

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Andrew John Boost (Applicant)  
**AND** Carbine Milk Limited (Respondent)  
**REPRESENTATIVES** Andrew John Boost in person  
John Murdoch, for Respondent  
**MEMBER OF AUTHORITY** Y S Oldfield  
**SUBMISSIONS** 18 April 2006  
**DATE OF DETERMINATION** 10 October 2006

DETERMINATION OF THE AUTHORITY ON COSTS

Employment Relationship Problem

[1] Mr Boost came to the Authority seeking holiday pay and arrears of wages. Carbine Milk Limited counter claimed one week's wages from him by way of forfeit for his failure to give the notice of termination required by his employment agreement. In a determination dated 28 March I concluded that a day's wages was outstanding but also that Mr Boost did indeed forfeit one week's wages for failure to give notice. I therefore ordered him to pay to the respondent the balance of four days pay.

[2] In a submission on costs the successful respondent has advised that the cost to it of representation in the Authority was \$2,250.00. Noting that additional (albeit non-recoverable) costs were incurred in mediation it seeks a contribution to costs of \$2,000.00. The Authority has sought from the applicant a response to this submission but nothing has been forthcoming. I now proceed to determine costs on the basis of the information I have.

Determination

[3] As a general rule, the successful party to an employment relationship problem is entitled to a modest contribution to their costs. This case is no exception. The issues in this case were narrow, little was required of the parties by way of preparation, and the investigation meeting was brief (well under a day.)

[4] Given these circumstances, **I order Mr Boost to pay to the respondent the sum of \$1,000.00 as contribution to its costs.**

Y S Oldfield  
Member of Employment Relations Authority