

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN Michael Diamond (Applicant)
AND Capital Communications Limited (Respondent)
REPRESENTATIVES Gail Irwin for Applicant
Maree Kirk for Respondent

MEMBER OF AUTHORITY G J Wood

SUBMISSIONS RECEIVED 12 July 2005
DATE OF 13 July 2005
DETERMINATION

COSTS DETERMINATION OF THE AUTHORITY

1. At the commencement of the investigation meeting the respondent, Capital Communications Limited (“Capital Communications”), agreed to pay the applicant, Mr Diamond, three days’ pay for giving him four weeks instead of one month’s notice of redundancy. Mr Diamond’s claims against the genuineness of the redundancy and the way the redundancy was effected were dismissed.
2. Capital Communications now seeks a contribution to its costs of \$15,000, plus GST. It also seeks \$220 for recopying documents to assist the Authority. Mr Diamond submits that costs should lie where they fall as Capital Communications only produced important evidence at the last minute and only agreed to pay sums that should have been paid much earlier than the investigation meeting.
3. Mr Diamond should not have had to wait until the day of the investigation meeting to get the three days’ pay owing to him. His major claims were, however, dismissed and it therefore follows that he should meet a fair level of Capital Communications’ costs.

4. In many ways this was a standard case and justice will be served, I find, by an order for costs of \$2,000 in Capital Communications' favour. It was the parties' responsibility to organise proper distribution of the agreed bundle of documents. I can find no reason to lay blame for the problem of last minute copying other than equally.

5. I therefore order the applicant, Mr Michael Diamond, to pay the respondent, Capital Communications Limited, the sum of \$2,000.00 in costs.

G J Wood
Member of Employment Relations Authority