

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

[2017] NZERA Wellington 85
5623483

BETWEEN FGH
 Applicant

AND RST
 Respondent

Member of Authority: M B Loftus

Representatives: Philip McCabe and Stuart Henderson, Counsel for Applicant
 Stephanie Dyhrberg and Alistair Clarke, Counsel for Respondent

Investigation Meeting: On the papers

Determination: 7 September 2017

**DETERMINATION OF
THE EMPLOYMENT RELATIONS AUTHORITY**

[1] On 22 August 2017 I issued a determination in respect to the above matter.¹

[2] Since then the Applicants representatives advise they have been instructed to challenge the determination. They also ask I grant a temporary non-publication order in respect to the determination.

[3] RST does not oppose the application.

[4] During the investigation I heard enough to know there may be merit to the concerns which have led to this application though there must be a question about whether or not they constitute grounds for ongoing suppression. That said I must also recognise that once publication occurs it cannot be reversed.

¹ [2017] NZERA Wellington 78

[5] In the circumstances and given the Employment Court is to be seized of the matter, I consider it appropriate the Court be allowed to consider the application for on-going suppression it is undoubtedly going to receive without its ability to decide undermined by prior publication.

[6] Accordingly I grant the application and order there be a prohibition on publishing the original determination² before 21 September 2017. At that time the status of this order and/or the way in which the parties are identified in the determination can be revisited with the outcome being informed by the Court's decision.

[7] The Authority Officer responsible for the file is to ensure the determination is not added to MBIE's public database or otherwise distributed beyond the parties while this order is in effect.

[8] This determination replaces an earlier determination I issued on 24 August 2017.³

M B Loftus
Member of the Employment Relations Authority

² n 1 above

³ [2017] NZERA Wellington 80