

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Damian Kennedy (Applicant)

AND Dean Stockman (First Respondent)
AND Human Resources Integrated Solutions Limited (Second Respondent)

REPRESENTATIVES Kristina Andersen for applicant
Dean Stockman for respondents

MEMBER OF AUTHORITY Marija Urlich

INVESTIGATION MEETING 2 May 2006

DATE OF DETERMINATION 21 July 2006

DETERMINATION OF THE AUTHORITY AS TO COSTS

[1] Ms Anderson filed a costs memorandum on 30 May 2006, in accordance with the directions made at paragraph 23 of the relevant determination (AA173/05). The Authority has not received a costs memorandum from HRIS. I am satisfied that HRIS is aware of that determination and that sufficient time has been provided to file a costs memorandum. It is now appropriate to move to determine the matter of costs.

[2] Ms Anderson advises that the costs incurred to date by Mr Kennedy in pursuing his personal grievance total \$5,914.58 (including GST). Ms Anderson submits the Mr Kennedy has incurred additional, unnecessary costs due to HRIS' conduct, in particular, its last minute refusal to attend mediation, despite a direction from the Authority to do so, the necessity for personal service to be affected because documents were returned marked "unclaimed RTS" and its failure to attend the scheduled investigation meeting. She submits that an award approaching actual costs should be made in Mr Kennedy's favour.

[3] Mr Kennedy is entitled to a fair contribution to costs reasonably incurred. I am satisfied that HRIS has "dragged the chain" which has resulted in Mr Kennedy being put to additional and unnecessary expense. I set HRIS' contribution to those costs at \$3000. At this stage I decline to make any order against Dean Stockman personally. The identity of the employer has been determined as HRIS.

[4] Human Resources Integrated Solutions Limited is ordered to pay Damian Kennedy \$3000 as a contribution to costs incurred in pursuing his personal grievance in the Authority.

Marija Urlich
Member of Employment Relations Authority