

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI  
ŌTAUTAHI ROHE**

[2022] NZERA 478  
3158582

BETWEEN	MINDSPACE SOLUTIONS LIMITED Applicant
AND	JOHN EDWARD CLANCY First Respondent
AND	SOPHIE MULLINS Second Respondent
AND	LIVING LITTLE LIMITED Third Respondent

Member of Authority: Peter van Keulen

Representatives: Amy Keir, counsel for the Applicant  
John Shingleton, counsel for the Respondent

Investigation Meeting: On the papers

Date of Determination: 21 September 2022

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**CONSENT DETERMINATION OF THE AUTHORITY**

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**Employment relationship problem**

[1] During the course of the Authority's management of this matter, the parties were able to resolve their employment relationship problem.

[2] The parties have requested the Authority issue a determination by consent recording the terms of their settlement agreement. By consent and by this determination, the following terms become orders of the Authority:

- a. Mindspace Solutions Ltd withdraws the allegations of misuse of confidential information by John Clancy.

- b. Mr Clancy admits that the evidence establishes the breaches set out in schedule 1 to this determination.
- c. Sophie Mullins and Living Little Limited admit that they aided and abetted Mr Clancy in the breaches listed in schedule 1.
- d. Mr Clancy, Ms Mullins and Living Little will jointly and severally pay to Living Little the sum of \$24,000.00 as compensation for the breaches in schedule 1, and for aiding and abetting such breaches, within seven days of the date of this determination.
- e. Costs will lie where they fall.

Peter van Keulen  
Member of the Employment Relations Authority

## Schedule 1

Duty of fidelity	Downloading other than for benefit of employer, Cosy Homes: Operations Manual; Construction Tasks, Hours and Quality Control; Carpenter Fitout Tasks and Hours
Duty of fidelity	Downloading and using other than for benefit of employer, Cosy Homes: tool register; floorplan showing carpet and vinyl quantities; catalogue of all Cosy Homes uPVC windows and their pricing; a Cosy Homes Building Consent
Duty of fidelity	Downloading and using other than for benefit of employer, Cosy Homes Financial Projections
Duty of fidelity	Sophie Copying Cosy Homes SweetHome3D plans file and making modifications to it, other than for benefit of Cosy Homes (e.g. emailed to John July 17th)
Duty of fidelity	Failing to disclose intention to compete via Living Little between July and September 2021
Duty of fidelity	Engaging with Sophie Mullins in relation to Living Little planning while still in employment (e.g. June 17th)
Duty of fidelity	Working with Centrefold Flashings (2007) Limited in relation to Living Little production while still in employment (e.g. Invoice Aug 16 <sup>th</sup> )
Duty of fidelity	Working with Hindson Engineering in relation to Living Little production while still in employment (e.g. paid Aug 16 <sup>th</sup> )
Duty of fidelity	Working with Vulcan Steel Limited in relation to Living Little production while still in employment (e.g. Order July 16 <sup>th</sup> )
Duty of fidelity	Working with Drawing Table Architecture Limited in relation to Living Little planning while still in employment (e.g. Aug 25 <sup>th</sup> )
Duty of fidelity	Working with CBS Group in relation to Living Little planning while still in employment (e.g. Aug 24 <sup>th</sup> )
Duty of fidelity	Working with Firsteel Limited in relation to Living Little production while still in employment (e.g. paid Aug 16 <sup>th</sup> )
Duty of fidelity	Working with Expol Limited in relation to Living Little production while still in employment (e.g. Invoice Aug 16 <sup>th</sup> )
Duty of fidelity	Working with KDMC in relation to Living Little production while still in employment (e.g. Aug 16 <sup>th</sup> )
Duty of fidelity	Working with Royal Wolf in relation to Living Little production while still in employment (e.g. Aug 13 <sup>th</sup> )
Duty of fidelity	Working with Bunnings in relation to Living Little production while still in employment (e.g. Aug 13 <sup>th</sup> )
Duty of fidelity	Working with BWG in relation to Living Little planning while still in employment (e.g. Aug 11 <sup>th</sup> )
Duty of fidelity	Working with Container Co in relation to Living Little planning while still in employment (e.g. Aug 11 <sup>th</sup> )
Duty of fidelity	Working with Window Market Place in relation to Living Little planning while still in employment (e.g. Order July 31 <sup>st</sup> )
Duty of fidelity	Misusing photographs of Cosy Homes products on Living Little Website
Duty of fidelity	Misusing customer testimonials relating to Cosy Homes on Living Little Website
Duty of fidelity	Misusing work time at Cosy Homes to find a yard in which to establish Living Little

Breach of Restraint	Engaging with Sophie Mullins in relation to Living Little business within 3 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting PanelBuild Construction Limited in relation to Living Little business within 3 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting Powerslave Electrical Limited in relation to Living Little business within 3 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting Konnect Fastening Systems in relation to Living Little business within 3 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting Huge Plumbing & Drainage Limited in relation to Living Little business within 3 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting Briggs Contracting in relation to Living Little business within 3 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting HGLB Holdings in relation to Living Little business within 3 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting Direct Scaffolding Supplies Limited in relation to Living Little business within 3 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting Vulcan Steel Limited in relation to Living Little business within 3 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting Centrefold Flashings (2007) Limited in relation to Living Little business within 3 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting Mount Grey Downs Limited in relation to Living Little business within 3 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting Expol Limited in relation to Living Little business within 3 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting Swiper Shower Tops in relation to Living Little business within 4 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting R&B Aluminium Limited in relation to Living Little business within 5 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting C.M. Trailer Equipment Ltd in relation to Living Little business within 4 months of termination of employment
Breach of Restraint	Directly or indirectly approaching or soliciting Bondor New Zealand Limited in relation to Living Little business within 6 months of termination of employment