

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 521
5362702

BETWEEN SULCO LIMITED
 Applicant

A N D JOANNE ROBINSON
 Respondent

Member of Authority: James Crichton

Representatives: Chris Patterson, Counsel for Applicant
 Clive Bennett, Counsel for Respondent

Date of Determination: 8 December 2011

CONSENT DETERMINATION OF THE AUTHORITY

[1] In the lead up to the investigation meeting of the Authority set down for 29 November 2011, the parties continued to address their differences, particularly after participation in a Department of Labour mediation. As a consequence of those discussions, the employment relationship problem between the parties was settled and they seek a consent order of the Authority setting out the basis of the settlement that they have reached between them.

[2] This consent order records the terms of the parties' agreement. The parties and their counsel are to be congratulated for achieving a settlement of the employment relationship problem on their own terms.

[3] By consent, the Authority now makes the following orders:

- (a) The respondent is restrained from either directly or indirectly being associated with or involved in any business, other than the Toy Shop Limited, that is in competition either directly or indirectly with the applicant until 11 May 2012; and

- (b) The respondent is restrained from either directly or assisting others to solicit the custom or business from any customer of the applicant as listed in Schedule A attached hereto; and
- (c) The respondent will continue to comply with her ongoing obligation of confidentiality which she owes to the applicant, including but not limited to disclosing the details of the customers listed in Schedule A; and
- (d) The Authority's file is not to be made available for inspection by any non-party without the leave of the Authority following no less than five (5) days' notice being given to the applicant to object to any request for inspection; and
- (e) Costs are to lie where they fall.

[4] For the avoidance of doubt, the Authority also records that as the parties had come to terms before the investigation meeting could proceed, the Authority was happy to vacate that fixture having been advised of the parties' agreement.

James Crichton
Member of the Employment Relations Authority