



Employment Court of New Zealand

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Williams v Metallic Sweeping (1998) Limited [2021] NZEmpC 193 (8 November 2021)

Last Updated: 11 November 2021

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2021\] NZEmpC 193](#)

EMPC 154/2021

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application to extend time to file a challenge
AND IN THE MATTER OF	an application for costs
BETWEEN	THOMAS WILLIAMS Plaintiff
AND	METALLIC SWEEPING (1998) LIMITED Defendant

Hearing: On the papers
Appearances: Plaintiff in person
T McGinn, counsel for
defendant
Judgment: 8 November 2021

CONSENT COSTS JUDGMENT OF JUDGE K G SMITH

[1] On 14 April 2021 the Employment Relations Authority dismissed Thomas Williams' claim against his former employer, Metallic Sweeping (1998) Ltd. It determined that he did not have a personal grievance and that the company was not indebted to him for arrears of holiday pay or wages.¹ Mr Williams' claim for a penalty to be imposed on the company also failed.

[2] Subsequently, the Authority ordered Mr Williams to pay costs of the investigation to Metallic Sweeping.²

[3] Mr Williams challenged the Authority's substantive determination and sought leave to extend time to challenge its costs determination. Metallic Sweeping defended the challenge and opposed the application for an extension of time.

[4] On 18 October 2021 Mr Williams discontinued his challenge and the application for leave. Subsequently, Metallic Sweeping applied for costs. The amount claimed was \$4,000. Mr Williams has consented to pay that sum in costs.

[5] I am satisfied it is appropriate for Mr Williams to contribute to the costs incurred by his former employer. I order, by consent, that Mr Williams is to pay costs to Metallic Sweeping of \$4,000.

K G Smith Judge

Judgment signed at 2.30 pm on 8 November 2021