

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH OFFICE**

BETWEEN Tabitha Ravenwood (Applicant)
AND The Citrus Bar & Café Limited (Respondent)
AND
BETWEEN Rachel Wood (Applicant)
AND Gregory Lee (Respondent)
REPRESENTATIVES G B Henderson, Counsel for Applicant
No submissions for either Respondent
MEMBER OF AUTHORITY Helen Doyle
SUBMISSIONS RECEIVED 23 March 2005
DATE OF DETERMINATION 28 April 2005

COSTS DETERMINATION OF THE AUTHORITY

[1] In my determination dated 9 March 2005 I found that Ms Ravenwood's claim was against The Citrus Bar & Café Limited and Ms Wood's claim was against Gregory Lee.

[2] Ms Ravenwood and Ms Wood were unsuccessful in their respective personal grievance claims that they had been unjustifiably constructively dismissed. I found that Ms Ravenwood was owed holiday pay and money for student loan repayments deducted but not paid from her wages. I also found that Ms Wood was owed holiday pay.

[3] I reserved the issue of costs. I received submissions on behalf of the applicants with respect to costs. An Authority support officer sent a letter to the respondents' advising that any response to the submissions was to be lodged within 14 days. No response has been received to the submissions on costs.

[4] Ms Ravenwood was not legally aided for the purpose of the Authority investigation. I am of the view that she is entitled to a contribution toward her actual costs of \$953.00 including preparation of the submissions for costs. Ms Wood is in receipt of legal aid. Her total costs in relation to legal aid are \$2029.40 although no doubt part of that would have been in relation to mediation. I am of the view that Ms Wood is also entitled to a contribution toward her costs.

[5] The applicants were not entirely successful but I weigh against that the failure by the respondents to provide briefs of evidence in accordance with both the Authorities notices of

direction dated 9 and 24 November 2004 in circumstances where it was clear that there was an issue as to the identity of the respondent. This contributed to the time required to investigate.

[6] In all the circumstances of this case I am of the view that an award to each applicant of \$635.00 which sum includes the filing fee incurred by the applicants would be reasonable.

[7] I order The Citrus Bar & Café Limited to pay to Tabitha Ravenwood the sum of \$635.00 as a contribution toward her costs and disbursements.

[8] I order Gregory Lee to pay to Rachel Wood the sum of \$635.00 as a contribution toward her costs and disbursements.

Helen Doyle
Member of Employment Relations Authority