

Attention is drawn to the order prohibiting publication of certain information

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2015] NZERA Christchurch 205
5601277

BETWEEN X LIMITED
Applicant

A N D Y
Respondent

Member of Authority: Helen Doyle
Representatives: Tim Mackenzie, Counsel for the Applicant
Respondent in person
Investigation Meeting: 22 December 2015
Date of Determination: 22 December 2015

CONSENT DETERMINATION OF THE AUTHORITY

Prohibition from publication

[1] I prohibit from publication the names of the applicant and respondent.

Employment relationship problem

[2] X Limited and Y entered into an individual employment agreement dated 4 October 2007 which contained a confidentiality clause as follows:

29. **Confidentiality:**

29.1 Any confidential information including trade secrets relating to business connections, technical information and processes, customer or supplier lists and private information acquired by the employee in the course of their employment shall not be divulged to any individual or company or used in an unauthorised manner either during the course of their employment or after the cessation of their employment with the employer.

[3] Pursuant to s 137 of the Employment Relations Act 2000 (the Act) and following a claim that Y has not observed or complied with clause 29 the parties have reached agreement to a compliance order and have asked that this agreement and the order be recorded in a consent determination.

[4] Y agrees that he will comply with the terms of his employment agreement and in particular with clause 29 of the employment agreement. Compliance is to be immediate from 22 December 2015.

[5] I order accordingly.

[6] Any issues as to costs are reserved.

Helen Doyle
Member of the Employment Relations Authority