

This conduct has included making outrageous and scandalous allegations against the applicant and her husband which had no relevance to the issues to be determined by the Authority....

Notwithstanding their irrelevance, these allegations still had to be addressed by the applicant and her husband ... This added significantly to the time and cost of these proceedings. Had these allegations not been raised by the respondent, the investigation meeting probably could have been concluded in half a day."

[3] In response, Mr Allsebrook noted that the company was not represented and said that it had raised issues which were genuinely believed to be relevant. He noted:

"We do not believe the matters raised had an impact on the length of the investigation. Given the issues involved we do not accept the matter would have been dealt with in half a day even if we held back from raising our genuine concerns."

Determination

[4] Ms Matthews is correct in her assertion that the respondent raised a number of issues in witness statements that were of little or no relevance to the central question of whether it was justified in dismissing Mrs Mikolaczyk. However, I do not accept that this impacted on the cost of preparation and attendance to a significant degree. In preliminary telephone conferences and at the meeting I made it clear that I did not require Mr Mikolaczyk to respond to certain allegations about the way he conducted his personal life. At the meeting (in the face of Mr Allsebrook's objection) I prevented Mr Allsebrook from questioning Mr Mikolaczyk on these matters. As explained to the parties at the time, part of the reason for the restriction on questioning was to curb the length of the meeting and hence the cost to both parties.

[5] This was not a complex matter, in terms of the applicable law or the factual issues. I am satisfied that Mrs Mikolaczyk should receive a contribution to costs in the normal range for a one day investigation meeting. In all the circumstances I set this at \$2,500.00, with the filing fee additional to that.

[6] The respondent is ordered to pay to the applicant \$2,500.00, plus a filing fee of \$70.00.

Yvonne Oldfield

Member of the Employment Relations Authority