

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 11A/09  
5081794

BETWEEN	MODUPE AKIB Applicant	
AND	CHIEF NORTHTEC Respondent	EXCEUTIVE

Member of Authority: Dzintra King

Representatives: Mark Ryan, Counsel for Applicant  
Bryce Quarrie, Counsel for Respondent

Determination: 03 July 2009

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] The applicant, Ms Modupe Akib, was successful in her claim that she had been unjustifiably dismissed and in some of her claims that she had been unjustifiably disadvantaged. She was also successful in her claim that wages had been illegally deducted. Mrs Akib was awarded \$3,000 compensation.

[2] I have had no costs submissions from the applicant. The respondent, however, seeks costs on the basis of a Calderbank offer made on 21 June 2007. This comprised an offer of \$3,000 compensation, two months' salary in lieu of notice (\$1,768.38), a contribution of \$1,400 towards Mrs Akib's legal costs and the waiving of the overpayment of \$822.22 (the amount subsequently deducted from Mrs Akib's final pay?).

[3] The Calderbank offer had no closing date for acceptance. It is clear that Mrs` Akib would have been financially better off had she accepted the offer.

[4] The respondent incurred costs of \$7,087.50 (including GST) after the offer was made. The respondent seeks a contribution of \$7,000.

[5] This was a reasonable settlement proposal.

[6] Because Mrs Akib has made no submissions on costs I do not know what costs she incurred.

[7] The respondent's Calderbank offer would have settled matters a significant time prior to the matter coming before the Authority and significantly reduced the amount of monies needed to be expended on legal proceedings.

[8] While the amount sought by the respondent is high, the respondent is, in the circumstances, entitled to a contribution towards its costs. I set that amount at \$1,500.

Dzintra King  
Member of the Employment Relations Authority