

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 264
5294090

BETWEEN FARHAN OSMAN
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 Osman'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 Osman's personal grievance claim but also to Mr Jama's personal grievance claim. Given the extent of the remedies being sought by Mr Osman, 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 Osman 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