

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 461
5295016

BETWEEN	WILSON KIM Applicant
AND	THERMOSASH COMMERCIAL LIMITED Respondent

Member of Authority: Alastair Dumbleton

Submissions Received 14 July 2011, from Respondent only

Determination: 25 October 2011

COSTS DETERMINATION OF THE AUTHORITY

[1] The Authority determined on 27 June 2011 – [2011] NZERA Auckland 276 - that the applicant Mr Wilson Kim did not have a personal grievance of any kind arising out of the termination of his employment or out of the way he was treated, by the respondent Thermosash Commercial Limited. The actions of the employer and how it acted were held to be what a fair and reasonable employer would have done in all the circumstances at the time the dismissal and action occurred.

[2] Costs were reserved and a timetable given for any application to be made by Thermosash for an order against Mr Kim and for any reply to be made by him.

[3] Costs submissions were received within time from Thermosash. Mr Kim has not replied at all.

[4] The order sought is for Mr Kim to pay \$9,000 as a contribution to greater costs incurred by Thermosash. The investigation meeting took place over some three days to give Mr Kim, who was not represented, every opportunity to provide evidence in

support of his claims. The award has been calculated on the basis of the daily tariff of about \$3,000 for each of three days.

[5] Mr Kim has not presented any submissions opposing an award being made and I consider the amount sought represents a reasonable contribution to actual costs in the circumstances.

Determination

[6] Exercising the discretion of the Authority in the circumstances, Mr Kim is ordered to pay \$9,000 to Thermosash Commercial Limited, pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000.

[7] Delay in completing this investigation is unfortunate but change within the Authority over the last six months has required priorities to be re-set.

A Dumbleton
Member of the Employment Relations Authority