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Waugh v Oglivy New Zealand Limited (Auckland) [2016] NZERA 653; [2016] NZERA Auckland 390 (28 November 2016)

Last Updated: 2 April 2017

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2016] NZERA Auckland 390
5635365

BETWEEN ANITA WAUGH Applicant

A N D OGLIVY NEW ZEALAND LIMITED

Respondent

Member of Authority: Rachel Larmer

Representatives: Blair Edwards and Robbie Bryant Counsel for Applicant Chris Patterson and Nicola Hartwell Counsel for the Respondent

Investigation Meeting: On the papers

Date of Determination: 28 November 2016

NON-PUBLICATION ORDER OF THE EMPLOYMENT RELATIONS AUTHORITY

A. An interim non-publication order applies to the information set out in paragraph 13 of Mr Patterson's memorandum dated 24

November 2016 until further order of the Authority.

Employment relationship problem

[1] Ogilvy New Zealand Limited (Ogilvy) seeks a non-publication order in respect of the names of two clients identified in the pleadings currently before the Authority together with the actual 2015 revenue, the 2016 budget and the 2016 forecast for these two named clients which Ogilvy's has categorised as commercially sensitive information.

[2] Ms Waugh does not object to Ogilvy's application for a non-publication order.

[3] I find that there is no public interest in having the information which is the subject of Ogilvy's non-publication order application made publicly available, at least in the interim until this matter has been finally resolved.

[4] I accept Ogilvy's submission that the disclosure of the information it is seeking a non-publication order over is also likely to create difficulties for Ogilvy both in terms of its obligations of confidentiality to these two named clients and in relation to its own commercial interests.

[5] I further accept Mr Patterson's submission that publication of the information Ogilvy seeks a non-publication order over may result in detriment to Ogilvy's and even potentially the two named clients' commercial interests as well.

[6] There is no dispute that the non-publication order Ogilvy's seeks would not disadvantage or cause any detriment to Ms Waugh or her ability to pursue her claim.

[7] I am satisfied it is in the interests of justice to issue an interim non-publication order in respect of the information identified by Mr Patterson in paragraph 13 of his memorandum dated 24 November 2016, at least until this matter has been finally resolved.

[8] Accordingly, pursuant to clause 10 Second Schedule [Employment Relations Act 2000](#) the Authority orders that an interim non-publication order applies to the commercially sensitive information recorded in paragraph 13 of Mr Patterson's memorandum dated 24 November 2016, until further order of the Authority.

Rachel Larmer

Member of the Employment Relations Authority

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