



20 December 2023

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Tēnā koe Jean

Your Official Information Act request OIA 2324 – 0394

I write regarding your Official Information Act (the Act) request, which was received by Te Tari Taiwhenua, the Department of Internal Affairs (the Department) on 7 December 2023.

You have 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?

Response to your request

Please find below the response to your request. The responses cover the 2021, 2022 and 2023 years.

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)

The number of personal grievances received by the Department in the last three years is provided in the table below.

Type of personal grievance	2023	2022	2021
Unjustified disadvantage	2	4	9
Unjustified dismissal			1
Constructive dismissal		1	

2- (in the last 3 years) The number of Mediation that took place broken down by year

The Department has assumed you have requested the number of mediations that took place due to the receipt of a personal grievance. Of the personal grievances raised in the last three years, eight have included a mediation meeting. Five if these were in 2021, two in 2022 and one in 2023.

3- (in the last 3 years) The number of successful mediations broken down by year

All mediations were successful as a conclusion was reached in all cases.

4- (in the last 3 years) Of the PGs raised, how many went to Employment Relations Authority broken down by year?

Two of the personal grievances were initially filed through the Employment Relations Authority (ERA), one in 2023 and the other in 2021. However no cases have been defended through the ERA as agreement was reached prior to it being necessary for the Department to attend the ERA.

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

As no cases have been defended through the ERA there have been no cases in the last three years found against the Department.

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?

As no cases have been found against the Department no money or fees have been paid over the last three years to settle any cases.

7- How much money was covered by the Ministry's liability insurance?

The Department has not drawn on any liability insurance to cover the settlement of a personal grievance.

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?

As there have been no cases defended in the ERA over the last three years the Department has not paid any money to external legal consultants to defend cases filed in the ERA.

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

There have been no ERA cases that have resulted in reinstatement in the last three years.

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

As part of investigating any complaint, if it is found a manager has breached the Department's code of conduct or policies a disciplinary process may be completed. The consequences would be determined as an outcome of that process and could include warnings up to a final written warning or dismissal.

We intend to publish our response to your request on www.dia.govt.nz. This letter, with your personal details removed, will be published in its entirety. Publishing responses increases the availability of information to the public and is consistent with the Act's purpose of enabling more effective participation in the making and administration of laws and policies and promoting the accountability of Ministers and officials.

If you have any feedback or questions about the Department's response, please let us know at OIA@DIA.govt.nz. If you have any concerns with the information in this response, you have a right to request an investigation and review by the Ombudsman under section 28(3) of the Act. Information on how to do this is available at www.ombudsman.parliament.nz or freephone 0800 802.

Nāku noa



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