

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

CA 94/08  
5128393

BETWEEN CH COMMERCIAL  
CLEANING LIMITED  
Applicant

AND DARREN BROWN  
Respondent

Member of Authority: Paul Montgomery

Representatives: Jeff Goldstein, Counsel for Applicant  
Amy Shakespeare, Counsel for Respondent

Investigation Meeting: 3 July 2008 on the papers

Determination: 4 July 2008

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**CONSENT DETERMINATION OF THE AUTHORITY**

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[1] The parties have resolved the issues relating to the applicant's application for an interim injunction and have requested the Authority make the interim orders set out below by consent.

[2] These consent orders do not resolve the substantive application and the parties consent to an urgent hearing of those matters.

[3] The orders are made without prejudice to the respondent's claim that his employment ended prior to 19 June 2008.

[4] The Authority makes the following orders:

- (a) The respondent is restrained for a period of six (6) months from 19 June 2008 from approaching or initiating contact with any existing customer of CH Commercial Cleaning Limited other than ABC and/or PMS (QMS NZ Limited).

- (b) The respondent is restrained for a period of six (6) months from 19 June 2008 from approaching or initiating contact with any sub-franchisees of the applicant including any obligation in law providing that the respondent provide the applicant in a timely manner with a copy of the correspondence and/or documents setting out the contact.
- (c) The respondent is restrained for a period of six (6) months from 19 June 2008 from divulging any information relating to the applicant's business including details relating to the applicant's customers and sub-franchisees to any company or individual, provided that such order shall not apply to contact between the respondent and John Lane.
- (d) The Authority confirms that the respondent is not currently performing any cleaning work for any of the applicant's existing customers or its sub-franchisees' customers other than ABS and/or PMS(QMS NZ) Limited.
- (e) The respondent will, from 3 July 2008 until 19 December 2008, seek the applicant's consent for all new advertising relating to Alpha and Omega Cleaning Limited and himself prior to the advertising being published. In respect of this order, the applicant will not unreasonably withhold its consent.

Paul Montgomery  
Member of the Employment Relations Authority