

**NOTE: This determination
contains an order prohibiting
publication of certain
information**

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKAURAU ROHE**

[2025] NZERA 843
3396464

BETWEEN	BAT (NEW ZEALAND) LIMITED Applicant
AND	WENDY EARLE First Respondent
AND	ALT NEW ZEALAND LIMITED Second Respondent

Member of Authority: Helen van Druten

Representatives: Sheridan Climo, counsel for the Applicant
Richard Upton, counsel for the Respondents

Investigation Meeting: On the papers

Determination: 22 December 2025

CONSENT DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] In a joint memorandum dated 18 December 2025, the parties advised they have reached an agreed settlement of all matters between them before the Authority. This is a written record of resolution of their employment relationship problem on their own terms.

[2] BAT (New Zealand) Ltd (BAT) commenced proceedings against Wendy Earle, alleging that she had breached her post termination restraints, including a three-month non-compete provision by commencing employment with ALT New Zealand Ltd

(ALT) while that non-compete was still active. BAT also claims that ALT aided and abetted Ms Earle's actions by employing Ms Earle whilst fully aware of the post-termination restraints.

[3] After discussions between the parties and their representatives and subject to the execution of a separate confidential settlement agreement between BAT and ALT the parties have agreed to resolve all aspects of the proceedings currently before the Authority.

[4] At the parties' request, the terms of settlement described above are reflected in this consent determination of the Authority. Outside of this, the remaining terms of the settlement that have been agreed upon will be confidential.

[5] The proceedings in the Authority are discontinued. The investigation meeting set down for 4 and 5 February 2026 is vacated and there is no issue as to costs.

[6] At their request, those terms of settlement are now, by consent and by this determination, also the orders of the Authority in this matter. A record of those terms, signed by the parties, is held on the Authority file and is not attached to this consent determination.

[7] The parties agreed the terms of their resolution would remain confidential to them. For that purpose, under clause 10 of the second schedule of the Employment Relations Act 2000, and except where necessary for enforcement purposes, I prohibit publication of all or any part of those terms.

Helen van Druten
Member of the Employment Relations Authority