

**Attention is drawn to the order  
prohibiting publication of certain  
information in this determination**

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

WA 114/10  
5297981 & 5297988

BETWEEN                      LYNETTE RUSSELL,  
LABOUR INSPECTOR OF  
THE DEPARTMENT OF  
LABOUR  
Applicant

AND                              GENESIS TRUST INC  
(Charitable Trust)  
Respondent

Member of Authority:      P R Stapp

Representatives:            Lynette Russell in person  
Glen Haddon Trustee for the Respondent

Investigation Meeting:     2 & 24 June 2010 at Palmerston North

Determination:              25 June 2010

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**CONSENT DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1]     The two applications in files 5297981 & 5297988 have been consolidated and combined in this determination.

[2]     There were two investigation meetings scheduled in regard to the matters. The first investigation meeting was delayed to enable the Labour Inspector to consider information provided by the respondent. Subsequently the Inspector and the respondent had further discussions, and were able to partially settle the matter.

[3]     The second investigation meeting was also delayed to enable the Inspector and the respondent to have further discussions in regard to the remaining matters. This was done in private together with me when the respondent requested a chambers meeting and the Inspector concurred with the request. The outcome was an

agreement on the remaining matters when an assessment was made of further information provided by the respondent.

[4] The Inspector and Mr Haddon for and on behalf of the respondent signed off terms. I am satisfied that there has been an employment relationship problem and the agreed terms resolve that employment relationship problem. Those terms are orders of the Authority with consent. I have agreed not to publish the terms, in order to preserve confidentiality since agreement was reached privately, except for any enforcement under s 137 and s 141 of the Act.

[5] I have dealt with the employment relationship problem pragmatically under s 157 of the Act and in following an appropriate procedure under s 160 (1) (f) of the Act to get a fair and just outcome for all concerned. As such I have treated the matter differently in terms of the cause of action under s 160 (3) of the Act to resolve the employment relationship problem with orders by way of the terms as agreed.

### **Orders of the Authority**

[6] I order by consent that agreed terms between Lynette Russell Labour Inspector of the Department of Labour and Genesis Trust Inc become orders of the Authority and the record of the terms remain on the Authority's file (with copies held by the parties).

[7] I have prohibited the publication of the agreed terms, except for any enforcement.

[8] I have requested the Authority's Support Officer to issue a certificate of determination for both files separately as a matter of completeness.

P R Stapp  
Member of the Employment Relations Authority