

Note: An order prohibiting the publication of details of this application appears on page 2

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 28/09
5150422

BETWEEN X
 Applicant

AND Y LTD
 Respondent

Member of Authority: R A Monaghan

Representatives: K Toogood QC and R McIlraith for Applicant
 J Haigh QC and J Mills for Respondent

Investigation Meeting: 29 January 2009

Determination: 30 January 2009

**DETERMINATION OF THE AUTHORITY
ON INTERIM APPLICATION**

Employment relationship problem

[1] X has applied to the Authority as a matter of urgency for an interim declaration and orders pending mediation or the hearing of the substantive employment relationship problem with his employer, Y Limited.

[2] The application was heard immediately under urgency. Y Limited attended and was represented at the Authority, where it received a copy of the application and provided such oral response as it was able to in those circumstances.

Prohibition of publication

[3] X also sought an order prohibiting the publication of the identities of the parties, the subject matter of the present application and details of the issues between the parties, for reasons which were elaborated upon.

[4] After hearing from the parties on that application, I order accordingly. The order will remain in force until further order.

Determination

[5] Y Limited has provided an undertaking, material terms of which were effectively the subject of a discussion prior to my determining whether to grant X's application. The indication given in that discussion suggested the balance of convenience was likely to favour Y Limited provided relevant aspects of the course of action being indicated were implemented.

[6] Y Limited then gave an undertaking which was read out at the investigation meeting and is held on the Authority's file.

[7] Accordingly the aspects of the undertaking which related to Y Limited's actions persuaded me that the balance of convenience favours Y Limited in the present application. The present application for an interim declaration and orders is therefore declined.

R A Monaghan

Member of the Employment Relations Authority