

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH OFFICE**

BETWEEN Paulette Ford (Applicant)
AND Nadetwa Clothing Limited (Respondent)
REPRESENTATIVES Paul Brown, Advocate for Applicant
Frank Wall, Advocate for Respondent
MEMBER OF AUTHORITY Philip Cheyne
SUBMISSIONS RECEIVED 15 February 2005
21 February 2005
DATE OF DETERMINATION 23 February 2005

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 28 January 2005 I found that Mrs Ford resigned from her employment and was not constructively dismissed. I therefore declined to award her any remedies for her employment relationship problem. In that determination I reserved costs. This determination resolves the disputed question of costs between the parties. I have a brief application for costs on behalf of the respondent dated 11 February 2005 and a reply on behalf of the applicant dated 18 February 2005.

[2] The respondent seeks the sum of \$750 said to be a contribution to its costs in order to acknowledge the inconvenience and worry suffered by the respondent in dealing with the matter. In response, the applicant makes a number of points. First it is said that the respondent spent more time dealing with the proceedings than was necessary by obtaining a number of statements from other staff members unnecessarily. The applicant also refers to the respondent's attempts to summons the applicant's doctor and a case manager who apparently dealt with the applicant after the termination of the employment. The applicant also says that she is currently unemployed and is not receiving any income but is being supported by her husband. Accordingly the applicant says that costs should either lie where they fall or alternatively that the sum of \$250 is a fair and reasonable contribution to legal costs.

[3] Unhelpfully, the respondent has not confirmed whether it has been charged a fee for the representation services provided by its advocate nor has it given any details of the nature of any fee. However, I am prepared to assume that the respondent has incurred a fee for the advocacy provided because the advocate does occasionally represent clients on a professional basis in the Employment Relations Authority. Ordinarily \$750 would be a reasonable contribution to legal fees in the context of a case such as the present one and I would not be persuaded that there should be any discount

from that modest sum because of wasted time. However I accept there is some merit in the point made by the applicant about her lack of ability to pay. Accordingly I direct her to pay \$500 to the respondent as a contribution to its costs. If necessary, the parties could reach an agreement about time to pay.

Philip Cheyne
Member of Employment Relations Authority