

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 207/08
5123497

BETWEEN TRADESTAFF LIMITED
Applicant

AND ANGELA RALM
First Respondent

AND ADECCO PERSONNEL
LIMITED
Second Respondent

Member of Authority: Alastair Dumbleton

Representatives: Phil Butler, advocate for Applicant
Gregory Walker, counsel for Respondents

Determination: 13 June 2008

DETERMINATION OF AUTHORITY BY CONSENT

Employment relationship problem

[1] The employment relationship problem lodged with the Authority was about the enforceability of a *RESTRAINT OF TRADE AND NON-SOLICITATION* clause contained in an individual employment agreement that had been entered into and performed between Tradestaff Limited and Ms Angela Ralm. The problem arose upon her resigning from that employment with the intention of going to work for Adecco Personnel Limited.

[2] The parties have resolved the problem in mediation and as part of their settlement have agreed that the Authority shall make the following order:

- Pursuant to s 137 of the Employment Relations Act 2000, Ms Angela Ralm is forthwith to comply with the restraint of trade provisions in her employment agreement with Tradestaff Limited, as varied by the parties in resolving the employment relationship problem.

- [3] Ms Ralm and Adecco Personnel Limited have acknowledged that the restraint of trade provisions as varied by Ms Ralm and by Tradestaff Limited in mediation, are reasonable and enforceable.
- [4] There is no question of costs between the parties.

A Dumbleton
Member of the Employment Relations Authority