



New Zealand Employment Relations Authority Decisions

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Mitre 10 (New Zealand) Limited v Harvey (Auckland) [2017] NZERA 205; [2017] NZERA Auckland 205 (18 July 2017)

Last Updated: 15 March 2018

IN THE EMPLOYMENT RELATIONS AUTHORITY

AUCKLAND [2017] NZERA Auckland 205

3014015

BETWEEN MITRE 10 (NEW ZEALAND) LIMITED

Applicant

A N D SHAWN HARVEY Respondent

Member of Authority: T G Tetitaha

Representatives: B Edwards/R Upton, Counsel for the Applicant

M McGoldrick, Counsel for the Respondent

Investigation Meeting: On the papers

Date of Minute: 18 July 2017

CONSENT DETERMINATION OF THE AUTHORITY

[1] The parties have reached agreement at mediation to settle this proceeding. The only parties affected by the consent order sought are the applicant and first respondent. The second respondent is a named party but has no obligations to meet under the consent order. The Authority has been asked to record the settlement as a consent order between the applicant and first respondent only.

[2] Accordingly, the Authority makes by consent the following order:

(a) Mitre 10 (New Zealand) Limited filed proceedings in order to enforce a restraint of trade. The parties attended mediation and as a consequence it has been agreed that Shawn Harvey will adhere to the restraint of trade and not work for his new employer until 8 September

2017.

(b) Mr Harvey agrees to adhere to all other post-employment obligations as set out in his employment agreement.

(c) Costs are to lie where they fall.

(d) The application against the second respondent is hereby withdrawn.

[3] This determination is enforceable under s.137(1)(b) of the Employment Relations Act 2000.

T G Tetitaha

