

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Michael Round
AND Just Kids Ltd
REPRESENTATIVES Michael McFadden for applicant
Helen Thorpe for respondent
MEMBER OF AUTHORITY Y S Oldfield
SUBMISSIONS 23 August 2006, 4 September 2006
DATE OF DETERMINATION 16 October 2006

DETERMINATION OF THE AUTHORITY AS TO COSTS

Employment Relationship Problem

[1] In a determination dated 15 August 2006 I concluded that Mr Round was genuinely redundant but found that aspects of the redundancy process were unfair to him. I awarded compensation of \$4,000.00 for associated hurt and humiliation. As the successful party, he now seeks full costs (\$3,487.50) plus the filing fee of \$70.00. In a submission on his behalf, Mr McFadden submitted that the actual costs were reasonable and the award of costs should be such as to prevent the erosion of the award to him.

[2] On behalf of the respondent Ms Thorpe noted that the respondent was successful in asserting that the redundancy was genuine. She said the matter did not take a full day and in these circumstances an award of \$1,000.00 would be a fair and reasonable contribution to costs.

Determination

[3] I agree that the actual costs were reasonable and that it is important that Mr Round's award is not eroded completely. However I do not agree that this is in the category of case where full costs can be justified, especially given that the applicant was not wholly successful. This was a simple matter which did not require extensive preparation. In all the circumstances an award of \$1,500.00 is appropriate.

[4] The respondent, Just Kids Ltd, is ordered to pay to the applicant the sum of \$1,500.00 as contribution to his costs.

Y S Oldfield
Member of Employment Relations Authority