court for the exercise of powers under Part 9A of the Act (Employment Court proceedings).

The Authority's investigation

[7] Mr Singh and BBH did not lodge a statement in reply in the Authority.

[8] The Court held a telephone directions conference on Monday 23 March 2026 at 9.30am. Mr Singh and BBH were granted leave by the Court to file and serve statements of defence by 4pm on 24 April 2026.

[9] Mr Singh and BBH did not file and serve statements of defence.

[10] Mr Singh attended the case management conference (CMC). Leave was granted to Mr Singh and BBH to lodge statements in reply in the Authority.

[11] Mr Singh and BBH did not lodge statements in reply in the Authority.

[12] The Labour Inspector lodged submissions in accordance with the Authority's timetable. Mr Singh and BBH did not lodge submissions with the Authority.

[13] As permitted by s 174E of 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.

Grounds for removal

[14] The Labour Inspector submits the removal application should be granted because:

- (a) the Court already has before its proceedings which are between the same parties, and which involve the same or similar or related issues; and
- (b) in all the circumstances the matter should be determined by the court.

Discussion

[15] The Court has proceedings before it which relate to the same group of employees, and which arise out of the same alleged employment practices of BBH during the period September 2023 to April 2025.

[16] The proceedings before the Court, like those before the Authority, concern alleged breaches of the Minimum Wage 1983, Wages Protection Act 1983 and HA03.

[17] In the Court proceedings, the Labour Inspector seeks orders under Part 9A of the Act, including declarations of breach, pecuniary penalties for alleged serious breaches of minimum entitlement provisions, compensation orders, and banning orders.

[18] In order for the Court to make a declaration of breach, it must be satisfied that a person has breached a minimum entitlement provision; or been involved in a breach of a minimum entitlement provision, and the breach of the minimum entitlement provision is serious.¹

[19] The Court will therefore need to make findings as to whether breaches of minimum employment standards occurred, which will necessarily involving making findings about the hours worked, payments made, and records kept by BBH.

[20] I am satisfied the Court already has before it proceedings which are between the same parties, and which involve the same issues.

¹ Employment Relations Act 2000, s 142B(2).

[21] Furthermore, there would be duplication of evidence and factual findings if both the Authority and the Court were required to make findings in relation to the same matters.

[22] Therefore, I am also of the opinion that in all the circumstances the Court should determine the matter.²

Summary and orders

[23] The Authority is satisfied that a ground for removal has been made out, namely the Court already has before it proceedings which are between the same parties, and which involve the same or similar or related issues.

[24] The Authority therefore exercises its discretion under s 178(2) of the Act and orders that the matter 3433564 is removed to the Court.

Costs

[25] Costs are reserved.

Simon Greening
Member of the Employment Relations Authority

² Employment Relations Act 2000, s 178(2)(d).