



[4] Furthermore, I accept that the background involving the parties' preparation and the documentation made available helped save some costs and the investigation process may have been cheaper than it could have been. The parties did attend mediation services provided by the Department of Labour, but there is some indication of animosity between different people involved from the parties. I have ignored this because there has been no evidence tested on the matter and whether or not any such animosity impacted on putting one or both parties to any extra costs. Importantly time was available for the parties to try and settle with the assistance of their representatives after the investigation meeting.

[5] This was not a precedent setting matter. Nor was it in any way exceptional or any different from the usual type of employment relationship problems that come before the Authority. Suffice for me to say that both parties used the statutory procedures provided to settle a matter that they should have been capable of settling themselves or getting an experienced mediator to decide for them. This is especially so when the information relied upon remained the same throughout the timeframe of the employment relationship problem.

[6] Therefore, in my assessment a starting point would be \$1,500 for costs considering there was a site visit and the investigation meeting lasted from 2 pm until 4.40 pm. The union is unrealistic to believe that \$500 would be a maximum amount that could be justified. Both parties decided to get representation and I accept that there is a cost associated with such arrangements. The respondent's decision to use local representation was wholly reasonable in the circumstances since the union obtained representation to file the matter in the Authority. I must add that the decision by the parties to get representation was of added value because it kept the issue narrowed and focussed. That is not enough to suggest that just because the problem involved a dispute on the application, operation and interpretation of the employment agreement that no costs should be awarded. The union was not successful and the respondent was entitled to expect some costs given the claim for costs made against it in the statement of problem. The usual principle is that costs follow the event.

[7] In conclusion I assess a contribution of reasonable costs to be approximately 2/3rds of \$1,500. It is my decision that the NZ Meat Workers & Related Trades Union Inc. is to pay the respondent the sum of \$1,000.

P R Stapp  
Member of the Employment Relations Authority