

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 85/10  
5164369

BETWEEN                      GORDON PRYOR  
   Applicant

AND                              GIBSON O'CONNOR  
   LIMITED  
   Respondent

Member of Authority:        Alastair Dumbleton

Submissions Received        20 November and 4 December 2009

Determination:                23 February 2010

---

**COSTS DETERMINATION OF THE AUTHORITY**

---

[1] Mr Gordon Pryor has applied for an award of costs following the determination of the Authority issued on 20 November 2009 (under AA 414/09) that his dismissal from employment by the respondent company Gibson O'Connor Ltd was not justified.

[2] To resolve his personal grievance the Authority awarded Mr Pryor \$4,500 as compensation for hurt feelings and humiliation, and \$5,961 as reimbursement for remuneration lost over a period of three weeks.

[3] In seeking costs Mr Pryor's advocate, Mr McFadden, advised that actual costs were \$2,500 (not including GST) and a \$70 disbursement for the investigation application fee.

[4] In response Mr Savage on behalf of Gibson O'Connor Ltd made the point that the company had not had professional representation and that the net cost to it of

participation in the investigation in terms of executive time and disbursements was only \$382, which included some time for attending mediation.

[5] In this way Mr Savage drew attention to the straightforward nature of the claim and the absence from it of any features that might justify a high input of professional time.

[6] Also reflecting the relative simplicity of the case legally and factually is the circumstance that the Authority did not require the parties to provide written briefs of evidence but conducted the investigation meeting by interviewing orally the main witnesses, Mr Pryor and Mr Savage. Meeting time was less than three hours.

[7] In principle Mr Pryor is entitled to a reasonable contribution to his total notional reasonable costs (being no more than actual costs), as his claim of unjustified dismissal was upheld by the Authority.

[8] I consider that an award nearer the lower end of the perceived daily rate or tariff is warranted in the circumstances of this case.

[9] Pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000, I fix costs at \$950 which are to be paid by Gibson O'Connor Ltd to Mr Gordon Pryor.

A Dumbleton  
**Member of the Employment Relations Authority**