

25 January 2024

Section 9(2)(a)

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Our ref: OIA 108577

Tēnā koe Section 9(2)(c)

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/](https://www.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

A handwritten signature in blue ink, appearing to read 'Jeff Orr', with a stylized flourish at the end.

Jeff Orr
Chief Legal Counsel

Appendix 1

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?*

- a. 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.

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