

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

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

[2019] NZERA 152  
3031071

BETWEEN

SAURABH SHARMA  
Applicant

AND

WAYS ELECTRONICS  
LIMITED  
First Respondent

Member of Authority: Vicki Campbell  
Representatives: Applicant in Person  
Alex Hope for Respondent  
Submissions received: 26 February 2019 from Applicant  
11 February 2019 from Respondent  
Determination: 15 March 2019

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**COSTS DETERMINATION OF THE AUTHORITY**

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- A. Ways Electronics Limited is ordered to pay to Mr Sharma the sum of \$204.56 as a contribution toward his costs within 14 days of the date of this determination.**

[1] In a determination dated 17 January 2019 I found Mr Sharma had paid money to Ways Electronics that amounted to a premium, that Mr Sharma had been unjustifiably dismissed and imposed a penalty against Ways Electronics for breaches of the employment agreement and section 12A of the Wages Protection Act 1983.<sup>1</sup>

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<sup>1</sup> *Sharma v Ways Electronics Limited* [2019] NZERA 18.

[2] I reserved costs and invited the parties to resolve the issue between them. The parties have been unable to resolve the matter and I have now received submissions.

[3] The discretion to award costs, while broad, is to be exercised in a principled way. The primary principle is that costs follow the event. The Authority has the power to order any party to pay to any other party such costs and expenses as the Authority thinks' reasonable.<sup>2</sup> The principles applying to costs are well settled and do not require repeating.<sup>3</sup>

[4] An assessment of costs in the Authority will normally start with the notional daily tariff which is \$4,500 for the first day of an investigation meeting and \$3,500 for each subsequent day.<sup>4</sup> The investigation meeting took one day so the starting point is \$4,500.

[5] Up until the investigation meeting neither party was represented. Mr Sharma represented himself at the investigation meeting and has not incurred any legal costs for which a contribution can be made. He has however, applied for reimbursement of the filing fee and disbursements for his travel associated with attendance at the investigation meeting, photocopying and for unpaid leave taken to attend on the day of the investigation meeting.

[6] To support his claim for reimbursement of the unpaid leave Mr Sharma took for the investigation meeting he has provided the Authority with a copy of his pay slip for the period ending 19 August 2018. This payslip is unhelpful in supporting Mr Sharma's claim, however, I accept he would not have received payment for the hours he attended the investigation meeting and that this was a cost incurred by him.

[7] Mr Sharma is entitled to be reimbursed his costs associated with his claim and attendance at the Authority's investigation meeting of \$204.56 as follows:

- Filing fee           \$71.56
- Photocopying       \$38.00
- Unpaid leave       \$95.00 gross

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<sup>2</sup> Employment Relations Act 2000, Schedule 2, clause 15.

<sup>3</sup> *PBO Ltd v Da Cruz* [2005] 1 ERNZ 808, 819-820 and *Fagotti v Acme & Co Limited* [2015] NZEmpC 135 at [106] – [108].

<sup>4</sup> Practice Note 2, Costs in the Employment Relations Authority.

[8] I have declined Mr Sharma's application for reimbursement of his travel costs to attend the investigation meeting.

[9] Ways Electronics Limited is ordered to pay to Mr Sharma the sum of \$204.56 as a contribution toward his costs within 28 days of the date of this determination.

Vicki Campbell  
Member of the Employment Relations Authority