

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2015] NZERA Auckland 400
5598329

BETWEEN DIANE ROBINSON
Applicant

A N D CARE NZ (Est 1954) LIMITED
Respondent

Member of Authority: Rachel Larmer

Representatives: Mr Allan Hulse Advocate for Applicant
Peter Chemis and Jennifer Howes Counsel for
Respondent

Investigation Meeting: On the papers

Date of Determination: 18 December 2015

**NON-PUBLICATION ORDER OF THE EMPLOYMENT RELATIONS
AUTHORITY**

- A. Pursuant to clause 10 Second Schedule Employment Relations Act 2000 the Authority orders that an interim non-publication order applies to the name(s) of prisoner(s) involved in and/or associated with Care NZ's employment investigation into Ms Robinson's alleged serious misconduct and subsequent dismissal.**
- B. The parties have leave to apply to the Authority to revisit this interim non-publication order prior to the substantive Investigation Meeting.**
- C. Whether or not this interim non-publication order should be made permanent will be addressed at the conclusion of the substantive investigation meeting next year.**

Employment relationship problem

[1] Ms Robinson is pursuing personal grievance proceedings against her former employer Care NZ (Est 1954) Limited (Care NZ). The Authority will be conducting a substantive investigation into Ms Robinson's grievances as early as it can next year.

[2] Care NZ has sought a non-publication order regarding the name(s) of prisoner(s) associated with its employment investigation and subsequent dismissal of Ms Robinson. This application arises from an article which appeared in news media which appears to have originated from or at least had input from Ms Robinson.

[3] I am satisfied it is in the interests of justice to issue an interim non-publication order in respect of the information identified by Care NZ at paragraph 3.1 of its Statement in Reply. This interim non-publication order shall apply until further order of the Authority.

[4] The parties are granted leave to apply to the Authority to vary the terms of this order and/or to have it lifted prior to the substantive investigation meeting. Whether or not this interim non publication order will be made into a final non publication order is a matter which will be address by the Authority at the end of its substantive investigation meeting.

[5] Costs are reserved on this application and if necessary shall be dealt with at the conclusion of the substantive matter.

[6] Accordingly, pursuant to clause 10 Second Schedule Employment Relations Act 2000 the Authority orders that an interim non-publication order applies to the name(s) of prisoner(s) involved and/or associated with Care NZ's employment investigation into Ms Robinson's alleged serious misconduct.

Rachel Larmer
Member of the Employment Relations Authority