

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

[2013] NZERA Wellington 58
5417373

BETWEEN STEEL PRODUCTS
 (SOUTHERN) LIMITED
 Applicant

AND STEVE DIGHTON
 Respondent

Member of Authority: Trish MacKinnon

Representatives: Jennifer Mills & Rochelle Price, Counsel for Applicant
 Michael McAleer, Counsel for Respondent

Investigation Meeting: 9 May 2013 in Napier

Determination: 15 May 2013

CONSENT DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] In the course of the urgently-convened investigation meeting, the parties adjourned by mutual consent to discuss a possible resolution of the matters between them. They have reached agreement and asked the Authority to record their agreement as a consent determination. I congratulate them on reaching this agreement.

[2] The agreement consists of undertakings given by the respondent in respect of his dealings with customers of the applicant, trading as Metalcraft.

[3] Accordingly, by consent, the Authority makes the following orders:

- a) For the period until 19 July 2013, the respondent will have no dealings (whether directly or indirectly) with any Metalcraft clients

and will not distribute his Stratco business card to any Metalcraft clients;

- b) For the period until 19 July 2013, the respondent will not take any calls from any Metalcraft customers in relation to any Metalcraft products. For the avoidance of doubt, a Metalcraft product is any product sold or distributed by Metalcraft or United Industries Ltd, but excludes products listed in 3(c)(i) to 3(c)(v) below.
- c) For the period until 19 July 2013, the respondent will only sell, or assist in selling, to non-Metalcraft customers the following products which have been identified as non-competing products:
 - i. Ceiling battens
 - ii. Garden sheds
 - iii. Verandas & pergolas
 - iv. Carports
 - v. Pool fencing (excluding perimeter fencing).
- d) For the period until 19 July 2013, the respondent will be able to sell or assist in selling Metalcraft competing products only to non-Metalcraft clients which have their physical address in the city of Napier (accepting that the work/job may be completed outside Napier).

Trish MacKinnon
Member of the Employment Relations Authority