



New Zealand Employment Relations Authority Decisions

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Hyde v Hospitality Services Ltd WA 83A/06 (Wellington) [2006] NZERA 761 (27 July 2006)

Last Updated: 3 December 2021

Determination Number: WA 83A/06 File Number: WEA 367/05

Under the [Employment Relations Act 2000](#)

BEFORE THE EMPLOYMENT RELATIONS AUTHORITY WELLINGTON OFFICE

BETWEEN Jeanne Hyde (Applicant)

AND Hospitality Services Limited (Respondent)

REPRESENTATIVES Jol Bates for Applicant

Andrew Scott-Howman for Respondent

MEMBER OF AUTHORITY G J Wood

SUBMISSIONS RECEIVED By 25 July 2006

DATE OF DETERMINATION

27 July 2006

COSTS DETERMINATION OF THE AUTHORITY

1. In my substantive determination I dismissed Ms Hyde's claim for constructive dismissal on the grounds of acquiescence by her, following significant breaches of duties to her by the respondent (HSL), which might otherwise have constituted grounds for constructive dismissal.
2. On behalf of HSL Mr Scott-Howman sought a contribution of \$6,000 towards HSL's costs, which were in excess of \$15,000 excluding GST. This was submitted to be because, having been successful, HSL would ordinarily be entitled to a contribution to its costs.
3. It was noted also that actual costs were increased by the need for a second investigation meeting day, which was at the Authority's request in order to obtain further evidence.
4. On behalf of Ms Hyde Mr Bates noted the significant and clear breaches of obligations owed to Ms Hyde by HSL and therefore submitted that HSL did not come to the

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Authority with clean hands. It was therefore submitted that costs should lie where they fall.

5. While Ms Hyde was unsuccessful in her claim, it was not because she had been fairly treated by HSL, but rather because

she had delayed raising her grievance with HSL until she found another job which, as I indicated in my determination, was done for sensible reasons. It was only as a result of this understandable delay that the Authority could not find in her favour. It is therefore clear that this is one of those cases where a successful party should not receive any contribution to its costs, considering the way HSL treated Ms Hyde.

6. I therefore order that costs lie where they fall.

G J Wood

Member of Employment Relations Authority

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