



# New Zealand Employment Relations Authority Decisions

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## Warren v Xpressions Fashion Clothing Ltd WA 3/06 (Wellington) [2006] NZERA 621 (17 January 2006)

Last Updated: 24 November 2021

Determination Number: WA 3/06 File Number: WEA 237/05

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.

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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**

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