

19 May 2015

Via www.fyi.org.nz

Dear R Everitt

OIA #2425 - Response to your request under the Official Information Act 1982

1. I refer to your request on 20 April 2015 for information on the Commerce Commission's (Commission) disciplinary and personal grievance processes.
2. We have treated this as a request for information under the Official Information Act 1982 (the OIA), and have applied the disclosure principles found in that Act.
3. For each of the three years ended 30 June, 2012-14, and the current year to date (the relevant period), you have asked the following questions. We have aggregated our responses in questions 1 -3 to protect the privacy of individuals. This is explained further in paragraphs 7-9 below.

Question 1

How many formal staff disciplinary processes were conducted?

4. For the relevant period, seven formal staff disciplinary processes were conducted.

Question 2

How many staff were put through these processes and what branch of the Commission did they work in?

5. Seven staff were put through these processes.

Question 3

What were the outcomes (by Branch) of these processes, eg, how many people dismissed, how many first warnings lasting 6 months, how many resigned, etc?

6. For the relevant period, the outcomes of the processes were:
 - 6.1 five resignations; and
 - 6.2 two warnings.

7. In responding to questions 1-3, we consider that good reasons exist under section 9(2)(a) of the OIA to aggregate the number of staff and outcomes for the relevant period and to withhold the name of the branch that the relevant staff member worked in.
8. Given the total number of staff employed by the Commission and the small number of staff involved, if the name of the branch, staff numbers, and the outcomes for each year was to be released, the identity of particular staff may be revealed. It is necessary to withhold this information to protect the privacy of natural persons.
9. We consider that the interest in withholding certain information to protect the privacy of employees outweighs the public interest in knowing the information.

Question 4

How many staff lodged Personal Grievance actions against the Commission?

Year ended	Number of staff who lodged personal grievance actions against the Commission
30 June 2012	0
30 June 2013	0
30 June 2014	0
2015 – to date	0

Question 5

How many times did the Commission use a third-party mediator to attempt to resolve grievances/staff disputes?

Year ended	Number of times the Commission used a third-party mediator to attempt to resolve grievances/staff disputes
30 June 2012	1
30 June 2013	2
30 June 2014	0
2015 – to date	0

Question 6

What did the Commission spend on external legal advice in relation to disciplinary processes/personal grievances/staff disputes?

Year ended	Amount of money spent on external legal advice in relation to disciplinary processes/personal grievances/staff disputes
30 June 2012	\$2,162
30 June 2013	\$8,544
30 June 2014	\$0
2015 – to date	\$270

Right to ask an Ombudsman to investigate

10. If you are not satisfied with the Commission's response to your OIA request, section 28 of the OIA provides you with the right to ask an Ombudsman to investigate and review our response.
11. If you have any questions in regards to this request, please do not hesitate to contact us at uia@comcom.govt.nz

Yours sincerely



Rosie Brown

OIA Coordinator