

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 346/10
5296808

BETWEEN

KATHY GARDNER
Applicant

AND

LINK BUSINESS BROKING
LIMITED
Respondent

Member of Authority: Rachel Larmer

Representatives: Clive Bennett, Counsel for Applicant
No appearance by Respondent

Determination: 03 August 2010

COSTS DETERMINATION OF THE AUTHORITY

[1] The applicant's employment relationship problem was set down for an investigation meeting commencing at 10am today.

[2] The meeting date was set during the telephone conference with the parties held on 24 March 2010. Mr Aaron Toresen, who is the Director of the respondent, represented it at the telephone conference and he has been the person who has communicated with the Authority.

[3] The respondent filed a Statement in Reply and was subsequently directed to provide any witness statements by 21 May 2010. Witness statements from Mr Toresen and three other current employees were filed on 25 May 2010.

[4] The respondent was unwilling to voluntarily attend mediation, so the parties were directed to mediation, which occurred on 22 June 2010.

[5] The applicant and her witnesses were present at 10am this morning. There was no appearance by the respondent or any of its witnesses.

[6] After waiting for half an hour, the Authority made inquiries as to the respondent's whereabouts and was told that Mr Toresen was overseas until Thursday 5 August 2010 and that none of the three other employee witnesses knew that they were expected to attend the investigation meeting today.

[7] The applicant requested an adjournment to give the respondent a further opportunity to attend an investigation meeting into her claim. Mr Bennett also sought costs and indicated that the applicant's actual costs of attending the investigation meeting today would be about \$750.

[8] The adjournment was granted and a new investigation meeting was set for 27 August 2010.

[9] It is not known why the respondent did not notify the Authority or applicant in advance that he was unavailable to attend the meeting today. The respondent has put the applicant to unnecessary delay and cost and, by simply not appearing today, it has inconvenienced the applicant and the Authority. A costs order is therefore appropriate.

[10] The respondent is to pay the applicant, within 7 days of the date of this determination, \$500 costs.

Rachel Larmer
Member of the Employment Relations Authority