

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2018] NZERA Christchurch 98
3030291

BETWEEN DONNA INWOOD
Applicant

A N D ESTAR ONLINE LIMITED
Respondent

Member of Authority: Peter van Keulen

Investigation Meeting: On the papers

Date of Determination: 4 July 2018

DETERMINATION OF THE AUTHORITY

- A. Within 14 days of this determination, eStar Online Limited must pay Donna Inwood \$71.56 for the cost of lodging her application with the Authority.**

Employment relationship problem

[1] In her statement of problem Ms Inwood sought compliance with a record of settlement between herself and eStar Online Limited, dated 22 March 2018.

[2] EStar has now met its obligations under the record of settlement and the compliance sought by Ms Inwood is no longer required.

[3] The issue that remains is the payment of costs. Ms Inwood seeks reimbursement of \$71.56, the cost of filing the statement of problem, from eStar.

[4] EStar says it should not have to pay Ms Inwood's costs, as filing the statement of problem was unnecessary. It says the failure to comply with the record of settlement was an oversight and if Ms Inwood had contacted it directly, it would have remedied that failing without any need for filing a statement of problem.

[5] I have decided I will deal with this matter without conducting an investigation meeting in order to save any more time and expense being expended on this.

[6] Whilst I understand eStar's position, the underlying issue is it overlooked its obligation.

[7] Ms Inwood took a step in response to that failure that she was entitled to take to enforce her rights. Ms Inwood incurred costs as a result and the costs are reasonable in the circumstances.

[8] The basic principle in the Authority is that costs follow the event. So where a party is successful in achieving what it applies for even without the need for an investigation meeting, as is the case here, then that party is entitled to be paid its reasonable costs.

[9] Ms Inwood succeeded in obtaining compliance with the record of settlement. She is entitled to her costs.

[10] EStar must pay Ms Inwood \$71.56, within 14 days of this determination, for the cost of lodging her application.

Peter van Keulen
Member of the Employment Relations Authority