

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2022] NZERA 192
3169980

BETWEEN	DRAKE NEW ZEALAND LIMITED Applicant
AND	MARK COTGRAVE First Respondent
	RECRUITMENT NOW LTD Second Respondent

Member of Authority: Peter van Keulen

Representatives: Penny Swarbrick, counsel for the Applicant
John Shingleton, counsel for the Respondents

Date of Determination: 11 May 2022

CONSENT DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] The parties have requested the Authority issue a consent determination making orders in respect of Drake New Zealand Limited's claims for interim injunctions.

The orders

[2] Mark Cotgrave will not (as an employee or in any other capacity) do any of the following in connection with a business/agency which competes with Drake New Zealand Limited, for a period of six months from 2 February 2022:

- a. canvass or solicit a client of Drake New Zealand Limited that Mr Cotgrave has had dealings with;
- b. accept business or work from a client of Drake New Zealand Limited;
- c. have any dealings with a client (or former client) of Drake New Zealand Limited;
- d. use Drake New Zealand Limited's name or permit it to be used by any person, firm, corporation or organisation, for the purpose of, or with a view of obtaining, the custom of any person, firm, corporation or organisation who at the time of the termination of Mr Cotgrave's employment, was a customer of Drake New Zealand Limited with whom Mr Cotgrave had dealt with during his employment;
- e. induce or attempt to induce any employee, agent, officer or consultant of Drake New Zealand Limited to end that employment, appointment or engagement or to become employed, appointed or engaged in a competing business; and/or
- f. procure or assist anyone else to do any of the above.

[3] There is no order for costs.

Ongoing claims

[4] This consent determination deals with Drake New Zealand Limited's claims for interim injunctions and does not determine or resolve the substantive claims which will continue.

Peter van Keulen
Member of the Employment Relations Authority