

approach to this case, for which the investigation meeting took just under a day, Mr Oldfield sought a contribution to costs of \$1,250.00, plus the \$70.00 filing fee.

[3] Ms Eden did not challenge the assertion that costs may be awarded where employees are represented by their unions. She did however argue that costs should lie where they fall, saying that the relative success of the parties was a relevant consideration for the Authority and that the applicant's contributory conduct may be taken into account when making a costs award. In support of her submission she cited the recent judgements in *White (formerly X) v Auckland District Health Board AC 10A/07 [15 October 2007]* and *Eruera-Morrison v New Zealand Post AC 46A/07 [1 November 2007]*.

[4] In the present case, she said, the respondent was largely successful in defending its claim since the applicant recovered only \$2,500.00 of the total \$20,553.60 claimed.

Determination

[5] Although costs normally follow the event and (as Ms Eden has pointed out) are set having regard to the relative success of the parties they are not to be punitive of conduct that has already been dealt with by way of general remedy. In this case remedies were fixed after consideration was given to the conduct of both parties but (unlike *White*) independently of consideration of any future costs award. Taking all the circumstances into consideration and applying the relevant principles I am satisfied that a modest level of costs award is appropriate.

[6] **The respondent is therefore ordered to pay to the applicant (to the use of her union) the sum of \$500.00 as contribution to costs plus reimbursement of the \$70.00 filing fee.**

Yvonne Oldfield

Member of the Employment Relations Authority