

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC 67/2021
[2021] NZSC 97**

BETWEEN

GILL PIZZA LIMITED
First Applicant

SANDEEP SINGH
Second Applicant

JATINDER SINGH
Third Applicant

MANDEEP SINGH
Fourth Applicant

AND

A LABOUR INSPECTOR (MINISTRY OF
BUSINESS, INNOVATION AND
EMPLOYMENT)
Respondent

AND BETWEEN

MALOTIA LIMITED
First Applicant

SANDEEP SINGH
Second Applicant

MANDEEP SINGH
Third Applicant

JATINDER SINGH
Fourth Applicant

AND

A LABOUR INSPECTOR (MINISTRY OF
BUSINESS, INNOVATION AND
EMPLOYMENT)
Respondent

Court: William Young, Ellen France and Williams JJ

Counsel: G G Ballara and S P Radcliffe for Applicants
J C Catran and H T N Fong for Respondent

Judgment: 12 August 2021

JUDGMENT OF THE COURT

- A** Leave to appeal is granted (*A Labour Inspector (Ministry of Business, Innovation and Employment) v Gill Pizza Ltd* [2021] NZCA 192).
- B** The approved question is whether the Court of Appeal was correct to conclude that the Employment Court erred in finding that, if a defendant asserts there is no employment relationship, the Labour Inspector must first seek a declaration of employment status from the Employment Court under s 6(5) of the Employment Relations Act 2000 before commencing or continuing a proceeding under s 228(1) of that Act.
-

REASONS

[1] The Registrar is directed to set the appeal down for hearing (one half day) in the week commencing 1 November 2021.

Solicitors:
McBride Davenport James, Wellington for Applicants
Crown Law Office, Wellington for Respondent