

ORDER PROHIBITING PUBLICATION OF NAME OR IDENTIFYING PARTICULARS OF A NON-PARTY.

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
AUCKLAND**

**I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKĀURAU**

**[2023] NZEmpC 166
EMPC 275/2023**

IN THE MATTER OF a challenge to a determination of the
Employment Relations Authority

BETWEEN E TŪ INCORPORATED
Plaintiff

AND SHER SINGH
Defendant

EMPC 286/2023

IN THE MATTER OF a challenge to a determination of the
Employment Relations Authority

BETWEEN SHER SINGH
Plaintiff

AND E TŪ INCORPORATED
Defendant

Hearing: By way of telephone

Appearances: S Mitchell KC, counsel for E Tū Incorporated
D Fleming, counsel for Mr Singh

Judgment: 2 October 2023

**INTERLOCUTORY JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS
(Interim non-publication orders)**

[1] The plaintiff has filed a de novo challenge to a determination of the Employment Relations Authority.¹ A cross challenge has also been filed. A telephone directions conference was convened this morning to progress the challenge through to a hearing.

[2] Pursuant to sch 3 cl 12 of the Employment Relations Act 2000, the Employment Court has the power to prohibit publication of all or any part of any evidence given or pleadings filed, or the name of any party or witness or other person not be published. Any such order may be subject to such conditions as the Court thinks fit.

[3] The original complainant in this matter was referred to with randomly selected initials by the Authority in its determination. It appears that no non-publication orders were made in respect of them (although orders were made at an interim stage to protect the name and identifying details of the parties). Following discussion at the directions conference, it was agreed that interim orders should be made in respect of the individual referred to as HVF in the Authority's determination. Naming HVF would undermine the approach to anonymisation in the Authority. Privacy interests are engaged in respect of HVF and I can detect no reason why it is in the broader public interest that their name be published.

[4] I will revisit the issue of whether permanent orders ought to be made at the hearing. In the meantime, interim non-publication orders are made prohibiting the publication of the name and identifying details of HVF in these proceedings. The Court file is not to be searched without the leave of a Judge of this Court.

[5] For convenience the Court will use the same anonymised descriptor for HVF as the Authority used.

[6] These orders remain in place pending any further order of the Court.

¹ *Singh v E Tū Inc* [2023] NZERA 384 (Member van Keulen).

[7] No issue of costs arises.

Christina Inglis
Chief Judge

Judgment signed at 3.30 pm on 2 October 2023