

Attention is drawn to the order prohibiting publication of certain information in this matter

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2019] NZERA 562
3035592

BETWEEN	FWJ Applicant
AND	RPW Respondent

Member of Authority:	Eleanor Robinson
Representatives:	Allan Halse, Advocate for the Applicant Erin Anderson and Cameron Fraser, Counsel for the Respondent
Submissions	1 October 2019 from the Applicant 26 September 2019 from the Respondent
Determination:	1 October 2019

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] There are permanent non-publication orders in place as a result of Related Proceedings affecting this Respondent.

[2] On 11 October 2018 the Employment Court issued an order prohibiting publication of the names of the parties and any information likely to lead to their identification: [2018] NZEmpC 120.

[3] The Authority modified its permanent non-publication orders on 1 November 2018 in light of the employment Court order. It confirmed that there are permanent name orders in force prohibiting inter alia publication of the parties' names and any information that is likely

to identify them, and specified documents filed by the Respondent during the Authority's proceedings: [2018] NZERA Auckland 338.

[4] Counsel for the Respondent submits that the Related Proceedings and in particular prior determinations of the Authority and judgments of the Employment Court contain information relevant to these proceedings.

[5] In the Related Proceedings, the Authority has previously made determinations regarding the Respondent's internal investigations into claims raised by the Applicant. The Respondent wishes to refer to these previous determinations to respond to claims raised in the present proceedings.

[6] It is submitted that the Applicant's representative has also referred to the Related Proceedings in correspondence and case management conferences for this matter, and it likely to do so during the Investigation Meeting.

[7] Counsel submits that it is therefore important that the Respondent and the Authority are able to review and refer to the Related Proceedings and the relevant determinations and judgments to ensure these proceedings are viewed in an accurate and appropriate context.

[8] The Applicant submits that it is opposed to the issuing of non-publications by the Authority and the Employment Court.

Non-Publication Order

[9] Having carefully considered the grounds as submitted by the Respondent which include the existing non-publication orders, I am satisfied that in the present case permanent orders prohibiting publication of the names of the parties in these proceedings, and any information that may lead to identification of the parties including the names of current and former employees who may be referred to in the Investigation Meetings are appropriate.

[10] **I order that pursuant to clause 10 (1) of Schedule 2 of the Act the following are subject to a permanent non-publication order:**

- A. The names of the parties in these proceedings; and**
- B. any information that may lead to identification of the parties including the names of current and former employees who may be referred to in the Investigation Meeting.**

[11] In this determination the name of the Respondent and the Applicant will be referred to by three randomly selected letters

Costs

[12] Costs are reserved.

**Eleanor Robinson
Member of the Employment Relations Authority**