

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2018] NZERA Christchurch 189
3030058

BETWEEN A ENGINEERING CONSULTING FIRM
Applicant

A N D PQR
Respondent

Member of Authority: David Appleton

Representatives: Charlotte Parkhill and Ellie Domigan, Co-Counsel for
Applicant
Respondent in person

Date of Determination: 13 December 2018

**SECOND DETERMINATION OF THE
EMPLOYMENT RELATIONS AUTHORITY**

[1] The Authority having released a determination in this matter on 12 December 2018¹ (the first determination), the applicant has reminded the Authority that it had asked that a condition be put on the terms of a non-publication order it had sought so as to enable it to present the first determination to “another Court, tribunal or regulatory body as evidence of the respondent’s previous behaviour towards the applicant”. The non-publication order was granted, and is set out in the first determination, but by reason of oversight I did not address the condition referred to above.

[2] The applicant seeks an urgent clarification on the condition it seeks to the non-publication order because the Chartered Professional Engineers Council (CPEC) appeals panel is meeting on the morning of Friday 14 December to discuss the parties’ submissions on the respondent’s appeal against the determination of Engineering New Zealand, which dismissed his complaints about the applicant, and two employees of the applicant, in respect of a project I have called Project A in the first determination.

¹ [2018] NZERA Christchurch 182

[3] The respondent opposed the original application for a non-publication order and so did not comment on the condition sought by the applicant. I am reluctant, without further discussion or submissions, to grant the condition in the wide terms sought. However, I am aware that the CPEC appeals panel will already be familiar with the full facts of the case relating to Project A and the identities of the respondent, applicant and the two employees of the applicant. I see no merit in declining to allow the applicant from showing the determination to the CPEC for the purposes of the appeal.

[4] I therefore vary the terms of the non-publication order set out in the first determination to allow the applicant to give a copy if it to the members of the CPEC dealing with the respondent's appeal. If the applicant wishes to argue that the condition should be wider, which is not an urgent matter at this stage, I would invite them to make fuller submissions on that point and for the respondent to make further submissions in reply. I shall set a timetable for that once the applicant has indicated that it wishes to do so.

David Appleton
Member of the Employment Relations Authority