

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2013] NZERA Auckland 246
5419790

BETWEEN VOLOM LIMITED
 Applicant

AND Z
 Respondent

Member of Authority: Alastair Dumbleton

Representatives: Helen Gilbert, counsel for Applicant
 Chris Patterson, counsel for Respondent

Date of Determination: 12 June 2013

CONSENT DETERMINATION OF THE AUTHORITY

[1] The employment relationship problem investigated by the Authority has been resolved by the parties themselves. They have executed a Record of Settlement, a term of which provides for the following orders to be sought from the Authority:

- (a) *Respondent for the period of 12 months from 22 February 2013, be restrained from either directly or indirectly:*
 - (i) *Canvassing, soliciting or dealing in trade with any person who has at any time during the one year period immediately prior to 22 February 2013 used the services of the Applicant, or has been a franchisee or client, and with whom the Respondent had contact or dealings with, or reasonably could have been expected to have knowledge of, whilst employed by the Applicant;*
 - (ii) *Engaging or employing, or offering or causing employment or other engagement to be offered to any person who at any time*

during the one year period immediately prior to 22 February 2013 has been engaged or employed by the Applicant in any capacity and with whom the Respondent had contact or dealings with, or reasonably could have been expected to have knowledge of, whilst employed with the Applicant.

(b) Respondent's identity be suppressed and referred to as "Z".

(c) Respondent pays the Applicant's costs.

[2] With regard to *(b)*, I am satisfied from other terms of the Record of Settlement that it is in the interests of justice for the respondent's name to be suppressed and for that party to be referred to only as Z. Wider legitimate objectives than the resolution of the immediate problem are disclosed in the Record of Settlement. Name suppression is appropriate to allow those objectives to be met, as intended by both parties.

[3] Publication of the respondent's name is prohibited pursuant to clause 10 of Schedule 2 of the Employment Relations Act 2000.

[4] Accordingly, by consent the orders sought are made as orders of the Authority.

A Dumbleton
Member of the Employment Relations Authority