

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2011] NZERA Auckland 215  
5305498

BETWEEN                      FEIFEI (PEGGY) WANG  
   Applicant  
  
AND                                SUN CRYSTAL LIMITED  
   Respondent

Member of Authority:      Yvonne Oldfield  
  
Representatives:            May Moncur for Applicant  
   Yongxing Sun (Director) for Respondent  
  
Submissions received:      14 February 2011 from Applicant  
   4 March 2011 from Respondent  
  
Determination:                23 May 2011

---

**COSTS DETERMINATION OF THE AUTHORITY**

---

[1]      In a determination dated 10 February 2011 the Authority found that Ms Wang had a personal grievance of unjustified dismissal. Orders were made for lost earnings and for compensation. No reduction was made for contributory conduct. Orders were also made for arrears of wages, holiday pay, and penalties in respect of the respondent's failures to supply a copy of a proposed employment agreement and to supply wage and time records.

[2]      Ms Wang now seeks a contribution to her costs. In submissions on costs Ms Moncur argued that her client should be entitled to "the usual award of costs" for a one day investigation meeting. She sought a contribution of \$3,000.00 to her actual costs which she stated to have been \$3,927.50. She also noted that the applicant:

*"made all attempts to resolve this matter by suggesting meeting with the Respondent...the Applicant has not unnecessarily attempted to delay ...or hinder settlement of this matter...however the Respondent has done so."*

[3] Mr Yongxing Sun, director of the respondent company, told the Authority that he spent a week preparing for the investigation meeting while two other managers in the company each spent three days in preparation. In the circumstances, he said, the minimum cost to the company had been \$6,000.00

*Determination*

[4] The applicant in this case was wholly successful. Notwithstanding the fact that the respondent has also incurred costs, costs 'follow the event' and the applicant, as the successful party, is entitled to a contribution to her costs.

[5] Ms Moncur has argued for a contribution of \$3,000.00 however this was a relatively straightforward case. The applicant did not bring any other witnesses to the investigation meeting and it did not take a full day. In all the circumstances a more modest level of contribution is appropriate.

[6] The respondent is therefore ordered to make a contribution of \$2,000.00 to Ms Wang's costs.

Yvonne Oldfield

Member of the Employment Relations Authority