

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

WA 98A/09
5143112

BETWEEN

PAUL WOODHEAD
Applicant

AND

RESENE PAINTS LIMITED
Respondent

Member of Authority: G J Wood
Submissions Due: 4 September 2009
Determination: 7 September 2009

COSTS DETERMINATION OF THE AUTHORITY

[1] In my substantive determination I dismissed Mr Woodhead's applications for unjustified dismissal and disadvantage.

[2] On behalf of Resene, Mr French claimed a contribution to its costs of \$4,750, comprising \$4,000 for the day of the investigation meeting, \$250 for additional case management and \$500 for adjournment applications. No reply was received from Mr Woodhead.

[3] I accept that Resene was entitled to seek representation and that its costs exceeded the amounts claimed. Having been successful it is entitled to a contribution to those costs. Mr Woodhead understood throughout the level of costs that could be awarded against him should he be unsuccessful.

[4] I accept that this case was a standard one for an unjustified dismissal and unjustified disadvantage case. The investigation meeting lasted around one day and therefore \$3,000 is an appropriate award to be made in the circumstances.

[5] While I indicated at the time that the adjournment application dealt with on the day may involve additional costs being awarded to Resene, that was on the basis that the investigation did not go ahead on the date planned. That did not, however, occur.

[6] I therefore order the applicant, Mr Paul Woodhead, to pay to the respondent, Resene Paints Limited, the sum of \$3,000 in costs.

G J Wood
Member of the Employment Relations Authority