



**MINISTRY OF SOCIAL
DEVELOPMENT**
TE MANATŪ WHAKAHIATO ORA

8 December 2023

Jean Roberts

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Tēnā koe Jean Roberts

On 19 October 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- 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?*

On 20 November, we contacted you to advise that more time was required to make a decision on your request.

For clarity, I will answer each of your questions in turn.

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*

Personal grievances are most often raised for either an unjustifiable dismissal or an unjustifiable disadvantage. Bullying may make up part of a grievance claim but it may not be recorded as such. Similarly, cases can start as one category and end as another after further investigation. This may not always be updated in the system.

Please find below **Table One** which contains the number of Personal Grievances from financial year 20/21 to financial year 22/23, broken down by category.

Count of Case Number	Financial Years			
PG Category	FY 2020/21	FY 2021/22	FY 2022/23	Grand Total
Disadvantage	1	2	4	7
Discrimination	0	7	1	8
Unjustified Dismissal	0	0	3	3
(blank)	1	0	1	2
Grand Total	2	9	9	20

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*

The Ministry does not centrally record the number of mediations that are attended each year. It is common that personal grievances require a mediation and is also possible that more than one mediation could take place for one personal grievance.

A 'successful' mediation is dependent on the parties involved. Mediations are about finding common ground and resolving the employment relationship problem. Success can be subjective in the case of mediations.

Your request for all information is very broad, and substantial manual collation would be required to locate and prepare all documents within scope of your request. As such, I refuse your request under section 18(f) of the Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

4. *(in the last 3 years) How many cases were found against the Ministry broken down by year?*
5. *(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?*
6. *How much money was covered by the Ministry's liability insurance?*

Please find below **Table Two** which contains the number of Personal Grievances that went to the Employment Relations Authority (ERA), from 1 July 2020 to 30 June 2023, broken down by financial year.

Financial Year	Number of Personal Grievances that went to the ERA
FY2020/2021	0
FY2021/2022	0
FY2022/2023	4

The four (4) cases noted above are currently before the Employment Relations Authority and are yet to be heard. Due to this, there are no cases in the last three financial years that were found against the Ministry.

As no cases have been found against the Ministry, there has been no money paid to settle nor fees to be paid. No money was covered by the Ministry's liability insurance as none was required to be paid. Regardless, it is unlikely that the Ministry would draw on its liability insurance to settle these claims.

7. *(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?*

This information is not readily available for the Ministry, and substantial manual collation would be requested to find this information. As such, your request is refused under section 18(f) of the Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

8. *(in the last 3 years) How many ERA cases resulted in reinstatement of employee broken down by year?*

There were no ERA cases that resulted in a reinstatement of an employee over the last three years.

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

The Ministry take its obligations as an employer to provide a safe and healthy work environment very seriously. As such, the Ministry does not tolerate bullying, sexual harassment or assault. All Ministry staff, including managers, are required to read and sign the Code of Conduct.

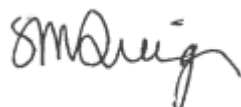
If any performance conversations or employment action was needed, the Ministry would deal with this using its policies and guidelines. Please find attached **Appendix One** which contains a copy of the disciplinary action guidance.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui



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Magnus O'Neill
General Manager
Ministerial and Executive Services