

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN Cullen Building Supplies Limited (First Applicant)
AND Hugh Caddick (First Respondent)
Benchmark Building Supplies Limited (Second Respondent)
REPRESENTATIVES Penny Swarbrick, for Applicant
David France, for Respondents
MEMBER OF AUTHORITY G J Wood
INVESTIGATION MEETING 24 March 2005
DATE OF DETERMINATION 24 March 2005

CONSENT DETERMINATION OF THE AUTHORITY

1. An urgent investigation meeting was convened in Auckland to meet the applicant's concerns that the respondents were acting in breach of a restraint of trade clause in the employment agreement between the applicant and the first respondent, by way of compliance order.
2. I am pleased that the parties were able, at the investigation meeting, to agree that the compliance order application would be settled by way of the following undertakings from the respondents expressed by way of consent order.
3. The first respondent and the second respondent jointly and severally undertake the following:
 - (a) The first respondent will not work for Bunnings Limited until 4 April 2005.
 - (b) The first and second respondents will comply with the non-solicitation clauses in clause 12-4(b) and (c) of the individual employment agreement dated 1 October 2004 between the applicant and the first respondent.
 - (c) The first respondent will comply with the confidentiality provisions (clause 12-2) in the employment agreement dated 1 October 2004.

G J Wood
Member of Employment Relations Authority