



New Zealand Employment Relations Authority Decisions

You are here: [NZLII](#) >> [Databases](#) >> [New Zealand Employment Relations Authority Decisions](#) >> [2011](#) >> [2011] NZERA 57

[Database Search](#) | [Name Search](#) | [Recent Decisions](#) | [Noteup](#) | [LawCite](#) | [Download](#) | [Help](#)

Specialised Washers and Gaskets (2005) Limited [2011] NZERA 57; [2011] NZERA Wellington 15 (31 January 2011)

Last Updated: 21 February 2011

IN THE EMPLOYMENT RELATIONS AUTHORITY WELLINGTON OFFICE

[2011] NZERA Wellington 15 5328998

BETWEEN SPECIALISED WASHERS &

GASKETS (2005) LIMITED Applicant

AND RUDY BRON

Respondent

Member of Authority: G J Wood

Representatives: Phillip Drummond , for Applicant

Rudy Bron, representing himself

Determination: Monday 31 January 2011

CONSENT DETERMINATION OF THE AUTHORITY

BACKGROUND

1. The Respondent was formerly employed by the Applicant in the position of Factory Manager.
2. The employment relationship between the Applicant and the Respondent commenced in or about August 2007 and terminated upon the Respondent's resignation on 26 October 2010.
3. The Applicant alleges that the Respondent is in breach of the provisions of his employment agreement in terms of the dissemination of confidential information, non-competition provision and breach of non-solicitation of the Applicant's clients.
4. The Applicant alleges that the Respondent has undertaken the following:
 - 4.1 Deleted computer files on the Applicant's computer system necessary for the day to day operation of the Applicant's business;
 - 4.2 Unlawfully obtained, removed or copied the Applicant's client and/or supplier lists;
 - 4.3 Remotely accessed the Applicant's computer system unlawfully following the termination of the employment relationship.

CONSENT ORDERS

5. The Applicant and Respondent hereby consent to the following orders being made by this Authority and I so order:
 - 5.1 That the Respondent will, within 5 working days of this Consent Order being sealed, return to the Applicant's counsel (P J Drummond, Barrister, PO Box 12164, Palmerston North) a computer memory stick purchased by the

Applicant, together with all data contained therein (data contained on the said computer memory stick is not to be deleted or corrupted in any

way);

5.2 That the Respondent is not permitted under any circumstances to access the Applicant's computer system;

5.3 That the Respondent is to delete or destroy any and all data, material, intellectual property sourced from the Applicant (except that contained in the memory stick referred to in paragraph 5.1 herein);

5.4 That the Respondent agrees that for a period of 18 months from date of this Consent Order he will not either personally or as an employee, consultant or agent for any other entity or employer, carry on business or be engaged in any business in competition with the Applicant within a radius of 150 kilometres from the Applicant's business situated at Otaki;

5.5 That the Respondent agrees that for a period of 18 months from date of this Consent Order he will not either personally or as an employee, consultant or agent for any other entity or employer, seek to solicit or carry out any work of the same or similar nature for any client or customer of the Applicant as at 26 October 2010.

6. In consideration of the Respondent consenting to the above orders being made, the Applicant will not bring any application for an order for costs and/or disbursements from the Respondent incidental to bringing to this claim.

G J Wood

Member of the Employment Relations Authority

NZLII: [Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#)

URL: <http://www.nzlii.org/nz/cases/NZERA/2011/57.html>