

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2026] NZERA 167
3296259

BETWEEN	YU CHUNYAN First Applicant
AND	SUN TINGTING Second Applicant
AND	LIU DANSHUA Third Applicant
AND	SHIJIE ZHANG Fourth Applicant
AND	MIAODI'S LAUNDROMAT LIMITED Respondent

Member of Authority: Eleanor Robinson

Representatives: May Moncur, advocate for the Applicants
James Duckworth, counsel for the Respondent

Submissions and further information received: 21 February and 18 March 2026 from the Applicant
11 March 2026 from the Respondent

Determination: 20 March 2026

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 21 January 2026 (Determination [2026] NZERA 31) the Applicants, Yu Chunyan, Sun Tingting, Liu Danhue and Zhang Shejie (the Applicants) were determined to have been unjustifiably dismissed and unjustifiably disadvantaged by the Respondent, Miaodi's Laundromat Limited (Miaodi's).

[2] In that determination costs were reserved in the hope that the parties would be able to settle this issue between themselves. Unfortunately, they have been unable to do so, and Ms Moncur, on behalf of the Applicants, has filed submissions in support of an application for a contribution to costs.

[3] The matter involved a two-day investigation meeting.

[4] Ms Moncur on behalf of the Applicants, is claiming a contribution to costs in the sum of \$8,000.00, being the normal daily tariff in the Authority for a two-day investigation.

[5] Ms Moncur is also seeking an uplift on that sum on the basis that this was a case of serious migrant exploitation involving prolonged wage non-payment, and that the Respondent failed to engage constructively with a detailed proposal that might have saved the parties from incurring further costs.

[6] Mr James, on behalf of Miaodi's does not accept that an uplift in costs is justified on the basis that while there was an agreement that wages were owed to the Applicants, the quantum was disputed because the Applicants' own records did not correspond with the records maintained by Miaodi's.

Principles

[7] The power of the Authority to award costs arises from Section 15 of Schedule 2 of the Employment Relations Act 2000 which states:

15 Power to award costs

- (1) The Authority may order any party to a matter to pay to any other party such costs and expenses (including expenses of witnesses) as the Authority thinks reasonable.
- (2) The Authority may apportion any such costs and expenses between the parties or any of them as it thinks fit, and may at any time vary or alter any such order in such manner as it thinks reasonable.

Costs Award

[8] The Applicants were the successful party and costs normally follow the event.

[9] The principles the Authority applies in respect of costs are well-settled and outlined in *PBO Limited (formerly Rush Security Ltd) v Da Cruz*¹. The principles include that costs are discretionary, and awards made are consistent with the Authority's equity and good conscience jurisdiction. they generally follow the event, and will be modest and reasonable.

[10] The Applicants are seeking an uplift in costs. It is accepted that they were migrants and had not been paid properly. That was taken into account when the remedies were determined.

[11] It is also accepted that the amounts owing to the Applicants were a matter of dispute and only resolved at the Investigation Meeting. However it did not appear that Miaodi's was

¹*PBO v Da Cruz* [2005] 1 ERNZ 808

acting unreasonably in disputing the claims and these were resolved by the parties at the Investigation Meeting without the Authority having to determine that aspect.

[12] Having considered the submissions, I consider that tariff amount for a two-day hearing without uplift to be appropriate.

[13] **Miaodi's is ordered to pay the Applicants the sum of \$8,000.00 costs**, pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000.

Eleanor Robinson
Member of the Employment Relations Authority