

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2013] NZERA Auckland 83
5371320

BETWEEN LAWRENCE JUNGE
 Applicant

AND SERVICE ENGINEERS
 LIMITED
 Respondent

Member of Authority: K J Anderson

Representatives: S Tee, Counsel for Applicant
 S Lodge, Advocate for Respondent

Submissions received: 31 January 2013 from Applicant
 8 February 2013 from Respondent

Determination: 11 March 2013

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 9th January 2013¹ the Authority found that the dismissal of Mr Junge was unjustified and remedies were awarded. The parties were invited to resolve the issue of costs. The submissions for the parties indicate that they have attempted to reach agreement about an appropriate contribution by the respondent to the applicant's costs, and have made some progress accordingly. However, where the parties are at odds is that while they accept that recognition of a daily tariff approach² is appropriate, they have not been able to agree on whether the tariff should apply to one day (according to the applicant) or to half of a day (according to the respondent).

[2] The first point that should be made is that the parties have been basing their respective arguments on a daily tariff of \$3,000. But, the current rate being applied by

¹ [2013] NZERA Auckland 9

² *PBO Limited (formerly Rush Security Limited) v Da Cruz* [2005] ERNZ 808.

the Authority (and has been for some time) is \$3,500. This figure can be raised or reduced depending on the particular circumstances of a case.

[3] There was nothing particularly unusual about this case. Therefore, given that a difference of view has arisen regarding whether the time involved in the investigation meeting should be treated as a half a day or one day, the respective rate regarding an appropriate costs award would be \$1,750 or \$3,500.

Determination

[4] The investigation meeting started at 10:00a.m. and finished at 1:40p.m. without a break for lunch and written closing submissions were forwarded post-hearing; hence I conclude that it is appropriate to award costs on the basis of four hours of time (half a day). Pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000, Service Engineers Limited shall pay to Mr Junge the sum of \$1,750.00 as a contribution towards the costs incurred in pursuing his personal grievance.

K J Anderson
Member of the Employment Relations Authority