

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

[2016] NZERA Wellington 26
5602218

BETWEEN BD14 LIMITED
 Applicant

AND STEVEN MUNDAY
 Respondent

Member of Authority: Michele Ryan

Representatives: Alastair Hall, Counsel for the Applicant
 The respondent in person

Investigation Meeting: 22 February 2016

Oral and written
determination 22 February 2016

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] On 5 January 2016 BD14 Ltd (“BD14”) lodged an application with the Authority seeking a compliance order, a penalty, and costs against Mr Steven Munday.

[2] BD14 alleges Mr Munday has breached agreed terms of confidentiality and non-disparagement (clauses 1 and 10 respectively) contained in a Record of Settlement signed by each party on 16 October 2015 and certified by a mediator employed by the Ministry of Business, Innovation and Employment (MBIE) on 19 October 2015.¹

¹ A settlement agreement in accordance with s. 149 of the Employment Relations Act

The investigation

[3] Mr Munday was self-represented during a case management conference call held with the parties on 22 February 2016. During discussions as to how this matter should be progressed Mr Munday agreed to comply with the terms of the Record of Settlement and consented to the imposition of a compliance order having been informed of the possible consequences should he be in further breach of the Record of Settlement. I commend his approach in this respect.

Orders and costs

[4] Pursuant to s. 151(2) and s.137 of the Employment Relations Act Mr Steven Munday is ordered to comply with clause 1 and 10 of the Record of Settlement October between himself and BD14 Limited.

Outstanding matters

[5] The remaining matters of penalty and costs are reserved while the parties make arrangements between themselves and attend mediation with a view to resolving those issues.

Michele Ryan
Member of the Employment Relations Authority