



[4] Leave was reserved for either party to revert to the Authority for orders should that be necessary. The Labour Inspector has now made that supplementary application.

### **Determination**

[5] On the Authority's analysis in the 23 April 2013 determination, there were two matters outstanding from the enforceable undertaking process. The first was a requirement by the Labour Inspector that the respondent (Shiloh) audit past employee files and ensure that leave entitlements have been correctly attended to. Shiloh's submission on that point was that there had been no other complaints and it doubted the practicality of tracking down former employees who have long since left the employment and for whom there is no contact address.

[6] The Authority accepts that submission at face value and declines to make an order requiring that aspect of the enforceable undertaking to be complied with.

[7] However, the position is otherwise in respect to the requirement to make remedial payments to Mr Jason Wano, Mr Malcolm Wano's nephew. The matter was left open after the earlier determination of the Authority on the footing that Mr Malcolm Wano apparently wished to deal with the matter appropriately. That has not happened and the Authority now directs that Shiloh Silverculture Limited pay to the Labour Inspector the sum of \$5,666.56 gross by way of cheque, that payment being the sum due and owing to Mr Jason Wano in respect to unpaid annual leave, sick leave and public holiday entitlements.

[8] The Labour Inspector will attend to the on payment of the net sum of that payment to Mr Jason Wano after accounting to the Inland Revenue Department for the income tax on that amount.

[9] Compliance with this portion of the enforceable undertaking is to be made within 14 days of the date of this determination.

**James Crichton**  
**Member of the Employment Relations Authority**