

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 287A/09
5127216

BETWEEN

BARRY SAUNDERS
Applicant

AND

NORTHLAND SPARS AND
RIGGING LIMITED
Respondent

Member of Authority: Yvonne Oldfield

Representatives: Applicant in person
Athol Hutton, Director, for Respondent

Submissions received: 31 August 2009 from Respondent, 3 September 2009
from Applicant

Determination: 19 October 2009

COSTS DETERMINATION OF THE AUTHORITY

[1] This employment relationship problem concerned a dismissal for redundancy. In a determination dated 19 August 2009 I concluded that the dismissal was genuinely for redundancy although there were procedural flaws in the way it had been conducted. I also accepted that the applicant had by his conduct contributed to the manner in which his employment ended and for this reason, declined to award remedies.

[2] Both parties have now sought costs. Although neither was professionally represented at the investigation meeting, they have each sought a contribution from the other in relation to the cost of advice and representation: in the case of the respondent, a sum of \$3,390.00 in total and in the case of the applicant, the sum of \$4,186.85 in total. In each case this seems to include services rendered in respect of mediation.

[3] As the findings in the determination of 19 August show, neither the applicant nor the respondent could be said to be the successful party in this matter. I have concluded that in all the circumstances of this case each party should fairly bear its own costs.

[4] **Costs will lie where they fall.**

Yvonne Oldfield

Member of the Employment Relations Authority