

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**AA177A/09  
5131466**

BETWEEN

JIE CHEN  
Applicant

AND

NEW ZEALAND SUGAR  
COMPANY LTD  
Respondent

Member of Authority: Alastair Dumbleton

Submissions received: 23 June and 5 July 2009

Determination: 20 July 2009

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] An unjustified disadvantage grievance claim brought by Mr Jie Chen was determined by the Authority on 3 June 2009 in a decision issued under AA177/09.

[2] The Authority found that Mr Chen did not have a personal grievance claim arising from the 'warning' he had been given in March 2008 by New Zealand Sugar Company Limited, his then employer.

[3] Costs were reserved in the determination.

[4] New Zealand Sugar has applied for an award of \$4,500 as a reasonable contribution towards actual costs of an unstated but apparently much higher amount. In support of the application, the company has referred to a 'without prejudice save as to costs' offer it made several months before the investigation meeting but which Mr Chen did not accept. This is a relevant consideration in fixing costs.

[5] Mr Chen has opposed the application. He submits that legal costs incurred by New Zealand Sugar should not become his responsibility, and he notes that he has challenged the Authority's decision to the Employment Court.

[6] Exercising the discretion of the Authority under clause 15 of Schedule 2 of the Employment Relations Act 2000, I consider that a reasonable contribution to the costs reasonably incurred by New Zealand Sugar should be made by Mr Chen. He is ordered to pay \$2,250 to the company.

A Dumbleton  
**Member of the Employment Relations Authority**