

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2019] NZERA 508
3028074

BETWEEN

SOPHIE ALLEYNE
Applicant

AND

BATCHELOR
CONSTRUCTION (now known
as HANDRAIL SOLUTIONS
LIMITED
Respondent

Member of Authority: Andrew Dallas

Representatives: Michael McDonald, advocate for Applicant
No appearance for the Respondent

Submissions 17 July 2019 for the Applicant
None for the Respondent

Determination: 30 August 2019

COSTS DETERMINATION OF THE AUTHORITY

Introduction

[1] By determination issued on 21 June 2019, the Authority made various orders in respect of Ms Alleyne's employment relationship problem.¹

[2] The determination reserved costs but encouraged the parties to resolve that issue themselves. It included an indication that, if asked to determine costs, the Authority's assessment would be the applicable daily tariff of \$4500.

¹ *Alleyne v Batchelor Construction now trading as Handrail Solutions Limited* [2019] NZERA 366

[3] In a memorandum on costs subsequently lodged Ms Alleyne, through her representative, sought an order for a costs award of \$10,600 exclusive of good and services tax. No submissions were received from Handrail Solutions Limited (Handrail).

[4] Ms Alleyne said she should be awarded more than the daily tariff due to deficiencies in the way Handrail had conducted the litigation. She pointed to the failure by Handrail to comply with the Authority's directions including the on-time provision of witness statements and the failure to lodge final submissions after the investigation meeting despite the direction being made at Handrail's request. Ms Alleyne also pointed to a "Calderbank offer" which proposed to settle for significantly less than what she was awarded by the Authority.

Result

[5] Having regard to all the circumstances of this matter, including Ms Alleyne's Calderbank offer, and given the lack of comment from Handrail on her claim for costs, I have decided an uplift in the daily tariff to \$7,500 is appropriate. This must be paid to Ms Alleyne within 14 days of the date of this determination. It is also appropriate that Ms Alleyne be reimbursed the Authority's lodgement fee of \$71.56. This must also be paid to her within 14 days.

Andrew Dallas
Member of the Employment Relations Authority