

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI
TE WHANGANUI A TARA ROHE**

[2025] NZERA 797
3355023

BETWEEN	NICKA PAPER Applicant
AND	THE RECRUITMENT NETWORK LIMITED Respondent

Member of Authority:	Sarah Kennedy-Martin
Representatives:	Applicant in person Kirsten Maclean, counsel for the Respondent
Submissions received:	10 October 2025 from Respondent
Determination:	8 December 2025

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 1 October 2025, Nicka Papera was unsuccessful with his personal grievance claim that he was unjustifiably dismissed and owed holiday pay and Covid-19 payments.¹ The Recruitment Network Limited (TRNL) said Mr Papera's claims were not raised within the 90 day statutory time period and that issue was investigated and determined on the papers.

[2] The Authority found Mr Papera's personal grievance claim was either not raised at all, or if it was, it was raised outside of the of the 90 day period. The Authority did not have jurisdiction to consider Mr Papera's personal grievance and wage arrears claims as Mr Papera was outside the three year time period for bringing a claim in the Authority.

¹ *Papera v The Recruitment Network Limited* [2025] NZERA 616.

[3] The Authority reserved the issue of costs and encouraged the parties to resolve costs between them. They have been unable to do so. TRNL made an application for an award of costs seeking an uplift to the Authority's daily tariff for a one day investigation meeting of \$4,500.00. Mr Papera did not respond to the Authority's communications and no response to the application for costs was received.

Costs

[4] Where a party has incurred costs due to being represented by a lawyer or advocate, the Authority may order which ever party is unsuccessful to contribute to the successful party's costs. The starting point for costs based on the Authority's daily tariff is \$4,500.00 for the first day. From that starting point the Authority can consider whether there are factors justifying an increase or decrease in costs.

[5] Costs are a matter of discretion. The discretion is to be exercised in accordance with principle and not arbitrarily. The general rule is if a party is successful, they will be entitled to an award of costs. TRNL was successful in that it was established Mr Papera claims could not proceed.

Submissions

[6] TRNL seeks a 50 per-cent uplift to the daily tariff because Mr Papera's claims were untenable from the start, his conduct delayed matters and increased TRNL's costs, prior to proceedings it was made clear to Mr Papera his claims would not succeed and he provided no evidence to the Authority to support his claims.

[7] TRNL also made an offer to settle on the basis Mr Papera withdraw his claim and no costs would be sought against him. Mr Papera did not accept the offer and continued with his claim. When the matter proceeded, Mr Papera did not comply with timetable directions and instead provided numerous emails to the Authority, some of which were not relevant to the proceeding. He also did not make himself available to attend case management teleconference calls that were convened in order to advance his claims.

[8] TRNL submits costs in the amount of \$6,750.00 would be an appropriate. If the Authority is not minded to apply an increase for the factors set out above, then it seeks \$4,500.00 as a contribution to costs.

Discussion

[9] The Authority's investigation meeting was conducted on the papers. The Authority commonly adopts a lesser starting point in cases when matters are determined on the papers. In recognition of the fact there was no in person investigation meeting, the starting point for costs is adjusted to \$2,250.00 to account for that. It is accepted TRNL still incurred costs, in particular, sworn affidavits, submissions and attendance at case management teleconference calls were necessary.

[10] Mr Papera did not lodge an affidavit but did provide numerous emails to TRNL and the Authority. He did not comply with timetable directions or attend any case management conference calls. From the starting point of half of the daily tariff a small uplift is justified because it is accepted costs were increased by the teleconferences scheduled, and emails that required attention. I also note the written offer to settle would have left Mr Papera in a better position.

[11] TRNL was the successful party and is entitled to an award of legal costs. From a starting point of \$2,250.00, I consider that an increase to \$3,000.00 is justified to account for the written offer to settle and the other factors set out above.

Orders

[12] I order Nicka Papera to pay \$3,000.00 in costs to The Recruitment Network Limited within 28 days of this determination.

Sarah Kennedy-Martin
Member of the Employment Relations Authority