

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKĀURAU ROHE**

[2019] NZERA 717
3045832

BETWEEN	LABOUR INSPECTOR Applicant
AND	SUNWIN TECHNOLOGIES LIMITED First Respondent
AND	RAMESH KUMAR KONEY Second Respondent
AND	PHANI KUMAR CHEVENDRA Third Respondent

Member of Authority: Vicki Campbell

Representatives: Sarah Blick for Applicant
No appearance for Respondents

Submissions received: 19 November 2019 from Applicant

Determination: 18 December 2019

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 22 October 2019 I held Sunwin Technologies Limited breached minimum employment standards and that Mr Koney and Mr Chevendra were persons involved in those breaches. I made orders requiring Sunwin Technologies Limited and/or Mr Koney and Mr Chevendra to pay arrears of wages and penalties.¹

¹ *Labour Inspector v Sunwin Technologies Limited & 2 Ors* [2019] NZERA 603.

[2] I reserved costs and invited the parties to resolve the issue between them. The parties have been unable to resolve the matter and the Labour Inspector has lodged a costs memorandum seeking a determination of the issue of costs. Despite setting a timetable for submissions to be lodged and served by the respondents, no submissions have been received.

[3] The discretion to award costs, while broad, is to be exercised in a principled way. The primary principle is that costs follow the event. The Authority has the power to order any party to pay to any other party such costs and expenses as the Authority thinks reasonable.² The principles applying to costs are well settled and do not require repeating.³

[4] An assessment of costs in the Authority will normally start with the notional daily tariff which is \$4,500 for the first day of an investigation meeting and \$3,500 for each subsequent day.⁴ The investigation meeting took half a day so the starting point is \$2,250.

[5] I have concluded a reasonable contribution to costs is \$2,250. Sunwin Technologies Limited, Mr Koney and Mr Chevendra are jointly and severally liable for the payment of \$2,250 towards the Labour Inspectors' costs which must be paid within 28 days of the date of this determination.

Vicki Campbell
Member of the Employment Relations Authority

² Employment Relations Act 2000, Schedule 2, clause 15.

³ *PBO Ltd v Da Cruz* [2005] 1 ERNZ 808, 819-820 and *Fagotti v Acme & Co Limited* [2015] NZEmpC 135 at [106] – [108].

⁴ Practice Note 2, Costs in the Employment Relations Authority.