

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 458
5285075
5285086
5285089

BETWEEN

MELANIE HATCH
Applicant in 5285075

PHILLIPA MCCANN
Applicant in 5285086

FIONA MOONEY
Applicant in 5285089

AND

OCEANIA CARE COMPANY
(NO 1) LIMITED
Respondent

Member of Authority: Dzintra King

Memoranda Received: 6 May 2011 from Applicant
15 June 2011 from Respondent

Determination: 21 October 2011

COSTS DETERMINATION OF THE AUTHORITY

[1] The applicants were successful in their unjustified dismissal claims.

[2] The applicants have incurred costs of \$16,910.75 (GST inclusive). The applicants seek costs of that amount. In the alternative, the applicants seek a reasonable contribution to their costs.

[3] The respondent says that although the applicants filed claims for unjustified disadvantage and unlawful discrimination those claims were withdrawn at the commencement of the hearing. The respondent had no prior notice of this and had prepared for all the claims set out in the Statement of Problem.

[4] The applicants each sought remedies in excess of \$50,000. Ms Mooney was awarded \$11,228.00, Ms Hatch \$11,417.50 and Ms McCann was awarded 13 weeks' lost remuneration plus \$3,000.00 compensation.

[5] The respondent submits that costs of no more than \$2,500 should be awarded.

[6] There is no basis for an award of full costs.

[7] The applicant's representative has not provided an hourly rate or a breakdown of time spent.

[8] The meeting took a day, all three grievances being heard together.

[9] The matter was not complex.

[10] The decision of the Full Employment Court in *PBO Limited v da Cruz* [2005] governs the Authority's exercise of its discretion in relation to costs. This includes the application of a daily tariff.

[11] The respondent is to pay the applicants jointly and severally the sum of \$6,000 in costs.

Dzintra King

Member of the Employment Relations Authority