

**NOTE: This determination  
contains an order prohibiting  
publication of certain  
information**

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI  
TE WHANGANUI-A-TARA ROHE**

[2026] NZERA 172  
3331400

BETWEEN

GYN  
Applicant

AND

ORANGA TAMARIKI  
Respondent

Member of Authority: Claire English

Representatives: Alan Knowsley, counsel for the Applicant  
Hamish Kynaston, Louise Robertson, and Gianna  
Menzies, counsel for the Respondent

Investigation Meeting: On the Papers

Submissions received: 11 February 2026 from Applicant  
11 February 2026 from Respondent

Determination: 23 March 2026

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**CONSENT DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1] On 18 December 2025, the Authority issued a determination in this matter<sup>1</sup>. The parties have now requested permanent non-publication orders be issued by the Authority by consent, and that a singular reference in the determination is changed accordingly.

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<sup>1</sup> [2025] NZERA 828

[2] I have considered these matters. In respect of the request for non-publication orders, the parties advise that permanent non-publication orders are necessary to protect the privacy of individuals involved in the events or referred incidentally during these proceedings. Given the scope of the proceedings, this includes current and former employees of the respondent, and current and former clients of the respondent and their whanau. It is submitted that there is no public interest in the identity of these persons being put in the public domain, especially where their involvement in the proceedings was minimal or nil.

[3] The starting point for such a consideration is the principle of open justice.

[4] The two-step test set out in *MW v Spiga Ltd*<sup>2</sup> is first, whether there is reason to believe that specific adverse consequences could reasonably be expected to occur; and second, whether any such adverse consequences justify a departure from open justice in all the circumstances.

[5] The matters discussed in the determination were extensive, personal in nature, and referred to many people in and around the workplace. Given this, I have no difficulty in reaching the conclusion that adverse consequences could occur. This leads me to consider the second step.

[6] As the court has recently stated, the underlying objectives of employment legislation “support a more holistic approach, which respects the mana and dignity of those at the centre of the dispute, acknowledging the ripple effect into their families and communities”<sup>3</sup>. I consider this is particularly relevant here as both parties agree that it is the potential impacts on non-parties that need consideration. I have also had regard to the fact that the determination already includes non-publication orders.

[7] Weighing all these factors, I grant the application for non-publication on the following terms by consent:

- a. Permanent non-publication orders are granted under clause 10 of Schedule 2 of the Act prohibiting the publication, in connection with these proceedings, of the names and identifying details of:

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<sup>2</sup> [2024] NZEmpC 147.

<sup>3</sup> *LTJ v MKP Limited and Anor* [2025] NZEmpC 282 at [13].

- i. the site at which the applicant worked;
  - ii. the current and former employees of Oranga Tamariki who were involved in the events that were the subject of these proceedings and worked, or still work, at that site;
  - iii. the current and former employees of Oranga Tamariki who were not involved in the events that were the subject of these proceedings and were referenced incidentally in the parties' pleadings and evidence; and
  - iv. the clients referenced in the parties' pleadings and evidence.
- b. As needed, all individuals are anonymised using randomly generated three letter pseudonyms.

[8] The parties have also identified that there is a reference to a single name in the original determination which is inconsistent with the order to anonymise individuals using three-letter pseudonyms, which order was also part of the original determination.

[9] It is clear from reading the text that this single word was an oversight best described as a typographical error. In accordance with order (b) above, I also direct that the original copy of the determination be recalled and re-issued with this single word replaced by the appropriate three-letter acronym.

Claire English  
Member of the Employment Relations Authority