

**ORDER PROHIBITING PUBLICATION OF THE RESPONDENT'S NAME
OR ANY IDENTIFYING DETAILS IN EMPC 419/2023 AND THE
APPLICANT'S NAME OR ANY IDENTIFYING DETAILS IN EMPC 444/2023**

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

**I TE KŌTI TAKE MAHI O AOTEAROA
ŌTAUHAHI**

**[2023] NZEmpC 231
EMPC 419/2023**

IN THE MATTER OF an application for leave to extend time to file
a challenge to a determination of the
Employment Relations Authority

AND IN THE MATTER OF an application for stay of proceedings

BETWEEN MURRAY BOYD
Applicant

AND OJI
Respondent

EMPC 444/2023

AND IN THE MATTER OF an application for a compliance order

AND IN THE MATTER OF an application for a non-publication order

BETWEEN OJI
Applicant

AND MURRAY BOYD
Respondent

Hearing: On the papers

Appearances: G Davis, counsel for Mr Boyd
A Fechny, advocate for OJI

Judgment: 18 December 2023

INTERLOCUTORY JUDGMENT OF JUDGE M S KING
(Application for a non-publication order)

[1] These proceedings involve an application by Mr Boyd to extend time to file a challenge in the Employment Court and an application by Mr Boyd for a stay of proceedings (EMPC 419/2023). A separate application for a compliance order has been filed by OJI in proceedings EMPC 444/2023. These proceedings are filed in relation to several determinations of the Employment Relations Authority involving the parties.¹

[2] OJI has filed an application for non-publication orders in relation to both EMPC 419/2023 and EMPC 444/2023. OJI's application seeks to prohibit the publication of their identity and any medical information. OJI seeks, in the first instance, that an interim non-publication order be made to preserve the integrity of the non-publication orders made in the Authority. The Authority has made permanent non-publication orders in respect of OJI's name, medical information and identifying information.² Mr Boyd does not oppose the application and has advised that he will abide by the decision of the Court.

[3] Pursuant to cl 12 of sch 3 to 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, and any such order may be subject to such conditions as the Court thinks fit.

[4] While both parties consented to non-publication orders being made, the Court must be satisfied that they are appropriate. In this case I am satisfied that they are. An absence of parallel orders would undermine those made in the Authority. The material which will be put before the Court and the subject of evidence relates to a complaint of sexual harassment. In most cases of sexual harassment, the interests of justice will require the name of a grievant to be protected so as not to discourage other victims

¹ *OJI v Boyd* [2023] NZERA 144 (Member Vincent); *OJI v Boyd* [2023] NZERA 267 (Member Vincent); *Boyd v OJI* [2023] NZERA 332 (Member Doyle); *Boyd v OJI* [2023] NZERA 425 (Member Doyle); and *OJI v Boyd* [2023] NZERA 579 (Member Doyle).

² *OJI v Boyd* [2023] NZERA 144 at [6] and [82]; *OJI v Boyd* [2023] NZERA 579 at [1]; *Boyd v OJI* [2023] NZERA 425 at [2]; and *Boyd v OJI* [2023] NZERA 332 at [1].

coming forward.³ The material which will be put before the Court is also likely to include sensitive medical information, and privacy interests are engaged.

[5] 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 OJI's name, medical information and identifying details in these proceedings. The Court file is not to be searched without the leave of a Judge of this Court.

[6] For convenience the Court will use the same anonymised descriptor as the Authority used.

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

[8] Costs are reserved.

M S King
Judge

Judgment signed at 2 pm on 18 December 2023

³ Z v A [1993] 2 ERNZ 469 at [495]–[496].