

**ORDER PROHIBITING PUBLICATION OF NAMES OR IDENTIFYING
PARTICULARS OF THE PARTIES AND WITNESSES**

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

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

**[2024] NZEmpC 126
EMPC 249/2024**

IN THE MATTER OF	proceedings removed from the Employment Relations Authority
AND IN THE MATTER OF	an application for interim non- publication orders
BETWEEN	LDJ Plaintiff
AND	EZC Defendant

Hearing: On the papers

Appearances: MC Donovan, counsel for plaintiff
MW O'Brien, counsel for defendant

Judgment: 15 July 2024

**INTERLOCUTORY JUDGMENT OF JUDGE KATHRYN BECK
(Application for interim non-publication orders)**

[1] The Court recently granted the plaintiff's application for special leave to remove their matter from the Employment Relations Authority to the Court.¹ The statement of claim has now been filed.

¹ *LDJ v EZC* [2024] NZEmpC 109.

[2] The plaintiff has sought to continue the interim non-publication orders relating to the parties' names and identifying particulars. The defendant consents to that application.

[3] The background to this is that, although declining the application for removal, on 13 December 2023 the Authority had made interim non-publication orders in relation to the applicant's name and other details that would readily identify them. Other details that were subject to non-publication orders included the name of the respondent and the names and identities of relevant employees, including company directors of the respondent (both past and present), that would reasonably lead to the applicant being identified.² The Court then made its own parallel interim non-publication orders.³

[4] Pursuant to sch 3 cl 12 of the Employment Relations Act 2000, the 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. Any such order may be subject to such conditions as the Court thinks fit.

[5] While the defendant has consented to the current application for non-publication orders being made, the Court must be satisfied that they are appropriate. In this case, I am satisfied that they are. The material which will be put before the Court relates to highly sensitive and personal information in relation to the plaintiff. It also relates to a confidential settlement agreement between the parties.

[6] 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 names and identifying details of the parties, and the identifying names and details of employees and directors of the defendant who may be witnesses or referred to in these proceedings. The Court file is not to be searched without leave of a Judge of this Court.

² *LDJ v EZC* [2023] NZERA 738 (Member Fuiava) at [12].

³ *LDJ v EZC* [2024] NZEmpC 3.

[7] For convenience the Court will continue to use the same anonymised descriptors for the parties as were used in the previous judgments.

Kathryn Beck
Judge

Judgment signed at 4.30 pm on 15 July 2024