

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2023] NZERA 713
3116932

BETWEEN A LABOUR INSPECTOR
Applicant

AND ELEV 8 GLOBAL LIMITED
First Respondent

AND VICTORIA JEON (aka JONG AI PARK)
Second Respondent

Member of Authority: Philip Cheyne

Representatives: Greg La Hood, counsel for the Applicant
Seungmin Kang, counsel for the Respondents

Investigation Meeting: On the papers

Submissions Received: 30 August 2023 from the Applicant
None from the Respondent

Date of Determination: 28 November 2023

COSTS DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] In earlier determinations,¹ I found that a person was an employee not a volunteer for Elev 8 Global Limited and I found the respondents were liable for arrears and for penalties with respect to that person and others. The second respondent's liability was as a person involved. Costs were reserved. This determination deals with costs.

¹ *A Labour Inspector v Elev 8 Global Limited and Anor* [2023] NZERA 223 and [2023] NZERA 417.

[2] I have received submissions on costs from counsel for the Applicant. These were served on the Respondents. Nothing has been received for the respondents.

[3] Properly, counsel drew my attention to the submissions being lodged outside of the time set in the last determination. I am asked to extend time. I agree that the respondents have not been prejudiced by the brief delay and I extend time accordingly.

The Labour Inspector's claim for costs

[4] The Labour Inspector was successful in her claims so is entitled to costs.

[5] Costs of \$9,750.00 are sought on the basis of the Authority's standard daily tariff for an investigation meeting which took approximately two and a half days.

[6] There is no reason to depart from the Authority's common practice of fixing costs by reference to the well-known daily tariff. Costs based on two and a half days is appropriate.

Order

[7] Elev 8 Global Limited and Victoria Jeon (aka Jong Ai Park) are to pay costs of \$9,750.00 to the Labour Inspector within 28 days of the date of this determination.

Philip Cheyne
Member of the Employment Relations Authority