



15/02/2024

Tēnā koe

OIA: 1320080 – Cost of personal grievances incurred in the last 3 years

Thank you for your email of 7 December 2023 to the Ministry of Education (the Ministry), which was clarified on 19 December 2023, requesting the following information:

I am doing a research on the cost of Personal grievance that the Government is incurring in the last 3 years. Can I request under the Official Information Act

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- matters settled at mediation

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? The total amount paid by the Ministry through settlement agreements, application fees paid to the Employment Relations Authority, or as a result of remedies ordered by the Employment Relations Authority

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?

Your request has been considered under the Official Information Act 1982 (the Act).

The Ministry takes all matters that are raised by staff seriously. Our Speak Up Framework brings a wide range of channels, that are available for our staff, together and clearly communicates options for staff to raise matters. Managers are also supported to handle matters that may be raised through a Ministry programme called Leading through Conversations.

A personal grievance may arise where an employee believes he or she has been unfairly treated or unjustifiably dismissed.

Where the employment relationship problem is a personal grievance, the Ministry carries out a fair and proper investigation, before taking any action or proposing any solution in response to the problem.

Both an employee and employer have the right to be represented at any stage.

Your request

We have interpreted your request as referring to financial years.

In response to **part 1** of your request, please refer to Table One below, which details the number of personal grievance claims made across the Ministry in the last three financial years with categories (reasons), where the information is available. These figures only include complaints which have been explicitly identified as personal grievances.

Please note, prior to 7 March 2022, the Ministry did not keep a central record of personal grievance categories. I am therefore refusing this part of your request for this period under section 18(g) of the Act, as the information requested is not held by the Ministry.

Table One. Personal Grievances raised and categories 2020 - 2023

Financial Year	Number	Category
2022/23	6	Dismissal (2), Bullying (1), Redundancy (1), Restructure (1), Employment status (1)
2021/22	6	Dismissal (1), Bullying (1), Redundancy (1), Relationship breakdown (1) and two prior to 7 March 2022 with no category data available
2020/21	10	No data available

The Ministry keeps records of the settlements reached from personal grievances raised. Some records of settlement will be reached through mediation; however, we do not centrally record the number of mediations that take place. Any documents disclosed or statements made during the mediation in relation to an employment relationship problem are also confidential, unless otherwise

agreed. Therefore, I am refusing **parts 2 and 3** of your request under section 18(g) of the Act, as the information requested is not held by the Ministry.

In response to **parts 4 and 5** of your request, I can confirm that no personal grievance cases went to the Employment Relations Authority (ERA) or were found against the Ministry in the last three financial years.

In response to **part 6** of your request, I am providing you with the below table, **Table Three**. This details by financial year the total amount of settlement costs and costs of payments ordered by the ERA.

Table Three. Total Settlement Costs and Cost of Payments ordered by Employment Relations Authority 2020-2023

Financial Year	Settlement Cost	Cost of payments ordered by ERA
2022/23	317,450	0
2021/22	176,790	0
2020/21	8,000	0

In response to **parts 7 and 8** of your request, the Ministry does not hold liability insurance for employee claims and has not engaged legal consultants in the last three financial years to defend personal grievance cases filed in the ERA concerning Ministry employees. For **part 9** of your request, I can confirm no cases resulted in the reinstatement of an employee.

In response to **part 10** of the request, in the event an ERA decision goes against the Ministry, we would undertake an assessment of the issue and circumstances that led up to the case. If it is determined that the actions of a manager were contributory, the Ministry would take action in consideration of the Code of Conduct and any other relevant policies (for example the disciplinary policy).

Please note, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask an Ombudsman to review my decision on your request, in accordance with section 28 of the Act. You can do this by writing to info@ombudsman.parliament.nz or to Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā



Shelley Robertson
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Te Pou Rangatōpū | Corporate