

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 265
5294092

BETWEEN	HASHI JAMA Applicant
AND	GREENLEA PREMIER MEATS LIMITED Respondent

Member of Authority:	Vicki Campbell
Representatives:	Catherine Hay for Applicant Katherine Burson for Respondent
Submissions Received:	No Submissions from Applicant 12 April 2011 from Respondent
Determination:	20 June 2011

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 16 March 2011, the Authority held that Mr Jama's claim for a personal grievance for unjustified dismissal was barred by operation of section 114 of the Employment Relations Act (the Act).

[2] I reserved the question of costs and invited the parties to resolve the matter between them. The parties have been unable to resolve the matter between them and I am now in receipt of a memorandum from the Respondent seeking a contribution towards its costs.

[3] The principles appropriate to the exercise of the Authority's discretion in relation to costs are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz*¹. Costs will generally follow the event and awards will be modest. However, in exercising its discretion to award costs the Authority is required to first consider whether the costs incurred by Greenlea Premier Meats Limited (Greenlea) were reasonable in all the circumstances.

¹ [2005] 1 ERNZ 808.

[4] Ms Burson says Greenlea's costs amounted to more than \$16,000. I have received an invoice which supports Ms Burson's assertions. I have concluded that the invoice relates not just to Mr Jama's personal grievance claim but also to Mr Osman's personal grievance claim. Given the extent of the remedies being sought by Mr Jama, which included reinstatement, I find the costs to be reasonable.

[5] The investigation meeting was completed in less than a day. Having regard to the nature of the investigation, and in the principled exercise of my discretion **Mr Jama is to pay to Greenlea Premier Meats Limited the sum of \$3,000 in costs plus disbursements of \$170.65.**

Vicki Campbell
Member of Employment Relations Authority