

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH OFFICE**

**BETWEEN** Joanna Penny (Applicant)  
**AND** Pro Labora Limited (Respondent)  
**REPRESENTATIVES** Ian Thompson, Advocate for Applicant  
Carl H van Zijll de Jong, Advocate for Respondent  
**MEMBER OF AUTHORITY** Helen Doyle  
**SUBMISSIONS RECEIVED** 10 March 2005 from applicant  
29 March 2005 from respondent  
**DATE OF DETERMINATION** 1 April 2005

**COSTS DETERMINATION OF THE AUTHORITY**

[1] In my determination dated 28 February 2005 I found that the applicant was unjustifiably dismissed from her employment and I awarded her remedies. I reserved the issue of costs and invited the parties to attempt to resolve costs. A resolution was not achieved and I am now required to determine costs.

[2] The applicant's actual costs are \$1500.00. Mr van Zijll de Jong does not refer directly to the amount claimed by the applicant for costs in his letter, instead making it clear in his letter that he does not accept the determination.

[3] Notwithstanding Mr van Zijll de Jong's submission I am required to determine the proportion of actual costs incurred by the applicant that it is reasonable for the respondent to pay. I am of the view that the actual costs and disbursements incurred were reasonable. I have considered what proportion of those costs it would be reasonable for the respondent to pay. I have taken into account the fact that the matter was able to be investigated within two hours and have also taken into account the level of preparation required. The matter was not a complex one. In all the circumstances I am of the view that a fair contribution toward costs would be the sum of \$1300.00.

[4] Pro Labora Limited is ordered to pay to Joanna Penny costs in the sum of \$1300.00.

Helen Doyle  
Member of Employment Relations Authority