



New Zealand Employment Relations Authority Decisions

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BD14 Ltd v Munday (Wellington) [2016] NZERA 725 (22 February 2016)

Last Updated: 17 December 2021

IN THE EMPLOYMENT RELATIONS AUTHORITY WELLINGTON		
		[2016] NZERA Wellington 26 5602218
	BETWEEN	BD14 LIMITED Applicant
	AND	STEVEN MUNDAY Respondent
Member of Authority:	Michele Ryan	
Representatives:	Alastair Hall, Counsel for the Applicant	
The respondent in person		
Investigation Meeting:	22 February 2016	
Oral and written determination	22 February 2016	
DETERMINATION OF THE AUTHORITY		

Employment relationship problem

[1] On 5 January 2016 BD14 Ltd (“BD14”) lodged an application with the Authority seeking a compliance order, a penalty, and costs against Mr Steven Munday.

[2] BD14 alleges Mr Munday has breached agreed terms of confidentiality and non-disparagement (clauses 1 and 10 respectively) contained in a Record of Settlement signed by each party on 16 October 2015 and certified by a mediator employed by the Ministry of Business, Innovation and Employment (MBIE) on 19 October 2015.¹

1 A settlement agreement in accordance with s. 149 of the Employment Relations Act

The investigation

[3] Mr Munday was self-represented during a case management conference call held with the parties on 22 February 2016. During discussions as to how this matter should be progressed Mr Munday agreed to comply with the terms of the Record of Settlement and consented to the imposition of a compliance order having been informed of the possible consequences should he be in further breach of the Record of Settlement. I commend his approach in this respect.

Orders and costs

[4] Pursuant to s. 151(2) and s.137 of the Employment Relations Act Mr Steven Munday is ordered to comply with clause 1 and 10 of the Record of Settlement October between himself and BD14 Limited.

Outstanding matters

[5] The remaining matters of penalty and costs are reserved while the parties make arrangements between themselves and attend mediation with a view to resolving those issues.

Michele Ryan

Member of the Employment Relations Authority

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