

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2011] NZERA Auckland 178  
**5340407**

BETWEEN OCG CONSULTING LIMITED  
Applicant

AND TIMOTHY JAMES SLYFIELD  
First Respondent  
& ALEXANDER JAMES  
LIMITED  
Second Respondent

Member of Authority: Eleanor Robinson

Representatives: Jodi Clark, Counsel for Applicant  
Paul White, Counsel for Respondent

Determination: 03 May 2011

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**CONSENT DETERMINATION OF THE AUTHORITY**

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[1] The parties have advised that they have successfully resolved all matters between themselves and requested the terms and conditions of settlement be incorporated into a consent order of the Authority.

[2] The parties have agreed to a record of settlement.

[3] By consent, the terms set out in the record of settlement are also the orders of the Authority in this matter.

[4] By way of settlement, the First Respondent provides the following undertaking:

*"I undertake that up until 25 May 2011 I will not directly or indirectly canvass, solicit or attempt to solicit, accept work from, serve or act for, any person, firm or organisation who or which was a client or customer of OCG during the period of my employment with OCG.*

*I also undertake that I will not publish, make use of, or disclose to any person, firm or corporation any information concerning the business or affairs of OCG, or the business or personal affairs of any client, candidate, employee or supplier of OCG which I acquired in the course of or incidental to my employment with OCG.*

*For the purpose of this undertaking, I understand a client or customer to be a client or customer for which the “accounting and finance permanent”, and “accounting and finance leasing” divisions of OCG has actively engaged in searching for or supplying potential candidates.*

*These undertakings replace those I previously provided on 20 April 2011.”*

[5] By way of settlement, the Second Respondent agrees to take no action to incite, instigate, aide and/or abet or otherwise cause the First Respondent to breach the above undertakings.

[6] Costs will lie where they fall.

**Eleanor Robinson**  
**Member of the Employment Relations Authority**