

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

CA 33/09  
5123403

BETWEEN ROA'A FAWZI  
Applicant

AND THE CANTERBURY  
DISTRICT HEALTH BOARD  
Respondent

Member of Authority: Helen Doyle

Representatives: No appearance by Applicant  
Penny Shaw, advocate for Respondent

Investigation Meeting: 17 March 2009

Determination: 18 March 2009

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**DETERMINATION OF THE AUTHORITY**

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**Employment relationship problem**

[1] The employment relationship problem between Ms Fawzi and the Canterbury District Health was set down for an investigation meeting on 17 March 2009 following a telephone conference with the Authority on 21 October 2008. Ms Fawzi was represented during the telephone conference by her advocate, Robert Thompson and the Canterbury District Health Board was represented during the telephone conference by its advocate, Penny Shaw.

[2] During the telephone conference the Authority made directions with respect to the lodging and serving of statements of evidence for the investigation meeting. Both parties complied with the directions. I am satisfied that a copy of the notice of direction and notice of investigation meeting was served on Ms Fawzi's representative.

[3] On 16 March 2009 the Authority received a letter from Mr Thompson advising that he was no longer acting for Ms Fawzi and that he had not been able to contact her. Mr Thompson said in his letter that he was unsure whether Ms Fawzi would attend at the investigation meeting.

[4] On the morning of 17 March 2009 there was no appearance by Ms Fawzi at the expected commencement time for the investigation meeting of 9.30am. An Authority support officer was able to obtain two telephone numbers for Ms Fawzi and tried to call her between 9.30am and 10am when there was no appearance by her. Both telephone numbers automatically switched across to voice mail.

[5] After waiting half an hour in case Ms Fawzi was simply late I met with Ms Shaw and one of her respondent witnesses and advised them that there had been no success in contacting Ms Fawzi that morning. I also advised that there had been no reason provided to the Authority for her failure to appear.

[6] In the circumstances I dismiss Ms Fawzi's employment relationship problem lodged with the Authority.

### **Costs**

[7] Ms Shaw wanted me to address the issue of costs and provided an invoice for the respondent's costs to date.

[8] I consider it appropriate to deal with the issue of costs at this point. Although the investigation meeting did not proceed the Canterbury District Health Board was put to expense in preparing for the meeting. There were four witness statements provided on its behalf to respond to the points raised by Ms Fawzi. One in particular was quite detailed. Ms Shaw provided information that actual costs to date are \$4,000.

[9] Costs in the Authority are generally modest. I would have anticipated if the matter had proceeded the investigation meeting would have been comfortably undertaken in one day and that costs awarded in those circumstances would usually be between \$2,000 - \$2,500. The matter was not particularly complex. I find that the sum of \$1,200 would be a fair and reasonable award in all the circumstances for the preparation undertaken in anticipation of the meeting.

[10] I order Roa'a Fawzi to pay to The Canterbury District Health Board the sum of \$1,200 being costs.

Helen Doyle  
Member of the Employment Relations Authority