

[4] Mr Parvez referred to the fact that the applicants were unsuccessful in their personal grievance claim and that the respondent had always been prepared to resolve the holiday pay issue.

[5] The principles applicable to an award of costs in the Authority have been set out in *PBO Limited (formerly Rush Security Ltd) v Da Cruz* [2005] 1 ERNZ 808. The Full Court set out a number of principles including that costs generally follow the event, are frequently judged against a notional daily rate and that awards will be modest. An award of costs is discretionary but the discretion is to be exercised accordance with principle and not arbitrarily. Costs are not to be punitive and will generally be modest. The conduct of the parties can also be taken into account.

[6] Had the applicants accepted what was offered the holiday pay matter would not have had to be litigated.

[7] The greater part of these proceedings was taken up by the personal grievance matter in which the applicants were unsuccessful.

[8] The applicants are to make a contribution to the respondent's costs. I set that contribution at \$250 per applicant.

[9] The respondent is to pay the \$70 filing fee.

Dzintra King

Member of the Employment Relations Authority