



New Zealand Employment Relations Authority Decisions

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Opus International Consultants Limited v Dunn (Auckland) [2018] NZERA 48; [2018] NZERA Auckland 48 (13 February 2018)

Last Updated: 26 February 2018

Attention is drawn to the order prohibiting publication of certain information in this determination

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2018] NZERA Auckland 48
3021971

BETWEEN OPUS INTERNATIONAL CONSULTANTS LIMITED Applicant

A N D GAVIN DUNN Respondent

Member of Authority: Eleanor Robinson

Representatives: Charlotte Parkhill, Counsel for Applicant

Matthew McGoldrick, Counsel for Respondent

Date of Determination: 13 February 2018

CONSENT DETERMINATION OF THE EMPLOYMENT RELATIONS AUTHORITY

Employment relationship problem

[1] By way of a joint memorandum the parties advised the Authority that they had reached a settlement of all employment relationship issues between them.

[2] The terms and conditions of the parties' settlement are recorded in the memorandum which was signed by both parties ("the Settlement").

[3] By consent, the terms recorded in the Settlement, which were agreed to and signed by the parties, now become orders of the Authority. As orders of the Authority, the terms of the Settlement are final, binding and enforceable.

[4] The parties have agreed that the terms of the Settlement are to remain confidential and they have asked that a non-publication order be issued to enable that to occur.

[5] For the purposes of preserving confidentiality I make a further order pursuant clause

10 of the Second Schedule of the [Employment Relations Act 2000](#) prohibiting the publication of the terms of Settlement.

[6] The original signed Settlement is therefore not attached to this determination but will instead be held on the Authority's file and may not be accessed without the Authority's authorisation.

Compliance Orders

[7] **By consent of the parties, and by order of the Authority**, Mr Dunn, is ordered to comply with clause 3 of the Second Settlement Agreement and with clauses 15 and 16 of the First Settlement Agreement by:

1. Not writing to Opus about any matter or issues concerning his employment with

Opus or the termination of that employment: and

2. Not raising concerns regarding his employment and the ending of that employment with current and former employees of Opus, or any other third party.

[8] Further it is noted in the consent application that Opus will withdraw its claim for a penalty upon the compliance order being issued by the Authority.

[9] The parties are in agreement that costs incurred in the Employment Relations

Authority proceedings are to lie where they fall.

Eleanor Robinson

Member of the Employment Relations Authority

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