

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON OFFICE**

**BETWEEN** Zara Elizabeth Warren (Applicant)  
**AND** Xpressions Fashion Clothing Limited (Respondent)  
**REPRESENTATIVES** R van Panhuys for Applicant  
No representation for or by Respondent  
**MEMBER OF AUTHORITY** G J Wood  
**SUMISSINS DUE** By 10 January 2006  
**DATE OF DETERMINATION** 17 January 2006

**COSTS DETERMINATION OF THE AUTHORITY**

1. Costs are sought in relation to two determinations of the Authority regarding the employment relationship between Ms Warren and the respondent (Xpressions).
2. In relation to a 90 day issue, I concluded that Ms Warren did take reasonable steps to make Xpressions aware that she alleged a grievance within 90 days. In the alternative I determined that, even if this were no so, leave should be granted, as any delay was occasioned by exceptional circumstances and I considered it just to do so. I then directed the parties to mediation which the respondent did not attend.
3. The matter was then subject to a substantive determination and again the respondent did not attend and was not represented. Following that investigation, I determined that Ms Warren was unjustifiably dismissed on the grounds that I was not satisfied that there was a genuine redundancy situation affecting her at the time her employment was terminated and the process adopted in informing her of the prospective sale of the business was inadequate.

4. I ordered the respondent, Xpressions, to pay to the applicant the sums of \$10,000, payable under section 123(c)(i) and \$1,809.42 in lost remuneration.
5. The applicant seeks costs of \$8,639 plus GST and costs and expenses of \$70 covering her filing fee.
6. I accept that this matter involved two investigation meetings. Both meetings were, however, conducted quite expeditiously.
7. In all the circumstances of this case I conclude that \$4,000 in costs plus \$70 in disbursements is the appropriate contribution for Xpressions to make to Ms Warren's costs. I therefore order the respondent, Xpressions Fashion Clothing Limited, to pay to the applicant, Zara Elizabeth Warren, the sum of \$4,000 in costs and \$70 in expenses.

**G J Wood**  
**Member of Employment Relations Authority**