

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI  
TE WHANGANUI-Ā-TARA ROHE**

[2024] NZERA 299  
3245839

BETWEEN REBECCA RUMBLE  
Applicant

AND EUROPEAN PROFILE  
COMPANY LIMITED  
Respondent

Member of Authority: Sarah Kennedy-Martin

Representatives: Paul Mathews, advocate for the Applicant  
Barry Burt for the Respondent

Submissions Received: 29 April 2024 from the Applicant  
No response from the Respondent

Date of Determination: 22 May 2024

---

**COSTS DETERMINATION OF THE AUTHORITY**

---

[1] In a determination dated 22 March 2024, I found that European Profile Company (EPCL) had not justified its actions and Ms Rumble was successful with her personal grievance claim that she was constructively dismissed.<sup>1</sup>

[2] The Authority reserved the issue of costs and encouraged the parties to resolve costs between them. The parties were unable to resolve the issue of costs and Authority received submissions from Ms Rumble seeking a determination.

**Costs**

[3] Costs are a matter of discretion. The discretion is to be exercised in accordance with principle and not arbitrarily. The main principle in the exercise of the discretion

---

<sup>1</sup> *Rumble v European Profile Company Limited* [2024] NZERA 168.

is that costs follow the event. If a party is successful, they will be entitled to an award of costs. Ms Rumble was successful with her personal grievance claim.

[4] The starting point for costs based on the Authority's daily tariff is \$4,500.00 for the first day. From that starting point the Authority can consider whether there are factors justifying an increase or decrease in costs.

[5] Ms Rumble seeks \$4,500.00 in costs plus the application fee. Ms Rumble was wholly successful, and it was submitted on her behalf that as costs ought to follow the event, an award of \$4,500.00 would be appropriate. No uplift or downscaling was applied for.

[6] No submissions were received from EPCL.

[7] The Authority investigation meeting amounted to a day. With no submissions from EPCL I consider that an award of costs in the amount of \$4,500.00 is appropriate.

### **Orders**

[8] I order European Profile Company Limited to pay \$4,500.00 in costs and \$71.56 for the Authority filing fee to Rebecca Rumble.

Sarah Kennedy-Martin  
Member of the Employment Relations Authority