

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Marilyn Griffiths (Applicant)
AND Wilding International Limited (Respondent)
REPRESENTATIVES John Pebbles, for Applicant
Respondent in person
MEMBER OF AUTHORITY Marija Urlich
Memoranda as to costs received 2, 4, 7 and 10 August 2006
DATE OF DETERMINATION 14 September 2006

DETERMINATION OF THE AUTHORITY

[1] In a determination dated 18 July 2006 I upheld Mrs Griffiths claim that she had been unjustifiably dismissed and made an award of remedies in her favour which was reduced for contribution. Costs were reserved and the parties were invited to attempt to resolve this issue themselves and if unsuccessful they had leave to refer the matter back to the Authority to determine.

[2] The parties' attempts to resolve costs have not been successful and they have filed memoranda setting out their respect views.

[3] Mr Pebbles advises that Mrs Griffiths has incurred costs in excess of \$3000 in pursuing her personal grievance. He submits that she made reasonable attempts to settle the matter prior to the Authority's investigation and that the issue of contribution was dealt with in the substantive determination and should not be a factor to consider in any award of costs.

[4] Mr Pohio submits that costs should lie where they fall because the respondent is not in a strong financial position and Mrs Griffiths was found to have contributed in a blameworthy manner to the circumstances arising to her personal grievance.

[5] The investigation meeting was straightforward and concluded in less than a day. The usual awards made by the Authority for such investigation meetings fall between \$1000 and \$3000. Applying the principles guiding the Authority's discretion to award costs¹ the applicant is entitled to a modest award of costs. A reasonable award for this matter is \$1500 plus reimbursement of the \$70 filing fee. The respondent is ordered to the applicant \$1570 as a contribution to the costs she has incurred in pursuing her personal grievance.

Marija Urlich
Member of Employment Relations Authority

¹ *PBO Ltd v Da Cruz* (Employment Court, unreported, AC2A/05, 9 December 2005)