

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2026] NZERA 212
3375383

BETWEEN PHILLIPPA WILSON
Applicant

AND NZ TAXI COMMUNICATIONS LIMITED
First Respondent

AERIAL CAPITAL GROUP LIMITED
Second Respondent

Member of Authority: Antoinette Baker

Representatives: Emily Griffen and Nina Santos, counsel for the Applicant
Justine O'Connell, counsel for the Respondents

Date of Determination: 8 April 2026

COSTS DETERMINATION OF THE AUTHORITY

[1] This is a costs application by the respondents against Ms Wilson. On 7 January 2026 I determined 'on the papers' that Ms Wilson was unsuccessful in her claims¹. She has claimed that under terms of her individual employment agreement she had contractual entitlement to arrears payments for the expense of working from home and storing some of NZT's equipment at her home after its regional office base closed.

[2] The respondents say that they have incurred actual costs of \$9,344.50 plus GST² to defend the claims and that a reduced contribution due to the 'on the papers' process should be

¹ *Wilson v NZ Taxi Communications Limited* [2026] NZERA 6.

² Mistakenly referenced in the application as \$9,44.50 but attached counsel correspondence and the claim for \$3,500.00 as a contribution makes sense of this being a typographical error.

\$3,500.00. The respondents have not provided any further detail as to the breakdown of how costs have been incurred.

[3] For Ms Wilson it is submitted that each party should bear their own costs. The submission is that this is consistent with the Authority's practice not to award costs in a dispute about the interpretation of contractual terms which it is submitted can be interpreted analogously from the Authority's 2024 practice note³ as meaning for any dispute about the interpretation of an employment agreement. That practice note recites the discretionary power of the Authority to award costs⁴, the starting point tariff approach (\$4,500.00 for the first day and \$3,500.00 for days thereafter) and that this may be uplifted or reduced depending on the circumstances of the case.⁵ The same note also includes that:

6. The Authority's discretion regarding costs is generally to be exercised on a presumption that the following categories of matter are not subject to a daily tariff and that parties bear their own costs:

...

ii. disputes about the application, interpretation or operation of a collective agreement;

...

[4] The above does not say that the presumption relates to employees on an individual employment agreement which was the situation for Ms Wilson. I agree with submission for the respondents that this presumption does not apply to this situation even by the analogy submitted or because Ms Wilson was a member of a union and there was no collective in the workplace.

[5] Accordingly, I will approach this matter as an exercise of the usual discretion based on the Authority's tariff approach and then whether there is a need in the circumstances to adjust this up or down. I also note that in this jurisdiction costs are well known to be modest and not a mechanism to punish the other party.

³ <https://www.era.govt.nz/assets/Uploads/practice-direction-of-the-employment-relations-authority.pdf>

⁴ Employment Relations Act, Schedule 2, clause 15.

⁵ See note 3 above at paragraphs 3 to 5 of the section 'Costs in the Authority.'

[6] Because this matter was dealt with 'on the papers' it is not an easy comparator to arrive at a 'starting point' based on the tariff's measure of investigation meeting time. That measure generally takes into account reasonable preparation for an investigation meeting which includes evidence preparation and submissions as well as preparation of witnesses and attendance at a meeting. It does not include mediation.

[7] The respondents were represented at a phone conference call and by then they had lodged a single brief statement in reply. The second applicant withdrew at the time of applicant evidence being due. An amended statement of problem was lodged to reflect this and the respondents communicated through counsel that it considered it had already provided a response in its statement in reply. A single brief of evidence with attached documents was provided by the respondents. Written submissions were then provided when I confirmed the approach would be 'on the papers'. I relied predominantly on the written communications provided in determining the matter and I do not consider the submissions involved complications that set this matter outside of submissions generally taken into account as part of the tariff. While the matter initially referenced 'grievances' and compensation' the investigation proceeded on an issue of contractual interpretation only from the phone conference call and directions that followed.

[8] Accordingly, by traversing the above there was no preparation of witnesses and no attendances at an in person meeting. I consider then that a claim for a costs contribution for what is effectively a full day investigation meeting at the subsequent day rate is inconsistent with the Authority's approach to considering a reasonable contribution. While the applicant has quoted the actual costs for the respondents I have nothing before me to better assess how this may have been apportioned including invoicing with narration. Therefore, based on the above and that the matter was not overly complicated, I find a more reasonable contribution for the likely steps taken is \$2,000.00 as a starting point based on the tariff.

[9] I now consider whether in the circumstances I should reduce the \$2,000.00 starting point. Again, while I have not been provided anything in the costs response for Ms Wilson about her circumstances that may support a reduction I note that the evidence in correspondence in the substantive matter included that she lived in supported accommodation. I find some

likelihood she may have some difficulty meeting a costs award and reduce the amount of the contribution to \$1,500.00.

Costs order

[10] Philippa Wilson is ordered to pay the single sum of \$1,500.00 towards the joint costs of NZ Taxi Communications Limited and Aerial Capital Group Limited within 21 days from the date of this determination.

Antoinette Baker
Member of the Employment Relations Authority