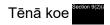


25 January 2024

Section 9(2)(a)
Section 9(2)(a)

Our ref: OIA 108577



Official Information Act request: Personal Grievances

Thank you for your email of 8 December 2023 requesting, under the Official Information Act 1982 (the Act), information regarding personal grievances raised in the Ministry of Justice (the Ministry). Specifically, you requested:

- 1. The number of Personal Grievances raised in your Ministry, in the last 3 years broken down by year, and categories (for example: Bullying, unjustifiably disadvantaged, constructive dismissal etc)
- 2. (in the last 3 years) The number of Mediation that took place broken down by year
- 3. (in the last 3 years) The number of successful mediation broken down by year
- 4. (in the last 3 years) Of the PGs raised, how many went to Employment Relations Authority broken down by year?
- 5. (in the last 3 years) How many cases were found against the Ministry broken down by year?
- 6. (in the last 3 years) How much money in total- were paid to settle these cases / or pay the fee required by ERA broken down by year?
- 7. How much money was covered by the Ministry's liability insurance?
- 8. (in the last 3 years) How much money in total were paid to external Legal consultants to defend the cases filed in ERA or to prepare the responses to the case broken down by year?
- 9. (in the last 3 years) How many ERA cases resulted in reinstatement of employee broken down by year?
- 10. If a case is found against the Ministry (the Ministry lost), what are the consequences to the Manager involved in the incident

My responses to each part of your request are set out in appendix 1 attached.

If you require any further information, please contact Media & Social Media Manager Joe Locke at: media@justice.govt.nz.

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/.

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā

Jeff Orr

Chief Legal Counsel

Appendix 1

- The number of Personal Grievances raised in your Ministry, in the last 3 years broken down by year, and categories (for example: Bullying, unjustifiably disadvantaged, constructive dismissal etc):
 - a. In the 12-month period from 8 December 2020 to 7 December 2021, nine personal grievances were raised with the Ministry, of which:
 - Five alleged unjustified dismissal (two of which alleged constructive dismissal)
 - Four alleged unjustified disadvantage (one of which alleged bullying).
 - b. In the 12-month period from 8 December 2021 to 7 December 2022, 14 personal grievances were raised with the Ministry, of which:
 - Seven alleged unjustified dismissal (none of which alleged constructive dismissal)
 - Seven alleged unjustified disadvantage (one of which alleged bullying).
 - c. In the 12-month period from 8 December 2022 to 7 December 2023, 10 personal grievances were raised with the Ministry, of which:
 - One alleged unjustified dismissal (one of which alleged constructive dismissal)
 - Nine alleged unjustified disadvantage (four of which alleged bullying).
- 2. (In the last 3 years) The number of Mediation that took place broken down by year:
 - a. In the 12-month period from 8 December 2020 to 7 December 2021 the Ministry used mediation services with former or current employees who had raised personal grievances with the Ministry on seven occasions.
 - b. In the 12-month period from 8 December 2021 to 7 December 2022 the Ministry used mediation services with former or current employees who had raised personal grievances with the Ministry on six occasions.
 - c. In the 12-month period from 8 December 2022 to 7 December 2023 the Ministry used mediation services with former or current employees who had raised personal grievances with the Ministry on 11 occasions.
- 3. (In the last 3 years) The number of successful mediation broken down by year:
 - a. In the 12-month period from 8 December 2020 to 7 December 2021 the Ministry used mediation services that successfully resolved the personal grievance on seven occasions.

- b. In the 12-month period from 8 December 2021 to 7 December 2022 the Ministry used mediation services that successfully resolved the personal grievance on six occasions.
- c. In the 12-month period from 8 December 2022 to 7 December 2023 the Ministry used mediation services that successfully resolved the personal grievance on 11 occasions.
- 4. (In the last 3 years) Of the PGs raised, how many went to Employment Relations Authority broken down by year?

No personal grievances raised with the Ministry between 8 December 2020 and 7 December 2023 have resulted in a determination of the Employment Relations Authority (the Authority) being issued.

5. (In the last 3 years) How many cases were found against the Ministry broken down by year?

No findings adverse to the Ministry have been made by the Authority between 8 December 2020 and 7 December 2023.

- 6. (In the last 3 years) How much money in total-were paid to settle these cases / or pay the fee required by ERA broken down by year?
 - a. In the 12-month period from 8 December 2020 to 7 December 2021 the Ministry paid a total of \$10,000.00 (GST Exclusive) in compensatory payments to resolve personal grievances.
 - b. In the 12-month period from 8 December 2021 to 7 December 2022 the Ministry paid a total of \$9,000.00 (GST Exclusive) in compensatory payments to resolve personal grievances.
 - c. In the 12-month period from 8 December 2022 to 7 December 2023 the Ministry paid a total of \$81,000 00 (GST Exclusive) in compensatory payments to resolve personal grievances.
- 7. How much money was covered by the Ministry's liability insurance?

None.

- 8. (In the last 3 years) How much money in total were paid to external Legal consultants to defend the cases filed in ERA or to prepare the responses to the case broken down by year?
 - During the 2020 2021 financial year, the Ministry paid a total of \$24,153.00 (GST Exclusive) to external legal consultants for matters relating to employment and/or personal grievance disputes.

- b. During the 2021 2022 financial year, the Ministry paid a total of \$79,516.00 (GST Exclusive) to external legal consultants for matters relating to employment and/or personal grievance disputes.
- c. During the 2022 2023 financial year, the Ministry paid a total of \$33,648.00 (GST Exclusive) to external legal consultants for matters relating to employment and/or personal grievance disputes.
- 9. (In the last 3 years) How many ERA cases resulted in reinstatement of employee broken down by year?

No Ministry employees have been reinstated by order of the Authority between 8 December 2020 and 7 December 2023.

10. If a case is found against the Ministry (the Ministry lost), what are the consequences to the Manager involved in the incident?

This has not occurred in the 3-year period between 8 December 2020 and 7 December 2023. Therefore, we are unable to provide further detail in response to this question.