

**NOTE: This determination  
contains an order prohibiting  
publication of certain  
information at para [6]**

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

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

[2025] NZERA 222  
3265419

BETWEEN	WENDY DAWN VITA Applicant
AND	THE CAMPION COLLEGE BOARD Respondent

Member of Authority:	Claire English
Representatives:	Briar Campbell, counsel for the Applicant Myriam Mitchell, counsel for the Respondent
Investigation Meeting:	28 August and 24 October 2024 in Gisborne and by AVL
Submissions received:	Up to 13 March 2025 from Applicant Up to 11 March 2025 from Respondent
Determination:	17 April 2025

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**DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1] The applicant, Ms Wendy Vita, was employed as a Teacher Aide at Campion College School (Campion). She raised concerns about other teacher aides in late 2022, which Campion acted on. She then raised concerns about other teacher aides in August 2023. Campion met with Ms Vita and took certain actions. Ms Vita sought a year of paid study leave to enable her to complete a particular course of study, which was granted. She then filed in the Authority raising a claim of unjustified disadvantage,

stating that she had been subject to bullying behaviours by others at Campion and seeking compensation for hurt, humiliation, and injury to feelings.

[2] Campion denied the claims, and states that Ms Vita is out of time to raise a personal grievance for matters prior to 30 August 2023, being 90 days prior to the filing of her statement of problem. It does not consent to the raising of grievances out of time.

[3] The matter was then set down for hearing, and Ms Vita resigned her employment with Campion prior to the investigation meeting.

### **The Authority's investigation**

[4] For the Authority's investigation written witness statements were lodged from Ms Vita and a former colleague, Ms Katie Mitchell. Witness statements were filed on behalf of Campion by Ms Karyn Sadler (Deputy Principal); Mr Paul McGuinness (Principal); Mr Phil Rowland (Deputy Principal); Ms Aimee Ostler (Ongoing Resource Scheme Co-ordinator and Ms Vita's manager); and Mr Mark Naden (Learning Support Co-ordinator). All witnesses answered questions under oath or affirmation from me and the parties' representatives. The representatives also gave closing submissions.

[5] As permitted by s 174E of the Employment Relations Act 2000 (the Act) this determination has stated findings of fact and law, expressed conclusions on issues necessary to dispose of the matter and specified orders made. It has not recorded all evidence and submissions received.

[6] A permanent non-publication order is made over the names and identifying details of other staff members at Campion mentioned by witnesses but who themselves were not called to give evidence, and this determination has been written accordingly.

### **The issues**

[7] The issues requiring investigation and determination were:

- (a) Did Ms Vita suffer an unjustified disadvantage in her employment, as a result of the actions or inactions of Campion when she raised concerns with them?
- (b) Are some of those concerns out of time?
- (c) If Campion's actions were not justified, what remedies should be awarded, considering:

- Compensation under s123(1)(c)(i) of the Act;
- (d) If any remedies are awarded, should they be reduced (under s124 of the Act) for blameworthy conduct by Ms Vita that contributed to the situation giving rise to her grievance?
- (e) Should either party contribute to the costs of representation of the other party?

## **Background**

[8] Ms Vita worked as a Teacher Aide at Campion. She states that she had experienced bullying since 2021 through to 2023, when she took agreed study leave.

[9] In her statement of problem, Ms Vita provided a timeline of events. This document was not contemporaneous and does not consistently include dates. Ms Vita states that during 2022, one of her colleagues (GEI) was avoiding her and trying to ostracise her. Ms Vita does not state how this occurred, but states that GEI would often be late to relieve her of lunch-time supervision duties, and this made her feel annoyed. Ms Vita also states that GEI routinely ignored her and did not participate in the hand-over process at lunch-time.

[10] Ms Vita says that a new colleague was hired in 2022 (NMD). She states that her relationship with NMD was initially professional, but then changed. Ms Vita recalls that NMD “shouted” at her one day when Ms Vita inquired after her son, and there was also an incident where NMD had allegedly asked managerial staff if Ms Vita was “the boss” of her. Ms Vita says that NMD purposefully stopped communicating with her, and began avoiding her. Ms Vita states that NMD glared at her when on one occasion at the very end of 2022, she mistakenly called NMD by the wrong name. Ms Vita said that on certain social occasions, NMD did not acknowledge her, and spoke with her in a “perfunctory” manner.

[11] The evidence was that around this time, Ms Vita had asked NMD to disclose details of her employment agreement and payrates, which NMD considered to be intrusive.

[12] Towards the end of 2022, Ms Vita went to Mr Mark Naden in his management capacity. She raised a concern that NMD and others were not reminding students to follow the school’s masking protocols, and asked that they be reminded of this. This

occurred. She also says she asked that a “mediative conversion” occur between her and NMD. Ms Vita says later that she asked Mr Naden not to action this request.

[13] Ms Vita states that at the beginning of 2023 before school commenced, she mentioned to Ms Ostler as her manager that she had experienced bullying behaviour and felt stressed as a result. She recalls that Ms Ostler arranged a code of conduct refresher for all staff, and also asked Ms Vita if she wished to continue with the particular duties which had resulted in Ms Vita’s concerns about the lunch-time handover (or lack thereof). Ms Vita confirmed to Ms Ostler that she was happy to continue with those duties, and she also advised Ms Ostler that NMD’s behaviour had improved, and she did not want the school to take any further actions.

[14] Ms Vita states that bullying by both NMD and GEI continued, and they continued to ostracise her. She says that staff at Campion, particularly Ms Ostler, must have witnessed and known about the bullying, and that it was ongoing.

[15] On 10 August 2023, Ms Vita told Ms Ostler that GEI was ignoring her. Ms Oster encouraged Ms Vita to speak with GEI, and is clear that Ms Vita did not mention bullying or that this was an on-going behaviour. On 11 August 2023, the Deputy Principal Ms Sadler saw Ms Vita in tears, and spoke with her. Ms Sadler recalls that Ms Vita told her GEI was ignoring her, and that due to Ms Vita’s upset, she took this seriously.

[16] Ms Sadler said that she understood this was a one-off incident, and suggested it would be appropriate for GEI and Ms Vita to meet in a mediative way, as was common practice at Campion. She was not involved in the meeting that then occurred, but Ms Vita messaged Ms Ostler with feedback, saying that GEI apologised “and then said they would try to do better...I am prepared to leave it there. I thanked them for meeting with me....So no need to touch bass [sic] as I had indicated....I can move on and get my mana back...”

[17] On 28 August 2023, Ms Vita called Deputy Principal Mr Rowland. They spoke for some time, and Ms Vita raised concerns that NMD was “severely stonewalling” her, and that GEI did not speak to Ms Vita unless Ms Vita initiated conversation. Mr Rowland reported this to Ms Sadler, who rang Ms Vita the same day, and arranged to meet with Ms Vita at her home. They met the following day on 29 August 2023. Ms Sadler recalls that Ms Vita talked about three things, first that she wanted to be removed

from a particular teacher's class, as she believed this teacher had "given her a death stare". Second, that she be excused from attendance at the morning briefing but still paid for that time, because of the way she believed people were looking at her. Third, that she would like to investigate the possibility of a year's study leave to enable her to complete her study in Level 4 Te Reo Maori.

[18] Ms Sadler said that she and Ms Vita would often talk about their respective studies in Te Reo Maori, and she appreciated what Ms Vita said about finding the study difficult after hours, as she had experienced something similar. She said that she was very clear that this was a specific and temporary request for the 2024 year only, with Ms Vita returning to Campion after this. Ms Sadler suggested that Ms Vita seek counselling at Campion's expense. Ms Vita was happy with this suggestion and with the idea that she choose her own counsellor.

[19] Later that day, Ms Vita texted Ms Sadler and asked that she only be used as a reader-writer "as a last resort" so there would be a little less pressure on her.

[20] Ms Sadler then actioned these requests. She arranged for the rosters to be re-arranged so that Ms Vita no longer had classes with the teacher she was concerned about. She arranged for Ms Vita to be removed from reader-writer duties. She made arrangements for Campion to pay for counselling sessions, which occurred. She took Ms Vita's request for a year's study leave to the SLT, which was approved, and Ms Sadler conveyed this to Ms Vita.

[21] Ms Vita then texted Ms Sadler, and asked to apologise to the teacher concerned saying: "Thank you again...I will apologise for misreading the situation and for having caused her any stress...".

[22] Ms Vita's request that she be excused from attendance at the morning briefing was denied, on the grounds that it was important for her to be present. Ms Vita acknowledged this. Ms Sadler understood that Ms Vita was satisfied with all these outcomes.

[23] On 12 October 2023, Ms Vita emailed Mr Rowland raising concerns about "an ongoing issue of bullying". She asked for "another informal meeting" with Ms Ostler as "since the last informal meeting I have had further concerns."

[24] Mr Rowland and Ms Ostler met with Ms Vita on 17 October 2023. Ms Vita brought a support person. Several issues were discussed, including:

- a. That a teacher had given Ms Vita a “death stare” (this is the same issue that Ms Vita had raised with Ms Sadler some two months earlier, where action had been taken to remove Ms Vita from that class and where Ms Vita had apologised for making the allegations and describing it as a “misunderstanding”).
- b. That a colleague was not speaking to her;
- c. That another colleague was only being nice to her when others were around (these two points being complaints about NMD and GEI);
- d. That Ms Vita was dis-satisfied with lunch-time handovers, and staff would arrive late, or not talk to her during the handover.

[25] Mr Rowland understood that the first three matters were actively being dealt with already. He then offered to take Ms Vita off the roster for the lunch-time handovers, as she had said this was causing her a lot of stress. Ms Vita declined this offer. Mr Rowland also took the view that there were no formal lunchtime handover processes, and that there might not be any specific need for discussion if there was nothing to report on any given day.

[26] Mr Rowland also expressed to Ms Vita that he did not believe what she had described constituted bullying.

[27] Apart from Ms Vita advising that she did not want to be taken off lunch-time handover duties, no further comments were received from her or her support person.

[28] On 6 November 2023, Ms Vita raised with Ms Ostler that another of her colleagues had treated her unprofessionally and walked away from her. She requested that Ms Ostler facilitate a meeting with her and the colleague in question. This occurred. At that meeting, the colleague disclosed that she had been experiencing some personal difficulties, and when Ms Vita had approached her with questions she had “shut down”. The colleague accepted that her behaviour had been unprofessional, and apologised to Ms Vita multiple times during the meeting, as well as pointing out that she had already approached Ms Vita after the incident to apologise as well. Ms Vita refused to accept the apology and emphasised her view that the colleague had behaved

unprofessionally. However, at the conclusion of the meeting, both Ms Vita and the colleague agreed to move forwards.

[29] On 13 November 2023, Mr Rowland convened a general meeting with all teacher-aides to discuss and commit to professionalism in the workplace. Ms Vita was not able to be present for that meeting as she was ill with Covid-19. Mr Rowland says that although no names were mentioned, the reason for this meeting was both as a response to the concerns raised by Ms Vita, and also because of comments that Ms Vita herself had made disparaging Campion and other staff on social media.

[30] On 22 November 2023, Ms Ostler raised with both Ms Sadler and Mr Rowland that she (Ms Ostler) had been the subject of unprofessional social media messages sent by Ms Vita. Mr Rowland then asked Ms Vita to meet with him. He says his aim was to advise Ms Vita that he had received information that she continued to send negative messages about Campion and some staff on social media and to reiterate to Ms Vita the need to remain professional in her dealings, and to cease sending negative messages.

[31] Mr Rowland says that Ms Vita admitted sending negative messages, and then said that staff continued to ignore her and made her feel unwelcome. Mr Rowland's view was that this was a repeat of the matters that had already been resolved by Ms Ostler and Ms Sadler.

[32] Ms Vita asked if her study leave was still in place, and Mr Rowland said that it was and confirmed that her job would be held open as previously agreed. He was confused by this, as this had been previously confirmed in writing. Mr Rowland says that Ms Vita seemed unhappy and suggested Campion was trying to "get rid" of her. He refuted that, and offered her paid discretionary leave until the end of the year which was only a few days away, which Ms Vita accepted. His view was that Ms Vita was appreciative of this offer of support.

[33] Ms Vita says that she was very distressed during this meeting, having been called into Mr Rowland's office without knowing why or what he wanted to discuss. She said that Mr Rowland had a look on his face which was disdainful or contemptuous of her, and that she was never shown any of the messages which she was supposed to have sent. She described this as a disciplinary meeting, even though she accepted that the outcome of this meeting was that she agreed to take a short period of paid discretionary leave.

[34] Ms Vita took leave as agreed. On 29 November 2023, Ms Vita filed a statement of problem in the Authority, raising a claim of unjustified disadvantage and seeking compensation for humiliation, loss of dignity, and injury to feelings. Prior to the investigation meeting in August 2024, she resigned her employment, despite Campion's view that her employment was still on-going and her job was open for her to return to at the start of the 2025 school year.

[35] In submissions filed subsequent to the investigation meeting, Ms Vita claimed additional remedies of damages for unjustified disadvantage, damages for breach of contract, and damages for breach of good faith, and costs. However, the claim made before the Authority is that she suffered an unjustified disadvantage and seeks compensation if upheld, which is the issue to be determined.

[36] Ms Vita also refers generally to two incidents that she did not have first-hand knowledge of. First, she says she was told that other teacher aides had set up a Facebook message group called "Mean Bitches". Ms Vita believes she was the target of that chat group, although she has never seen any messages from it. Second, she says that after she had taken sick leave, Ms Ostler said at a team meeting that Ms Vita was on sick leave, and when asked for detail, gestured to her temple in a way suggestive of mental instability. Ms Ostler denies this, although Ms Mitchell who previously worked with Ms Vita at Campion, gave evidence that she saw this.

[37] I make no findings about the supposed Facebook message group. Ms Vita's evidence was second-hand and vague, and was simply insufficient to support any particular claim. I note that Ms Ostler recalled the team meeting where she was alleged to have made a hand gesture about Ms Vita, and denied doing so, especially as she was acting in a management capacity at the time. I am not persuaded by Ms Mitchell's evidence that this occurred, including in light of the fact that the bulk of Ms Mitchell's witness statement was directed towards her own dissatisfaction with Campion, rather than on matters affecting Ms Vita. Nothing further need be said about these matters.

### **Analysis**

[38] Ms Vita effectively raised a personal grievance claim for unjustified disadvantage by the filing of her statement of problem on 29 November 2023. Campion states that this means that Ms Vita is out of time to raise claims relating to matters

occurring prior to 30 August 2023. It further states in relation to matters that occurred towards the end of 2022, not only are these out of time, but the concerns raised by Ms Vita were responded to in an appropriate way, resolved, and Ms Vita told Champion that she was satisfied with the resolution, so it is not open to her to rely on them in any event.

[39] These were Ms Vita's concerns that she was being "left out" or "stonewalled" by some of her colleagues, specifically NMD and GEI, and concerns that GEI was not giving her a sufficient lunch-time hand-over. Ms Ostler and Mr Naden responded to these concerns by reinforcing start times and place of duty on the relevant timetable, and clarifying expectations at a teacher-aide meeting. In regard to concerns raised by Ms Vita about NMD, she initially asked Mr Naden to organise a meeting with NMD, but then retracted this. When Ms Ostler followed up with Ms Vita to ask how she was and if anything more needed to be done, Ms Vita told Ms Ostler that she was happy with the clarifications, and that NMD had been interacting normally with her, so Ms Vita was happy with the situation.

[40] I also note that it was around this time that Ms Vita asked NMD for information about her family, employment agreement and payrates, in a way that NMD considered unwanted and intrusive, and this had an impact on NMD's approach to Ms Vita which Ms Vita does not appear to acknowledge or take responsibility for.

[41] Ms Vita did not raise any further concerns for some 8 months until August 2023. Her own evidence is that she did not raise any concerns until she spoke with Ms Ostler on 10 August and with Ms Sadler on 11 August 2023 about an incident that occurred with GEI.

[42] I am not persuaded by Ms Vita's general statement that Ms Ostler (and to a lesser extent others like Mr Naden and Ms Sadler) must have known she was being subject to bullying behaviours because they must have seen her being ignored by others. The evidence given by witnesses for Champion, particularly Ms Ostler who had day to day contact with Ms Vita and the other teacher-aides, and Mr Naden, was that they did not see any such behaviours occur.

[43] There is no evidence to suggest that Champion was aware of any continuing concerns held by Ms Vita. Ms Vita's own evidence is that she raised specific concerns with Ms Ostler and Mr Naden towards the end of 2022, and specific actions were taken

in response, which Ms Vita advised, both in person and in text, were acceptable to her and resolved her concerns such that she did not want any further support or intervention. She then raised no further concerns until August 2023. I am not persuaded that this represents an ongoing or unresolved grievance.

[44] I find that Ms Vita is out of time to raise any personal grievance claims relating to actions that occurred in 2022, or at the very start of the school year in 2023 when Ms Ostler followed up with her and was told no action was needed.

[45] I also find that Ms Vita is out of time to raise concerns about her complaint with GEI, raised on 10 and 11 August 2023. Ms Ostler and Ms Sadler took this seriously, and initiated a mediative conversation. Ms Vita's contemporaneous text messages about this meeting are to thank Ms Ostler for helping arrange the meeting, that the meeting had resulted in her receiving an apology from GEI and she could "move on and get [her] mana back". Ms Vita's own contemporaneous description is that she had received a satisfactory resolution to her concerns, including that GEI had apologised to her. I do not consider this to be indicative of an unresolved concern, or an unresolved issue of bullying.

[46] I find that Ms Vita is also out of time to raise a grievance about this instance, particularly in light of her own description of satisfactory resolution occurring at the time.

[47] Having said this, I consider that the matters raised by Ms Vita from 28 August onwards, starting with her telephone conversation with Mr Rowland on that date, have been raised within time, and can properly be considered as part of Ms Vita's unjustified disadvantage claim.

[48] I will now consider whether Ms Vita has an unjustified disadvantage resulting from how Champion responded (or from Ms Vita's perspective, its lack of response) to the concerns she raised from 28 August 2023 onwards.

[49] There are two matters which cause me concern in how Champion responded to Ms Vita. The first is that Champion resisted the idea that Ms Vita was experiencing ongoing difficulties in the workplace, and even if inadvertently, minimised the problems she was raising to the point where they could not be effectively dealt with. The second is the allegations against Ms Vita by Champion that she had been posting inappropriately

critical messages on social media even after being asked to stop, and how that concern was raised at the meeting between Ms Vita and Mr Rowland on 22 November 2022.

[50] Beginning with Ms Vita's telephone conversation with Mr Rowland on 28 August, Ms Vita raised concerns that she was experiencing difficulties in her working relationships with NMD (that NMD was "severely stonewalling" Ms Vita) and with GEI (that GEI did not speak to Ms Vita unless Ms Vita initiated conversation). Ms Sadler spoke with Ms Vita, about these and other concerns, and Ms Vita's requests for action were implemented, being rearranging the rosters, granting a year's study leave, the provision of paid counselling and the removal of reader/writer duties.

[51] After having implemented these changes, Campion took the view that the issues were resolved. Although the evidence is clear that Campion was responsive to Ms Vita's requests, there is no particular evidence that it investigated the situation more deeply, as opposed to investigating implementing the changes Ms Vita had asked for. This had the result that on 12 October, Ms Vita came to Mr Rowland again requesting "another informal meeting" on the grounds that since the last meeting, she had "further concerns". Campion's response was, via Mr Rowland, that these matters had already been (or were being) dealt with, and to deny that Ms Vita's suggestion that she was experiencing bullying was valid.

[52] This indicates that Campion, while responsive to specific practical requests, was reactive. It did not take any steps to investigate the wider picture, including why Ms Vita was raising the same concerns again even after accommodations for her had been put in place. Campion had a general duty to ensure Ms Vita's health and safety at work, which included ensuring safety for her mental as well as physical wellbeing. Campion reached the conclusion, expressed by Mr Rowland, that no bullying had occurred, and that no further steps were required by it to ensure Ms Vita's safety at work. However, it reached that conclusion without investigating what had occurred. This was not a conclusion that Campion was able to safely reach, in the absence of any serious consideration or investigation into what had or was occurring.

[53] After hearing the evidence, it was clear to me that there was a degree of frustration with Ms Vita for raising issues again even after she had been provided with almost all the accommodations she had asked for. This was exacerbated by Ms Vita's inconsistent communications, which include attempting to re-raise grievances matters

which she told Campion at the time (in person and in writing) were resolved, and criticising Campion for providing her with study leave and the ability to see a counsellor of her choice rather than being restricted to a specific provider, when the evidence was that these were things which she herself had asked for and which were benefits provided by Campion to other staff as well.

[54] In all these circumstances, my view is that Ms Vita has a personal grievance of unjustified disadvantage relating to Campion's failure to adequately investigate her concerns that she was being subject to unsafe and bullying behaviour. Whether further actions might have been warranted is a decision that could only have flowed from that investigation, which never occurred. Campion's decision not to investigate and/or its conclusion that there was nothing to investigate was not an action that could have been taken by a fair and reasonable employer at the relevant time. It was a decision that was never discussed with Ms Vita at the time, and the evidence from all witnesses for Campion was that they never seriously considered it as an option. I am satisfied that this was an unjustifiable action by Campion.

[55] I am also satisfied that this affected Ms Vita's conditions of employment to her disadvantage. It impacted negatively on her enjoyment of the job and her relationship with her employer and her colleagues. Regardless of the outcome, an investigation would have allowed the situation to be progressed.

[56] I have also considered whether Ms Vita has a personal grievance of unjustified disadvantage resulting from Mr Rowland calling her into a meeting on 22 November 2023, and telling her that he was aware that she had continued to send unprofessional messages about Campion and staff on social media. Mr Rowland's evidence was that he himself had not seen the messages, rather he relied on what was reported to him. He was therefore unable to show Ms Vita what messages he was concerned about, and he chose not to tell her who had reported this concern to him.

[57] As a result, Ms Vita had no opportunity to properly engage with Mr Rowland's criticism of her. This is clearly an unjustified action in that Ms Vita was alleged to have behaved in an improper way, but Campion did not explain to her what she was alleged to have done or who had made allegations against her.

[58] It is submitted for Ms Vita that she was given "no choice but to leave the school immediately". I do not find this substantiated by the evidence. Ms Vita was offered

paid special leave for the remaining few days of the school year, and she agreed to this. This was in the context that she was about to start a year of study leave and term was at an end. There was no disadvantage to Ms Vita from this short period of agreed paid leave, or any negative impact on her security of employment, which Campion repeatedly confirmed when asked.

[59] Having said this, I find that during this meeting, Campion did not conduct itself in accordance with its good faith obligations. Mr Rowland essentially put adverse allegations to Ms Vita that she could not practically respond to in the absence of being provided with any detail, and it is unclear how Mr Rowland could have properly formed the view that Ms Vita needed to be spoken to about adverse social media messaging when he himself had not seen the messages in question. The meeting ended with no resolution or outcome of those concerns. Indeed, it is hard to see how any satisfactory outcome could have been reached in the absence of the underlying information for Ms Vita and Mr Rowland to discuss. These are not actions consistent with Campion's obligations of good faith, which require it to act towards Ms Vita in a way that is constructive and responsive, as well as being open and communicative. I find that this failure to meet its good faith obligations amounted to a disadvantage in Ms Vita's employment.

### **Remedies**

[60] Having found Ms Vita has a personal grievance of unjustified disadvantage, she is entitled to remedies accordingly.

[61] Ms Vita claims compensation for hurt and humiliation. She provided evidence that she has been diagnosed with PTSD, and she also gave in-person evidence of the impact on her from what she believed was on-going bullying behaviour, and how this has affected her quality of life. I accept her evidence.

[62] As will be apparent from the above, I have found that Ms Vita's personal grievance resulted from Campion's decision not to investigate her concerns, and when assessing remedies, I consider that the evidence showed this had a considerable impact on Ms Vita in terms of the trust and confidence she was able to feel in her managers and school leaders, her enjoyment of her workplace, and her understanding of what was required of her to succeed in her job. After hearing the evidence, my view is that this was exacerbated by Ms Vita's genuine confusion resulting from the 22 November

meeting with the Deputy Principal where she was alleged to have acted inappropriately, but Campion was unable to explain to her why. This led to foreseeable distress to Ms Vita that could and should have been avoided.

[63] Taking all this into account, my view is that Ms Vita has suffered hurt, humiliation, and injury to feelings as a result of Campion's unjustified actions towards her. I award the sum of \$15,000 in compensation. Orders are made accordingly.

[64] I have considered whether Ms Vita's actions contributed towards the situation that gave rise to her personal grievances such that a reduction in remedies is required. While I have mentioned what was a degree of frustration experienced by Campion with what it saw as Ms Vita's inconsistent behaviour, this does not go to the breaches that I have found, which stem from Campion's failures to look carefully at their own obligations and act accordingly, rather than reacting to problems on a piecemeal basis. I find that no issue of contribution arises and no deductions are required.

### **Orders**

[65] Ms Wendy Dawn Vita has a personal grievance in that she was unjustifiably disadvantaged in her employment.

[66] The Campion College Board is ordered to pay to Wendy Dawn Vita within 28 days of the date of this determination the sum of \$15,000 without deduction as compensation for hurt and humiliation.

### **Costs**

[67] Costs are reserved. The parties are encouraged to resolve any issue of costs between themselves.

[68] If the parties are unable to resolve costs, and an Authority determination on costs is needed, the applicant may lodge, and then should serve, a memorandum on costs within 28 days of the date of this determination. From the date of service of that memorandum the respondent will then have 14 days to lodge any reply memorandum. On request by either party, an extension of time for the parties to continue to negotiate costs between themselves may be granted.

[69] The parties can anticipate the Authority will determine costs, if asked to do so, on its usual “daily tariff” basis unless circumstances or factors, require an adjustment upwards or downwards.<sup>1</sup>

Claire English  
Member of the Employment Relations Authority

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<sup>1</sup> For further information about the factors considered in assessing costs see: [www.era.govt.nz/determinations/awarding-costs-remedies/#awarding-and-paying-costs-1](http://www.era.govt.nz/determinations/awarding-costs-remedies/#awarding-and-paying-costs-1)