

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2026] NZERA 122
3303100

BETWEEN JINGKAI WANG
 Applicant

AND ENVOCO LIMITED
 Respondent

Member of Authority: Matthew Piper

Representatives: Aimee Cai, advocate for the Applicant
 Ray Parmenter, counsel for the Respondent

Submissions received: 12 January 2026 from the Applicant
 12 January 2026 from the Respondent

Determination: 3 March 2026

COSTS DETERMINATION OF THE AUTHORITY

[1] On 23 December 2025 the Authority issued a determination finding Mr Wang had been partially successful in his claims against Envoco Limited (Envoco).

[2] In short, Mr Wang had claimed to have been unjustifiably dismissed, that he was disadvantaged by Envoco's actions when he raised concerns about bullying and that he was not provided with a safe work environment.

[3] However, Mr Wang only established that he was unjustifiably disadvantaged by Envoco's failure to respond to the email by which he ended his employment.

[4] Mr Wang was awarded \$2,000 in compensation under s 123(1)(c)(i) of the Employment Relations Act 2000 (the Act), and this was reduced by 25% for his contribution to the situation giving rise to his grievance.

[5] The parties were encouraged to resolve costs between themselves. They have been unable to do so.

The parties' submissions

[6] Mr Wang submitted that a costs award should be made in his favour on the basis that he established a disadvantage claim. He submitted an award at the daily tariff rate of \$4,500.00 plus the filing fee of \$71.55 was appropriate.

[7] Envoco submitted that it had successfully responded to the most significant claims made by Mr Wang, particularly his claim to have been unjustifiably dismissed, and that Mr Wang had enjoyed very limited success. Envoco submitted it was, therefore, just for costs to lie where they fall.

Costs principles

[8] Clause 15 of Schedule 2 of the Act gives the Authority broad discretion as to costs. The Authority's discretion must be exercised in a principled manner. The Authority has adopted a daily tariff approach to costs, meaning the starting point for considering costs for a one-day investigation meeting, such as this one was, is \$4,500.00.

[9] The daily tariff is not a rigid rule, and the Authority may adjust the tariff figure up or down depending on the circumstances of the case.¹ Factors that are relevant for consideration in terms of whether costs are awarded and whether the tariff is adjusted include:

- a. The Authority's equity and good conscience jurisdiction as applied to the particular circumstances of the case;
- b. That costs are not to be used as punishment of a party or to express disapproval of conduct, rather they are to contribute to the costs incurred by the successful party; and

¹ *PBO Ltd (formerly Rush Security Ltd) v Da Cruz* [2005] ERNZ 808, confirmed in *Fagotti v Acme & Co Ltd* [2015] NZEmpC 135.

c. Awards should be modest.

[10] The Authority generally applies a “costs-follow-the-event” approach, which means the successful party will generally be entitled to a contribution to their costs in the Authority.

[11] In cases of mixed success, the Authority may stand back and look at things “in the round”. It is relevant to this consideration that success could not have been achieved without lodging a claim in the Authority.²

Discussion

[12] Although Envoco successfully responded to the majority of Mr Wang’s claims, it remains the case that he established a personal grievance for unjustified disadvantage and was awarded compensation. It is therefore the case that Mr Wang can be considered to be the successful party, even if the success he enjoyed was much less than he sought.

[13] In these circumstances it is appropriate for the Authority to adopt its usual approach that costs generally follow the event and for a costs award to be made in favour of the successful party.

[14] Costs in this instance are best assessed by standing back and looking at things “in the round”. Mr Wang’s central claim that he was unjustifiably dismissed was not established, nor were his other claims that the company failed to provide a safe work environment or that it was unresponsive when he raised bullying. These matters occupied most of the investigation meeting time.

[15] It is appropriate to reduce the tariff applicable to a one-day investigation to \$1,500.00 to reflect Mr Wang’s limited success. Mr Wang is also entitled to recover his filing fee of \$71.55.

Orders

[16] Within 28 days of the date of this determination Envoco is ordered to pay Mr Wang:

- a. \$1,500.00 as a contribution towards his costs; and

² *Coomer v J A McCallum and Son* [2017] NZEmpC 156.

- b. \$71.55 as reimbursement of the fee paid by Mr Wang to lodge his claim with the Authority.

Matthew Piper
Member of the Employment Relations Authority