

From: Allan Halse
To: [Hon Iain Lees-Galloway](#)
Subject: Zero Justice for victims of Workplace Bullying. Is the Employment Relations Authority (ERA) an Agency for Employers? **s 9(2)(a)**
Date: Thursday, 15 February 2018 10:22:49 a.m.
Attachments: [15 February 2018 Letter to Workplace Relations and Safety Minister.pdf](#)

The attachment has been withheld under s 9 (2)(a) of the Act as they contain information that could identify individuals, and information private to those individuals.

Dear Iain,

Please find attached for your urgent attention, our letter of 15 February 2018.

Kind regards,

Allan

Allan Halse

Director

CultureSafe NZ Ltd

Suite 3, 2nd floor

Caro House

137 Alexandra Street

Hamilton 3204

s 9(2)(a)

allan@culturesafenz.co.nz

www.culturesafenz.co.nz

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

From: Allan Halse
To: [Hon Iain Lees-Galloway; A Little Office \(MIN\); Hon. Dr David Clark](#)
Subject: Refusal to Comply with the Health and Safety at Work Act 2015 – Bay of Plenty District Health Board (BOP DHB). Raised under the Protected Disclosure Act 2000.
Date: Monday, 26 February 2018 4:47:52 p.m.
Attachments: [26 Feb 2018 Letter to Ministers re potential serious harm.pdf](#)

The attachment has been withheld under s 9 (2)(a) of the Act as they contain information that could identify individuals, and information private to those individuals.

Dear Ministers,

Please find attached, our letter of 26 February 2018 for your immediate attention.

Kind regards,

Allan

Allan Halse

Director

CultureSafe NZ Ltd

Suite 3, 2nd floor

Caro House

137 Alexandra Street

Hamilton 3204

s 9(2)(a)

allan@culturesafenz.co.nz

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OFFICIAL INFORMATION ACT

From: Allan Halse
To: [Lisa Kinloch](#)
Subject: RE: The "unsafe" MBIE mediation, Employment Relations Authority (ERA) Pathway and an example (Susan Kennedy/Oranga Tamariki) that demonstrates just how unsafe the current process is.
Date: Friday, 7 December 2018 12:54:38 p.m.
Sensitivity: Confidential

Dear Lisa,

Thank you for advising a time for me to meet with the Minister and because we have been tried for so long to get an appointment, we are not going to decline this offer even though it is two months away and there will be significant charge by then.

s 9(2)(a)

We look forward to meeting the Minister in February.

Kind regards,
Allan

Allan Halse
Director
CultureSafe NZ Ltd
Nominee New Zealander of the Year Awards 2019

Suite 3, 2nd floor
Caro House
137 Alexandra Street
Hamilton 3204

s 9(2)(a)

allan@culturesafenz.co.nz
www.culturesafenz.co.nz

From: Lisa Kinloch <Lisa.Kinloch@parliament.govt.nz>
Sent: Thursday, 6 December 2018 11:26 AM
To: Allan Halse <allan@culturesafenz.co.nz>
Subject: FW: The "unsafe" MBIE mediation, Employment Relations Authority (ERA) Pathway and an example (Susan Kennedy/Oranga Tamariki) that demonstrates just how unsafe the current process is.
Sensitivity: Confidential

Good morning Mr Halse

On behalf of Hon Iain Lees-Galloway thank you for your recent correspondence.

The Minister has asked me to arrange a meeting with you to discuss the matters you have raised.

Please be aware that due to a heavily committed schedule in the lead up to the end of the year, that the meeting will now take place in 2019.

Would you be available to meet the Minister in his ministerial office in the Executive Wing, Wellington on **Wednesday 20 February 9.30am – 10am**?

I will look forward to hearing back from you.

Kind regards
Lisa

Lisa Kinloch
Senior Private Secretary to Hon Iain Lees-Galloway

Minister for Workplace Relations and Safety, ACC, and of Immigration
Deputy Leader of the House

4.5R, Executive Wing | Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand
DDI: 04 817 9323 | s 9(2) (a)

Authorised by Iain Lees-Galloway, Parliament Buildings, Wellington 6011

From: Allan Halse [<mailto:allan@culturesafenz.co.nz>]

Sent: Monday, 26 November 2018 2:55 PM

To: Hon Iain Lees-Galloway <Iain.Lees-Galloway@parliament.govt.nz>

Subject: The "unsafe" MBIE mediation, Employment Relations Authority (ERA) Pathway and an example (Susan Kennedy/Oranga Tamariki) that demonstrates just how unsafe the current process is.

Sensitivity: Confidential

Dear Iain,

Please find attached for your urgent attention, our letter of 26 November 2018 in respect to the "unsafe" MBIE mediation, Employment Relations Authority (ERA) Pathway and an example (Susan Kennedy/Oranga Tamariki) that demonstrates just how unsafe the current process is.

Kind regards,
Allan

Allan Halse
Director
CultureSafe NZ Ltd

Nominee New Zealander of the Year Awards 2019

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From: Allan Halse [mailto:allan@culturesafenz.co.nz]

Sent: Thursday, 16 November 2017 8:47 AM

To: Hon Iain Lees-Galloway <Iain.Lees-Galloway@parliament.govt.nz>

Cc: Hon Andrew Little <Andrew.Little@parliament.govt.nz>

Subject: [REDACTED] s 9(2)(a)

This title has been withheld as it contains information private to an individual.

Importance: High

Dear Iain and Andrew,

It has been 2 weeks since I wrote to you both about a matter of serious concern and one which we thought a "workers" party would address as a matter of urgency. As someone who chaired a union branch of 800 members in Auckland in the late 1970's, it was comforting to see a change from the right wing "employers" party in the September elections.

Workplace bullying is a serious issue in New Zealand, with one in five i.e. 400,000 workers effected.

We would be grateful if you would urgently confirm a jurisdiction that we can take our client's case to have heard using the correct health and safety legislation.

Kind regards,
Allan

Allan Halse
Director
CultureSafe NZ Ltd
Suite 3, 2nd floor
Caro House
137 Alexandra Street
Hamilton 3204
[REDACTED] s 9(2)(a)
allan@culturesafenz.co.nz
www.culturesafenz.co.nz

From: Allan Halse

Sent: Thursday, 2 November 2017 4:03 PM

To: 'Iain.Lees-Galloway@parliament.govt.nz' <Iain.Lees-Galloway@parliament.govt.nz>;

'Andrew.Little@parliament.govt.nz' <Andrew.Little@parliament.govt.nz>

Subject: [REDACTED] s 9(2)(a)

Importance: High

This title has been withheld as it contains information private to an individual.

Dear Iain and Andrew,

CultureSafe NZ Ltd, New Zealand's leading anti workplace bullying champion has a matter for the urgent attention of the Government. Please refer to attached correspondence.

The Employment Relations Authority (ERA) has finally admitted that they can't rule on workplace using the Health and Safety at Work Act 2015 i.e. the legislation that covers workplace bullying.

I have spoken publicly on this matter recently on Radio NZ and the audio and story can be accessed below:

<http://www.radionz.co.nz/national/programmes/checkpoint/audio/2018619037/remediating-workplace-bullying-next-to-impossible>

I have previously written to the former Minister of Workplace Relations and Safety, Michael Woodhouse (from 20 July 2015) and the matter has never been addressed. A associate and I also met with the Labour Party's former Justice Minister, Dame Margaret Wilson in 2015 to discuss our concerns about the inability of victims of

From: Susan Keats
To: [#Office of Hon. Iain Lees-Galloway](#)
Date: Wednesday, 18 April 2018 9:26:02 a.m.
Attachments: [18042018_letter to Culturesafe.pdf](#)

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Hon Iain Lees-Galloway

MP for Palmerston North

Minister for Workplace Relations and Safety Deputy Leader of the House

Minister of Immigration

Minister for ACC



18 APR 2018

Alan Halse, Principal and Tracey Simpson, Employment Advocate
CultureSafe NZ

Email: allan@culturesafenz.co.nz; tracey@culturesafenz.co.nz

Dear Mr Halse and Ms Simpson,

My office has received your correspondence of 29 October 2017, 2, 8, 16 and 22 November 2017, 15, 21 and 26 February 2018, 1, 9, 15, 19, 20, 26 and 28 March 2018, 3, 5 and 14 April 2018.

I appreciate the evident passion which you have for the problem of workplace bullying. I agree with you that psychosocial risks (including bullying) are a source of significant harm to New Zealand workers and that more needs to be done to address this. I have directed the Ministry of Business, Innovation and Employment (MBIE) and WorkSafe New Zealand to investigate ways to provide better support and guidance for workers subject to these risks and employers. I have asked officials to focus particularly on issues of sexual harassment and bullying.

You may wish to reflect on the manner of your contact with my office and whether it is an effective way to pursue your reform agenda. Since I received my Ministerial warrant, you have directly sent or copied 30 emails to this office. In many cases these were sent or copied to various other Ministers and officials, and in most cases these emails disclosed personal details and information about individual cases and requested ministerial intervention in these cases.

It is unclear whether you have consent to share the personal information of the parties that you have sent to my office, other offices and officials. Several communications are expressed as 'without prejudice' and some have been found to be in breach of a settlement agreement in a recent Employment Relations Authority determination.

These are not a useful way to communicate with my office or that of other Ministers. For the avoidance of doubt, I do not have the ability to intervene in individual employment relationship problems. From now on, I have asked my office to forward your correspondence to MBIE and WorkSafe to respond as appropriate.

Hon Iain Lees-Galloway

MP for Palmerston North

Minister for Workplace Relations and Safety Deputy Leader of the House

Minister of Immigration

Minister for ACC



Allan Halse
Director
CultureSafe NZ Ltd
Allan@culturesafenz.co.nz

Dear Allan,

Thank you for your recent correspondence regarding workplace bullying and the work that CultureSafe NZ does as an anti-workplace-bullying champion. Bullying is a serious matter and I agree that it should not be tolerated.

I understand you are concerned with the current processes for dealing with workplace bullying, and that you consider them to be ineffective for addressing the issue. Specifically, you raised two concerns:

- a) that bullying needs to be considered as a criminal matter and employees should be able to access the jurisdiction covered by the Health and Safety at Work Act 2015 (the HSW Act); and
- b) evidence of bullying is being held inadmissible by the Employment Relations Authority if it was not raised as a claim within the 90-day time limit for disadvantage personal grievances.

As you know, regulatory measures to address workplace bullying can fall under either, or both, the HSW Act and the Employment Relations Act 2000 (the ER Act).

WorkSafe New Zealand regulates the HSW Act. This includes ensuring workplaces are equipped to develop meaningful worker engagement, leading to a positive health and safety workplace culture. WorkSafe has developed a bullying prevention toolbox to provide specific advice to both businesses and workers on this concern. Under the HSW Act, a failure to manage the risk arising from workplace bullying could give rise to enforcement action being taken by WorkSafe.

WorkSafe will investigate the most serious workplace bullying matters where there is a specialist medical diagnosis of harm that links bullying to a claim. Where WorkSafe has decided not to prosecute or take enforcement action, prosecutions under the HSW Act may be commenced privately (for example, an action could be taken by CultureSafe NZ) in the District Court. As the offence is criminal, proof of offences must be substantiated beyond a reasonable doubt.

From: I Lees-Galloway (MIN)
To: [Allan Halse](#)
Subject: Response from Hon Iain Lees-Galloway
Date: Monday, 29 January 2018 9:46:11 a.m.
Attachments: [image001.jpg](#)
[29012018083302-0001.pdf](#)

Dear Allan

Please find attached a letter of response from the Minister for Workplace Relations and Work Safe New Zealand.

Kind regards,



Office Hon Iain Lees-Galloway

Minister of Immigration | Minister for Workplace Relations & Safety | Minister of ACC |
Deputy Leader of the House | MP for Palmerston North | 4.5R, Executive Wing | Parliament
Buildings | Private Bag 18041 | Wellington 6160 | New Zealand | P: 64 (4) 817 8713

Authorised by Iain Lees-Galloway, Parliament Buildings, Wellington 6011

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I also understand that representatives of MBIE, the Employment Relations Authority and WorkSafe are arranging a joint meeting with you to discuss avenues by which you may appropriately raise concerns with both agencies.

I note your complaints regarding members of the Employment Relations Authority and will reply to these under separate cover.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Iain Lees-Galloway', written over a faint circular stamp.

Hon Iain Lees-Galloway
Minister for Workplace Relations and Safety

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OFFICIAL INFORMATION ACT

From: Allan Halse
To: [Hon Iain Lees-Galloway](#)
Subject: Lack of Access to Justice for victims of Workplace Bullying. s 9(2)(a)
Date: Tuesday, 20 February 2018 8:40:15 p.m.
Attachments: [Affidavit.pdf](#)
[Response from Hon Iain Lees-Galloway.msg](#)
[Memorandum to Authority 20 Feb 2018.pdf](#)
[20 February 2018. Letter to Workplace Relations and Safety Minister.pdf](#)

The Affidavit.pdf, Memorandum to Authority 20 Feb 2018.pdf and 20 February 2018, letter to Workplace relations have been withheld under s 9 (2)(a) of the Act as they contain information that could identify individuals, and information private to those individuals:

The Hon Iain Lees-Galloway,
Minister of Workplace Relations and Safety

Dear Iain,

Please find attached, for your urgent attention, our letter of 20 February 2018 and supporting documents attached.

Kind regards,

Allan

Allan Halse

Director

CultureSafe NZ Ltd

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Caro House

137 Alexandra Street

Hamilton 3204

s 9(2)(a)

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Where an offence has been committed, a person may be liable on conviction to imprisonment (of a maximum of five years) or fines (or both). The District Court administers the HSW Act and can make a ruling as to whether an offence has been committed under it.

Providing a safe workplace for employees is an implied obligation in all employment agreements. If an employer breaches this obligation by failing to provide a safe workplace, and the employee is disadvantaged in their employment or is forced to resign as a result of that breach, they may choose to raise a personal grievance.

The personal grievance process encourages parties to initially attempt to resolve their issue themselves, such as through accessing free employment mediation services provided by the Ministry of Business, Innovation and Employment. If parties cannot resolve the issue, they have access to the Employment Relations Authority and Employment Court who may decide the matter for the parties. The Employment institutions are bound by the ER Act and cannot decide matters under the HSW Act, as mentioned above, the HSW Act is administered by the District Court.

An employee can choose to take their claim in both jurisdictions; however, they may only be compensated once for the same harm.

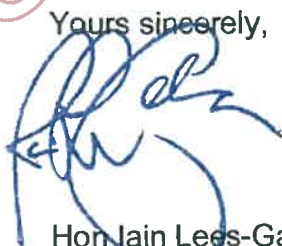
Validity of evidence of bullying claims under the ER Act

Under the ER Act, an employee has 90 days to raise a personal grievance claim; this commences from the date the action arose. The nature of a bullying personal grievance claim, however, is an ongoing pattern of behaviour, with some final action leading the employee to either resign (in constructive dismissal cases) or feel unsafe in their workplace (disadvantaging that employee in their employment).

Currently, for a claim of unjustified disadvantage, the Authority may require each specific allegation to have been raised within the 90 day timeframe. I have asked my officials to look into ways in which we could address this issue for personal grievance claims that, by their nature, necessitate including evidence of a pattern of behaviour. As part of this, I have passed on the information you have provided about workplace bullying to my officials to be considered as part of their assessment and the ongoing monitoring of the wider employment relations regulatory system.

Thank you again for taking the time to raise this issue with me.

Yours sincerely,



Hon Jain Lees-Galloway
Minister Workplace Relations and Safety

From: Allan Halse
To: [Hon Iain Lees-Galloway](#)
Subject: Invitation to the CultureShift Conference 2018 - the REAL Health and Safety Conference
Date: Sunday, 3 June 2018 6:46:15 p.m.
Attachments: [26 Feb 2018 Letter to Ministers re potential serious harm.pdf](#)
[Letter to Minister Lees-Galloway 3 June 2018.pdf](#)

The document titled 26 Feb 2018 Letter to Ministers re potential serious harm.pdf has been withheld under s 9 (2) (a) of the Act as it contains information private to individuals.

Dear Iain,

Please find attached an invitation to our two-day CultureShift Conference 2018 (the REAL Health and Safety Conference), being held at Te Papa, on Wednesday, 24 October and Thursday, 25 October 2018.

If you could get back to me with confirmation of your interest by **Wednesday 13 June 2018**, that would be greatly appreciated.

Kind regards,

Allan

Allan Halse

Director

CultureSafe NZ Ltd

Suite 3, 2nd floor

Caro House

137 Alexandra Street

Hamilton 3204

s 9(2)(a)

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Allan Halse, Director
CultureSafe NZ Ltd
Suite 3, 2nd Floor
Caro House
137 Alexandra Street
Hamilton, 3204
07 838 9379
s 9(2)(a)

3 June 2018

Hon Iain Lees-Galloway,
Minister for Workplace Relations and Safety,
Parliament Buildings
Private Bag 18041
Wellington 6160

By email only to: Iain.Lees-Galloway@parliament.govt.nz

Re: CultureShift Conference 2018 – the REAL Health & Safety Conference

Dear Iain,

Despite your previous unwillingness to work with CultureSafe NZ Ltd, we would like to extend an invitation to you to open our CultureShift 2018 conference being held on Wednesday 24 and Thursday 25 October at Te Papa Museum in Wellington.

CultureSafe NZ Ltd is actually on your side, yet you (and your predecessor Michael Woodhouse) have been reluctant to engage with us because you have both been provided with some extremely poor advice from your advisors at MBIE and Worksafe NZ when it comes to CultureSafe NZ Ltd's intentions. We actually exist, solely to combat workplace bullying. In particular, MBIE and Worksafe NZ, have misinformed you with their advice as to how they should be dealing with workplace bullying and psychological/physiological harm.

I am keen to talk to you about ACAS in the UK, where I've personally conducted a lot of research. ACAS is a low-level resolution, taxpayer funded organisation, that provides free advice to workers and employers, like the Department of Labour used to do 30 years ago in NZ. Their research shows that for **every £1 of taxpayer funds invested in ACAS, the taxpayer receives a £13 return**. I have been meeting regularly with Malcolm Boswell, the Birmingham Director of ACAS over the last 2 years and he is keen to come to NZ to discuss the work ACAS does. I have attended their training courses and in January, attended a Health and Wellbeing conference they ran in Birmingham. If CultureSafe NZ Ltd can obtain sponsorship, we will bring Malcolm, or another senior ACAS employee, to NZ to speak at our CultureShift conference.

The alternative to working positively with CultureSafe NZ Ltd.

It is extremely unfortunate that, to date, you have refused to meet with CultureSafe NZ Ltd and engage positively with us in an effort to combat workplace bullying in New Zealand. It is equally unfortunate that we have had to use the media to draw attention to the incredible psychological and physiological harm inflicted on many of New Zealand's 400,000 bullied New Zealand workers, and to expose the fact that your health and safety agency Worksafe NZ hasn't prosecuted a single workplace bullying case.

In recent weeks, CultureSafe NZ Ltd has provided information to various media outlets about suicides at Housing NZ and the Bay of Plenty District Health Board and the resultant stories have attracted massive public exposure. I have included links to these stories below.

<https://www.tvnz.co.nz/one-news/new-zealand/worksafe-nz-never-once-prosecuted-bullying-complaint-despite-100-lodged>

https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12040773

<https://www.msn.com/en-nz/news/national/investigation-the-suicides-sackings-and-stressed-staff/ar-AAy1W6t>

https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12061835

Your Government could have avoided this negative media coverage if you had engaged with CultureSafe NZ Ltd. We had signalled the issues at Tauranga hospital with a media release (see link below) on 16 February 2018 and followed this up when we wrote to you and the Ministers of Health and Justice on 1 March 2018. Your Government did nothing and we escalated to the media, who, in contrast to you and your fellow ministers, do seem to care about the death of workers caused by workplace bullying.

<http://www.scoop.co.nz/stories/PO1802/S00185/govt-must-investigate-bop-dhb-s-staff-bullying-processes.htm>

CultureSafe NZ Ltd has become the go to for anyone who has experience psychological/physiological harm and at present, we have more than 100 clients throughout NZ (we are doing Worksafe NZ's job). 75% of our clients have entered the mental health system because of the bullying, and half that number have suicidal thoughts. At least 6 have attempted suicide and we constantly have patients referred to us by counsellors/doctors/psychologists/mental health crisis teams etc because we are the only organisation in NZ that understands that workplace bullying is real and that it causes deaths.

We care about our clients. Our Senior Employment Advocate, Tracey Simpson, is a trained mental health counsellor who previously spent 12 years supporting victims of domestic violence. We know what we are doing.

CultureSafe NZ Ltd's aim is to assist in creating positive working environments. Our primary focus is to prevent problems, be proactive in avoiding issues and to assist with the productivity of organisations, as opposed to being reactive once an issue arises.

The theme of the conference is raising awareness as to the issues and impacts of workplace bullying, with a focus on solutions toward creating safe positive workplaces. Our aim is to dynamically change New Zealand's workplaces by encouraging leadership that understands that workplace bullying causes psychological/physiological harm, without having to be challenged for breaching their obligations under the the Health and Safety at Work Act 2015, to provide a safe working environment for all employees.

Your commitment and confirmation

We would appreciate if you could consider our invitation to open our CultureShift 2018 conference.

If you could get back to me with confirmation of your interest by **Wednesday 13 June 2018**, that would be greatly appreciated.

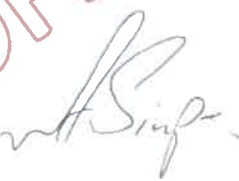
As part of your participation in CultureShift 2018, we would also provide you with a complimentary full conference pass for the two-day period, which includes the opportunity to attend all conference sessions and networking events.

We would also like to extend an invitation to host you at our gala dinner, as a special guest, on the evening of Wednesday 24 October, from 6pm.

If you have any questions or would like to discuss this matter further, you can contact me directly on 021 900 508 or at allan@culturesafenz.co.nz.

Yours faithfully,


Allan Halse,
Director
CultureSafe NZ Ltd.


Tracey Simpson BScOP, PGDipCouns,
Senior Employment Advocate
CultureSafe NZ Ltd / CultureShift NZ Ltd.

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s 9(2)(a)
[Redacted]

From: Tracey Simpson
Sent: Thursday, March 1, 2018 9:39 PM
To: 'georinab@yd.com.au' <georinab@yd.com.au>
Cc: 'ian.lees-galloway@parliament.govt.nz' <ian.lees-galloway@parliament.govt.nz>;
clayton.mitchell@parliament.govt.nz; Jacinda Ardern (j.ardern@ministers.govt.nz)
<j.ardern@ministers.govt.nz>; 'andrew.little@parliament.govt.nz' <andrew.little@parliament.govt.nz>;
'winston.peters@parliament.govt.nz' <winston.peters@parliament.govt.nz>; 'david.clark@parliament.govt.nz'
<david.clark@parliament.govt.nz>; 'julianne.genter@greens.org.nz' <julianne.genter@greens.org.nz>;
'green.party@parliament.govt.nz' <green.party@parliament.govt.nz>; 'jamie.strange@parliament.govt.nz'
<jamie.strange@parliament.govt.nz>; Allan Halse <allan@culturesafen.z.co.nz>
Subject: Workplace Bullying
Importance: High

s 9(2)(a)

[Redacted]

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s 9(2)(a)

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Adapted from Preventing and Responding to Bullying at Work – Good Practice Guidelines.
WorkSafe NZ 2017

PERSONAL ATTACKS (DIRECT) examples include:	TASK-RELATED ATTACKS (INDIRECT) examples include:
Belittling remarks – undermining integrity – lies being told - sense of judgement questioned – opinions marginalised	Giving unachievable tasks – impossible deadlines – unmanageable workloads – overloading – ‘setting up to fail’
Ignoring – excluding – silent treatment - isolating	Meaningless tasks – unpleasant jobs – belittling a person’s ability – undermining
Attacking a person’s beliefs, attitude, lifestyle, or appearance – gender references – accusations of being mentally disturbed	Withholding or concealing information – information goes missing – failing to return calls or pass on messages
Ridiculing – insulting – teasing – jokes – ‘funny surprises’ - sarcasm	Undervaluing contribution – no credit where it’s due – taking credit for work that’s not their own
Being shouted or yelled at Threats of violence	Constant criticism of work Underwork – working below competence – removing responsibility – demotion
Insulting comments about private life	Unreasonable or inappropriate monitoring
Physical attacks	Offensive sanctions (e.g. denying leave where there is no reason to do so)
Humiliation (in public or private)	Excluding – isolating – ignoring views
Persistent and/or public criticism	Changing goalposts or targets
Using obscene or offensive language, gestures, or material	Not giving enough training or resources
Ganging up – colleagues/clients encouraged to criticise or spy – witch hunt – dirty tricks campaign – singled out	Reducing opportunities for expression – interrupting when speaking
Intimidation – acting in a condescending manner	Supplying incorrect or unclear information
Intruding on privacy (e.g. spying, stalking, harassed by calls when on leave or weekends)	Making hints or threats about job security
Unwanted sexual approaches, offers, or physical contact	No support from manager
Verbal abuse	Scapegoating
Inaccurate accusations	Denial of opportunity
Suggestive glances, gestures, or dirty looks	Judging wrongly
Tampering with personal effects – theft – destruction of property	Forced or unjustified disciplinary hearings
Encouraged to feel guilty	Lack of role clarity
	Not trusting
	Sabotage

From: Hon Iain Lees-Galloway
To: [Susan Keats](#)
Subject: FW: The Employment Relations Authority (ERA) is Unsafe for the Victims of Workplace Bullying and their Representatives – Raised under the Protected Disclosure Act 2000.
Date: Tuesday, 3 April 2018 8:26:00 a.m.
Attachments: [Letter to Minister Lees-Galloway 24 March 2018 final.pdf](#)
[Letter to Minister Lees-Galloway 2 April 2018.pdf](#)
[Determination dated 23-03-18.pdf](#)

The attachments have been withheld under s 9 (2)(a) of the Act as they contain information that could identify individuals, and information private to those individuals.

Outside scope

From: Allan Halse [mailto:allan@culturesafenz.co.nz]

Sent: Monday, 2 April 2018 8:23 PM

To: Hon Iain Lees-Galloway

Cc: Tracey Simpson

Subject: FW: The Employment Relations Authority (ERA) is Unsafe for the Victims of Workplace Bullying and their Representatives – Raised under the Protected Disclosure Act 2000.

Dear Iain,

Please find my letter of 2 April 2018 for your urgent attention.

Kind regards,

Allan

Allan Halse

Director

CultureSafe NZ Ltd

Suite 3, 2nd floor

Caro House

137 Alexandra Street

Hamilton 3204

s 9(2)(a)

allan@culturesafenz.co.nz

www.culturesafenz.co.nz

From: Allan Halse

Sent: Saturday, 24 March 2018 10:58 PM

To: 'iain.lees-galloway@parliament.govt.nz' <iain.lees-galloway@parliament.govt.nz>

Subject: The Employment Relations Authority (ERA) is Unsafe for the Victims of Workplace Bullying and their Representatives – Raised under the Protected Disclosure Act 2000.

Hon Iain Lees-Galloway,

Minister for Workplace Relations and Safety

Dear Minister,

Please find attached a letter of extreme importance for the health and wellbeing of New Zealand workers, for your urgent attention.

We look forward to your response by close of business, Wednesday, 28 March 2018.

Kind regards,

Allan

Allan Halse

Director

CultureSafe NZ Ltd

Suite 3, 2nd floor

Caro House

137 Alexandra Street

Hamilton 3204

s 9(2)(a)

allan@culturesafenz.co.nz

www.culturesafenz.co.nz

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

From: Hon Iain Lees-Galloway
To: [Susan Keats](#)
Subject: FW: Sexual Harassment - Workplace Bullying - ERA Processes
Date: Thursday, 15 March 2018 4:13:00 p.m.
Attachments: [Letter to Parliament - Workplace Bullying & Sexual Abuse Cases.pdf](#)
Importance: High

s 9(2)(a)

From: Tracey Simpson [mailto:tracey@culturesafenz.co.nz]

Sent: Thursday, 15 March 2018 2:23 PM

To: Hon Andrew Little ; Hon Iain Lees-Galloway

Cc: Hon. Dr David Clark ; Hon Carmel Sepuloni ; J Ardern (MIN) ; Rt. Hon. Winston Peters ; julianne.genter@greens.org.nz; Julie Anne Gentre (Julianne.gentre@parliament.govt.nz) ; Hon Willie Jackson ; Allan Halse

Subject: Sexual Harassment - Workplace Bullying - ERA Processes

Importance: High

Dear Hon Ministers

We write to raise concerns and fully inform you all of the daily challenges we face with the nationwide issue of workplace bullying, and the already frequently reported complaints of the inadequacies of the ERA to procedurally fairly manage the problem. The attached letter supports what we have already repeatedly informed you of and serves as an introduction to a more extensive report which will follow that will highlight the challenges with a specific case we have in the ERA currently (one of multiple unresolved cases), and the glaring inadequacies with the ERA/MBIE processes in general.

We look forward to your urgent reply and attention to this problem which is at epidemic proportions, indeed the stories in this week media, barely scratch the surface of the problem which is being enabled by the ERA and their processes.

Kind regards

Tracey Simpson

Employment Consultant

CultureSafeNZ Ltd

Suite 3, Level 2, Caro House

137 Alexandra Street

Hamilton 3204

Ph: 0064 7 838 9379

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tracey@culturesafenz.co.nz

www.culturesafenz.co.nz

14 March 2018

New Zealand Government

Attn: Hon Andrew Little – Minister for Justice
Hon Iain Lees-Galloway – Minister for Workplace Relations and Health and Safety
Hon Julie-Anne Genter – Minister for Women’s Affairs
Hon David Clark – Minister for Health
Hon Carmel Sepuloni - Minister for Social Development
Hon Willie Jackson – Minister for Employment
Rt Hon Jacinda Ardern – Prime Minister
Hon Winston Peters – Deputy Prime Minister

By Email: andrew.little@parliament.govt.nz
iain.lees-galloway@parliament.govt.nz
julie-anne.genter@parliament.govt.nz
david.clark@parliament.govt.nz
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willie.jackson@parliament.govt.nz
jacinda.ardern@parliament.govt.nz
winston.peters@parliament.govt.nz

Dear Hon Ministers

Re: Sexual Abuse – Human Rights Commission
Sexual Abuse – Young Labour Party Summer Camp
Sexual Abuse – Russell McVeagh
Sexual Abuse – Christchurch Boys High School
Sexual Abuse and Workplace Bullying – Nationwide - Private and Public Sectors

Further to the NewstalkZB press release of Saturday 10 February in which Andrew Little announces he has ***“warned the New Zealand Law Society he will intervene if he feels they can’t properly investigate widespread alleged inappropriate sexual behaviour and harassment in the legal profession”***, and that, ***“He’d take advice on appropriate action, but said it would be “a ministerial inquiry of some sort”***.

<http://www.newstalkzb.co.nz/news/national/andrew-littles-warning-to-the-new-zealand-law-society/>

We look forward to Andrew Little following through with his promise of a ministerial inquiry into the Law Society. This is well overdue, and you may well be astonished and appalled as to the extent the law society goes to in their efforts to protect their own. Indeed, a thorough external and impartial investigation will expose that the Russell McVeagh story is just the tip of the iceberg, and hardly scratches the surfaces of ‘inappropriate’ behaviour within the legal profession.

We also look forward to the same level of ministerial inquiry into the sexual abuse cases at the Human Rights Commission, as per my email dated, 01 March 2018, in which I highlighted the abhorrent workplace bullying at Dressmart in Auckland, and the failure to safely manage the sexual offending at the Human Rights Commission, swept under the carpet by their CEO and the Chief Commissioner, and while more than three months on the offender, Kyle Stutter, remains the Chief Financial Officer, and the victim has been 'removed'.

We are curious to know why the four sexually abused 16- year olds at Labour Party Summer Camp in February 2018 surprisingly all chose not to raise a complaint with either the Labour Party or the Police and nor were their parents told. Surely if your 16 year old child was sexually assaulted at a summer camp you would want to be fully informed.

Prime Minister, when you are a mother you may understand this is vital information such that a parent can protect their vulnerable children, keeping them safe from the harm done by sexual predators in our community, schools, legal firms, the Human Rights Commission and at Labour Party Summer Camps.

We look forward to the same level of government inquiry regarding the young Labour Party Summer Camp, and especially why both Andrew Kirton and Megan Woods were fully informed by the complainants about underage drinking and sexual abuse, and yet decided to take the word of tax payer funded 'advisors' in their decision to conceal the information from the Prime Minister, the public, the police and the parents of the victims.

We are heartened to learn late this afternoon there will now be a police inquiry, however disappointed it took such public outcry before the Government supported this. Indeed, this appears a complete turnaround from the Prime Minister only yesterday morning stating to the nation, via Mike Hosking on his NewstalkZB breakfast show that;

N, n no, I'm not, not bothered that I didn't know, because telling me is more about, you know, politics. Rather, it is looking after those who were involved. What mattered was looking after those who were involved. Clearly there were failings there and that's more important than my knowledge.

While we couldn't agree more that safety is what matters, and precisely why the Prime Minister and the New Zealand Police should have been informed immediately, we wonder if it were the Prime Minister's child that had been sexually assaulted at summer camp, if regardless of "politics" she may have been more bothered about knowing about it, and why does the Prime Minister and other Government Ministers persist in using ignorance as some sort of defence for nonaction.

Ignorance is no defence in any court of law, so why would this not also apply to members of parliament...?

Further, if indeed, as the Prime Minister and Andrew Kirton insist, that the children involved did not wish to complain about their experiences of sexual abuse, it somewhat begs the question as to why they did in fact raise their complaints of sexual abuse with both Megan Woods and Andrew Kirton.

What is even more concerning being the insult to the intelligence of the New Zealand voting public, and it was only after the public held the Prime Minister to account on the issue, that we are now seeing police involvement.

Those who work in the health and safety professions know the need to take the victims wishes into consideration, however equally they are skilled at managing this with their duty bound ethical professional obligations of care and protection in consideration of safety sitting above all else, including privacy and confidentiality. Indeed, those with proper training and expertise, manage this fine balance daily. This is 101 of our training and a critical part of discussions and the same fully documented with signed consent, at engagement level with every new client because reporting to the appropriate authorities is paramount in all cases where there is a risk of harm or detriment to health and safety.

Indeed, every time there is an all too common child fatality at the hands of abusive predators, equally there is public outcry about the people who 'knew' and yet did nothing. Why are those representatives of the crown who knew, any different...?

For those of us in the health & safety, care and protection professions, there are strict safety processes to follow which are equally strictly monitored by our governing professional institutes and scrupulously reported to and audited by the appropriate Government Ministers for ongoing tax payer funding requirements.

Why does the same not apply to those in power, indeed those who make and enforce the rules for those of us at the coal face saving the lives of victims...?

We also look forward to seeing Julie-Anne Genter's register for workplaces with sexual assault employee grievances against them. We fully expect The Human Rights Commission, the Young Labour Party Summer Camp, Russell McVeagh Lawyers and Christchurch Boys High School, to be the first four on her widely publicised, however now strangely quiet register. Indeed, ownership of the problem with the appropriate training and safe response strategies, can lead to change in the circumstances.

You will no doubt be aware that our shameful workplace bullying statistics are second highest in the developed world, second only to Austria. This affects our entire workforce; thus, it doesn't take a rocket scientist to work out the correlation between these statistics and our equally shameful statistics of second highest in the developed world for mental health, suicidality and domestic violence.

Iain Lees-Galloway has already been fully informed that the ERA is woefully inadequate and outdated to handle such matters, indeed in court last Friday we had ERA Authority member Nicola Craig, admitting the same when she advised she is not trained nor positioned to rule on matters of workplace bullying and yet she is charged with the responsibility for 'fact finding' and 'ruling' on precisely that. Our poor traumatised, and re-victimised through the ERA process, client stands zero chance of a fair hearing let alone a fair outcome of her gruelling ERA process that has dragged on for over a year against one of the largest media giants in the country, who are dragging it out simply with the agenda of 'breaking' her. Our client said; ***"It's like expecting to get your new kitchen from a motor mechanic"***.

When I dared to challenge Nicola Craig on the situation, she agreed the problem exists, however given she was incapable of managing the situation she simply chose to wield her power and control silencing and isolating me from my role of care and protection of my client, instructing me to leave "her" court room.

Earlier in the day Nicola had been explicit that this was ***"an informal process, with the opportunity for everyone to be heard"***. However, there was nothing informal about the process at all. Rather, the process was entirely controlled in every way by Nicola who was consistently 15 minutes late starting in the mornings and significantly late arriving back from

all breaks. She dictated who spoke and when, dictated topics for discussion and when I challenged the bullying style of questioning from the opposing lawyer, Nicola suggested we have a break out session, excluding our client, where it was accepted the closed questions and leading framing of the same was intended to silence the victim and shut down her lived experience. The lawyer concerned, Emma Butcher, of LangstonHudsonButcher, defended her right to do so on the basis **“this is how it’s been for 100’s of years”**, and Nicola confirmed she was **“completely comfortable with Emma’s framing of her questions”**, despite her accepting they were closed yes/no questions framed in a way as to put words in the victims mouth. Nicola then went on to justify her comments by stating her own cross examination of the victim had been largely open questions.

On the morning of day two of this hearing, another Authority member arrived, equally 15-20 minutes late with Nicola and Nicola announced in a very vague swift, this is not up for negotiation manner, that another Authority member, Anna Fitzgibbon (who Allan Halse, Director of CultureSafeNZ has lodged two previous complaints about her unsafe practice), will be ‘observing’ today. There was no explanation, no consideration for our client’s confidentiality, no attempt to obtain consent from either our client or others present in the room, indeed no collaborative safe practice at all. Rather, just a dictatorial sense of entitlement of power and control. Clearly Anna’s presence was some form of protection for Nicola, however where is the protection for our client from the power wielding Nicola Craig and her equally power wielding employment lawyer colleagues....?

As abruptly and rudely as she arrived, she then disappeared with equal abruptness and rudeness. Indeed, without discussion or any explanation, Anna Fitzgibbon was not present after the morning tea break, nor did we see her again.

This attitude by lawyers and ERA Authority members, (who are also employer representing Employment Lawyers), in what is supposed to be an informal process in the people’s court, is deeply concerning. However, what is more concerning is the Minister for Workplace Relations and Health and Safety, condones and enables this institutionalised bullying to continue because of his refusal to comment, investigate or do anything to address this extremely unsafe working environment – for which he is ultimately responsible.

Later, my colleague Allan Halse was also silenced by Nicola for a question he asked and yet Nicola admitted having no issue what so ever with Emma Butcher intentionally revictimizing our client with her framing of closed questions and intentionally leading our client’s answers.

Allan and I then attempted to raise the issue of neurologist, doctor, phycologist and psychiatrist reports, provided at the request of ACC. (This client had been dismissed by her employer while on ACC shortly after suffering a workplace accident which resulted in concussion and a head injury). We pointed out this is a health and safety matter which is well evidenced by medical professionals and yet neither Emma or Nicola had once referred to the medical reports. I asked Nicola if I could read three lines directly from the psychiatrist report, which validated our client’s story, and what we were saying in support of her story, however I was silenced by Nicola and my request flatly denied and backed up by Emma Butcher who then proceeded to provide a lecture on the order of things, - in this informal process.

Nicola was noticeably uncomfortable as she admitted this was outside her area of expertise or jurisdiction. As such she would not permit the evidence in her court room, choosing instead to silence me, stating; **“I am in control of this process and I need to get on with this process”**.

Before exiting me, Nicola then went on as far as to make incorrect and untrue statements about the services I **“had obviously provided to our client”**. This was untrue and nothing more than her opinion-based assumption. I corrected Nicola, stating she was incorrect and in fact she had no idea what services I had provided, to which she responded with noticeable agitation at being challenged about the ill-informed opinions she was adding, and insisted that I leave **“her”** courtroom.

What is of major concern about this unsafe practice and misuse of power and control, is what else does Nicola Craig simply add her own meaning to. I understood her role is to find the facts of the matter, not add her own ill-informed opinions and equally ill-informed meaning.

On that occasion I could no longer listen and watch the opposing party's legal representative work on our client, thus I was happy to be able to leave this unsafe work environment.

CultureSafeNZ Director, Allan Halse, had written to Iain Lees-Galloway on 15 February 2018, about this specific case, and many other cases currently in the ERA court arena, about their inadequacies and outdated legislation that does nothing but enable workplace bullying and re-victimise already traumatised victims of workplace bullying. However, to date, without inquiry with either the complainants or our clients, the Minister has done what all employers do who don't want to know about workplace bullying in their workplace, ignore, minimise and disregard the problem, stating in his **opinion** the ERA manages such cases adequately and fairly and that he can't comment on cases for privacy reasons.

The ordeal for this client continues to drag on and I attach the latest notification from MBIE, advising of the next two dates next week set down for this excruciating ongoing saga. I also draw your attention to following notes:

1. *“If the complainant does not attend the investigation meeting, the matter may be dismissed, and costs may be awarded against the applicant”.*
2. *“If the respondent does not attend the investigation meeting, the Authority may, without hearing evidence from the respondent, issue a determination in favour of the applicant”.*

There is however no mention of awarding costs in favour of the complainant.

3. Details the fees liable to the complainant for bringing the claim
4. *“Any legal costs incurred by the other party may be awarded should you not be successful in bringing or defending the claim”.*

Because the ERA is controlled by employment lawyers, who know nothing about health and safety, victims of workplace abuse stand little chance of an outcome favouring them, and many are then left facing the costs of the other party. So, not only does the victim not get a fair hearing or impartial outcome, if they fail in their pursuit of justice they are liable for costs of the other party.

As if this wasn't bad enough, if victims fail to settle at the mediation stage of the ERA process, (because the other party either fails to settle or offers such a low settlement package, and not even enough to cover costs, sometimes as low as \$1000.00), the other party can impose a Calder bank, which is upheld by the Authority who may award no more than \$6,000.00 - \$8,000.00, which effectively means even if a complainant 'wins' they lose, and as punishment

for not accepting the mediation Calderbank offer and having the audacity of bringing the matter to court, they are then also met with the legal costs of the other party.

Thus, in the 'peoples' court that is the ERA, ALL cards are stacked in favour of the employer – those with all the power and control, and with the finances to fund the lawyers who enable them.

Given the ERA is the only forum to raise a case of personal grievance for workplace bullying, which can only be done under the Employment Relations Act 2000, with a 90-day timeframe which lawyers exploit, enabled by Authority Member Employment Lawyers, to rule anything prior to 90 days as inadmissible, Minister Lees-Galloway please respond to the following questions:

- 1) How is this justice for the victims of workplace bullying...?
- 2) And how can you justify your opinion that the ERA fairly and adequately deals with the nationwide epidemic of workplace bullying...?

Just as with the young Labour Summer Camp, and all issues of safety, it is not okay for employers and Government Ministers to hide behind privacy laws to avoid any responsibility for the very thing they are charged with the responsibility of being watchdogs of and caretakers for the New Zealand public.

Indeed, to earn the title of Hon Minister, an oath and sworn allegiance is taken in front of their fellow Ministers, and the Governor General, to do precisely that, and in all circumstances act in the best interests in their service of all New Zealanders.

Equally lawyers swear allegiance to do no harm and yet intentionally cause harm and detriment by condoning and enabling bullying in the workplace and intentionally obstruct the resolution process through endless delaying tactics, causing further harm and detriment to already traumatised victims.

How is ignoring the issue acting in the best interests of those they serve, and how does this correlate to their sworn allegiance in front of the representative of the Crown...?

Further, the Minister's 'opinion' could not be further removed from the reality for our clients.

Perhaps Minister Less-Galloway could consider asking the victims of workplace bullying, as to their lived experience of the ERA process. He could ask them if they believe the process is adequately, fairly and safely managed.

Perhaps Iain Lees-Galloway could consider joining us in ERA Mediation and in ERA Court, to observe the appalling misuse of power and control, and the flow on mental and physical harm for victims of workplace bullying and harassment, and their families and loved ones.

The Minister may then perhaps gain some insight as to why so many of our clients are referred to us by mental health and suicide intervention specialists, and why client's mental and physical health has to be closely monitored by a team of (largely taxpayer funded) mental and physical health professionals, throughout their process of seeking some sort of justice for their ordeal of abuse in the workplace, particularly once they enter the most unsafe workplace of all – the ERA.

Indeed, the ERA is nothing but a playground for the legal fraternity to fuel their over inflated opinions of themselves and their equally overinflated incomes paid for by the clients they represent – some of the largest corporates and tax payer funded agencies in the country. In the case of the ERA Mediators and Authority Members themselves, largely not mediators at all, rather simply employment lawyers with a history of ‘representing’ employers) and;

- Zero training in workplace bullying and or its effects
- Zero training in the correlation between workplace bullying and physical & mental health, including suicidality
- Zero training in health and safety
- Zero training in mental and physical health
- Zero training in risk assessment and implementation of risk assessment tools
- Zero training in safe practices
- Zero training in Bi-cultural practice and their obligations under Te Tiritiri o Waitangi/ Treaty of Waitangi
- Zero training in working with multi-complex diversity such as mental health, gender, cultural, ethnic and spiritual diversity

Indeed, their only training is choosing a side, based on ability to pay, and winning at all costs, using manipulation of the outdated and unrelated legislation in their agenda to conceal their client’s culture of workplace bullying and, in the process, destroying the lives of the victims, and their families.

Such that these and all other workplace bullying, and harassment matters can be fully addressed in the only appropriate forum – government inquiry, we look forward to your urgent response to this letter and the email I sent you and other members of parliament on 01 March 2018, copy attached.

We request your urgent attention to this matter and look forward to your immediate response. You will also be aware CultureSafenz has a social media presence followed by no less than 17,000 tax paying New Zealand voters – all with their own stories of workplace bullying. It is worth noting those social media follower figures just scratch the surface of our actual followers. There are many more just like them too afraid to ‘follow’ us publicly on social media for fear of the repercussions from their employers.

I have not yet posted the contents of this letter or my attached email dated, 01 March 2018, copy attached, (to which we have not received a reply), on social media, however, should we not receive a response in a timely manner we will have no hesitation in writing the same to all other interested parties.

It is an act of fairness and goodwill that I am first writing directly to you all to provide the New Zealand Government with the opportunity to respond and deal with these matters accordingly.

We look forward to your urgent reply.

Yours faithfully,



Tracey Simpson
Employment Advocate
CultureSafe NZ Ltd.

Cc. Allan Halse – CultureSafe NZ – Director

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

From: Hon Iain Lees-Galloway
To: [Susan Keats](#)
Subject: [REDACTED] s 9(2)(a)
Date: Tuesday, 27 February 2018 9:22:00 a.m.
Attachments: [26 Feb 2018 Letter to Ministers re potential serious harm.pdf](#)

The attachment has been withheld under s 9 (2)(a) of the Act as they contain information that could identify individuals, and information private to those individuals.

Outside scope
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Allan Halse [mailto:allan@culturesafenz.co.nz]
Sent: Monday, 26 February 2018 4:48 PM
To: Hon Iain Lees-Galloway ; A Little Office (MIN) ; Hon. Dr David Clark
Subject: [REDACTED] s 9(2)(a)
[REDACTED]

Dear Ministers,
Please find attached, our letter of 26 February 2018 for your immediate attention.

Kind regards,
Allan

Allan Halse
Director
CultureSafe NZ Ltd
Suite 3, 2nd floor
Caro House
137 Alexandra Street
Hamilton 3204

[REDACTED] s 9(2)(a)
allan@culturesafenz.co.nz
www.culturesafenz.co.nz

RELEASED UNDER THE OFFICIAL INFORMATION ACT

From: Lisa Kinloch
To: [Alice Feng](#); [Susan Keats](#)
Subject: FW: Media release Bullying a criminal issue, not an employment matter: advocate
Date: Wednesday, 8 November 2017 4:13:00 p.m.
Attachments: [Media release CultureSafe Nov 17.pdf](#)
[Allan Halse CultureSafe director.jpg](#)
[image001.jpg](#)

Outside scope
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Allan Halse [<mailto:allan@culturesafenz.co.nz>]
Sent: Wednesday, 8 November 2017 3:08 PM
To: Hon Iain Lees-Galloway <Iain.Lees-Galloway@parliament.govt.nz>
Subject: FW: Media release Bullying a criminal issue, not an employment matter: advocate

Dear Iain,

As a matter of courtesy, I am forwarding our media release as we are being extremely critical about an area under your portfolio i.e workplace bullying and the Employment Relations Authority (ERA).

Bullying is a criminal issue, not an employment matter

We have approximately 12 cases currently at the ERA and want to transfer those cases to a jurisdiction that can rule on the cases using the correct legislation, the Health and Safety at Work Act 2015.

Please confirm where we can take those cases?

Kind regards,
Allan

Allan Halse
Director
CultureSafe NZ Ltd
Suite 3, 2nd floor
Caro House
137 Alexandra Street
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allan@culturesafenz.co.nz
www.culturesafenz.co.nz

From: chris@dynamicmedia.co.nz [<mailto:chris@dynamicmedia.co.nz>]
Sent: Wednesday, 8 November 2017 9:04 AM
To: chris@dynamicmedia.co.nz
Subject: Media release Bullying a criminal issue, not an employment matter: advocate

Good morning,

Please find attached and below a media release from CultureSafe NZ that states the that the ERA is failing those at risk because “the issue of bullying is not an employment matter, it’s a health and safety matter”.

Director Allan Halse’s contact details are at the end of the media release should you wish to speak with him directly.

Kind regards

Chris

8 November 2017

For immediate release

Bullying is a criminal issue, not an employment matter: advocate

The Employment Relations Authority is not the place where workplace bullying should be ruled on according to an employee advocate.

CultureSafe NZ director Allan Halse, who advocates for workers in hundreds of Kiwi workplace bullying cases, said the Employment Relations Authority is failing those at risk because the issue of bullying is not an employment matter, it’s a health and safety matter.

Halse said this new government has the opportunity to change the legislation to protect those most at risk. And that the time to do it is now.

“Bullying is much more insidious than many New Zealanders realise,” Halse said.

He said there is a lack of justice and access to justice for those who are bullied in the workplace.

“There is no opportunity for an employee to take a personal grievance under the current Health and Safety Act of New Zealand.

“Basically, the issue is swept under the carpet of the Employment Relations Authority that treats it like a civil matter,” Halse said.

“Whereas if you are physically harmed at work, WorkSafe NZ is all over the employer and has the ability to press criminal charges when an injury or death happens. Yet those who are systematically bullied have to take a personal grievance to the Employment Relations Authority, where many, many people are falling through the cracks due to human resources practices employed by the victim’s employer.”

CultureSafe NZ believes that this government has to recognise that bullying is more than a civil matter and, just like those who are abused by online cyber-bullying, it should be viewed as a criminal act which can be investigated by the police.

“Why can cyber-bullies be punished through a criminal process, yet those in the workplace get off scot-free?” Halse said.

“The cost of bullying to the economy is unquantified in New Zealand, because we don’t take it seriously enough. Yet in Australia they do – figures for bullying equate to \$36 billion a year,” said Halse.

He said that a study had shown that throughout New Zealand 1 in 5 people are bullied in the workplace.

“That equates to 400,000 New Zealanders who are being bullied right now.”

Media inquiries to: Allan Halse, phone 021 900 508 or 07 838 9379.

References:

<https://www.workpro.com.au/blog/work-health-and-safety-training/bullies-and-budgets-how-much-does-workplace-bullying-cost/>

<https://www.northernstar.com.au/news/bullying-australia-cost-15-billion/674849/>

In Victoria Australia, there is a special law against the workplace bullies.

<http://www.smh.com.au/small-business/brodies-suicide-prompts-law-on-bullying-20110404-1czub.html>

Chris Simpson

Dynamic Media

P s 9(2)(a)

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8 November 2017

For immediate release

Bullying is a criminal issue, not an employment matter: advocate

The Employment Relations Authority is not the place where workplace bullying should be ruled on according to an employee advocate.

CultureSafe NZ director Allan Halse, who advocates for workers in hundreds of Kiwi workplace bullying cases, said the Employment Relations Authority is failing those at risk because the issue of bullying is not an employment matter, it's a health and safety matter.

Halse said this new government has the opportunity to change the legislation to protect those most at risk. And that the time to do it is now.

"Bullying is much more insidious than many New Zealanders realise," Halse said.

He said there is a lack of justice and access to justice for those who are bullied in the workplace.

"There is no opportunity for an employee to take a personal grievance under the current Health and Safety Act of New Zealand.

"Basically, the issue is swept under the carpet of the Employment Relations Authority that treats it like a civil matter," Halse said.

"Whereas if you are physically harmed at work, Worksafe NZ is all over the employer and has the ability to press criminal charges when an injury or death happens. Yet those who are systematically bullied have to take a personal grievance to the Employment Relations Authority, where many, many people are falling through the cracks due to human resources practices employed by the victim's employer."

CultureSafe NZ believes that this government has to recognise that bullying is more than a civil matter and, just like those who are abused by online cyber-bullying, it should be viewed as a criminal act which can be investigated by the police.

"Why can cyber-bullies be punished through a criminal process, yet those in the workplace get off scot-free?" Halse said.

"The cost of bullying to the economy is unquantified in New Zealand, because we don't take it seriously enough. Yet in Australia they do – figures for bullying equate to \$36 billion a year," said Halse.

He said that a study had shown that throughout New Zealand 1 in 5 people are bullied in the workplace.

"That equates to 400,000 New Zealanders who are being bullied right now."

Media inquiries to: Allan Halse, phone 021 900 508 or 07 838 9379.

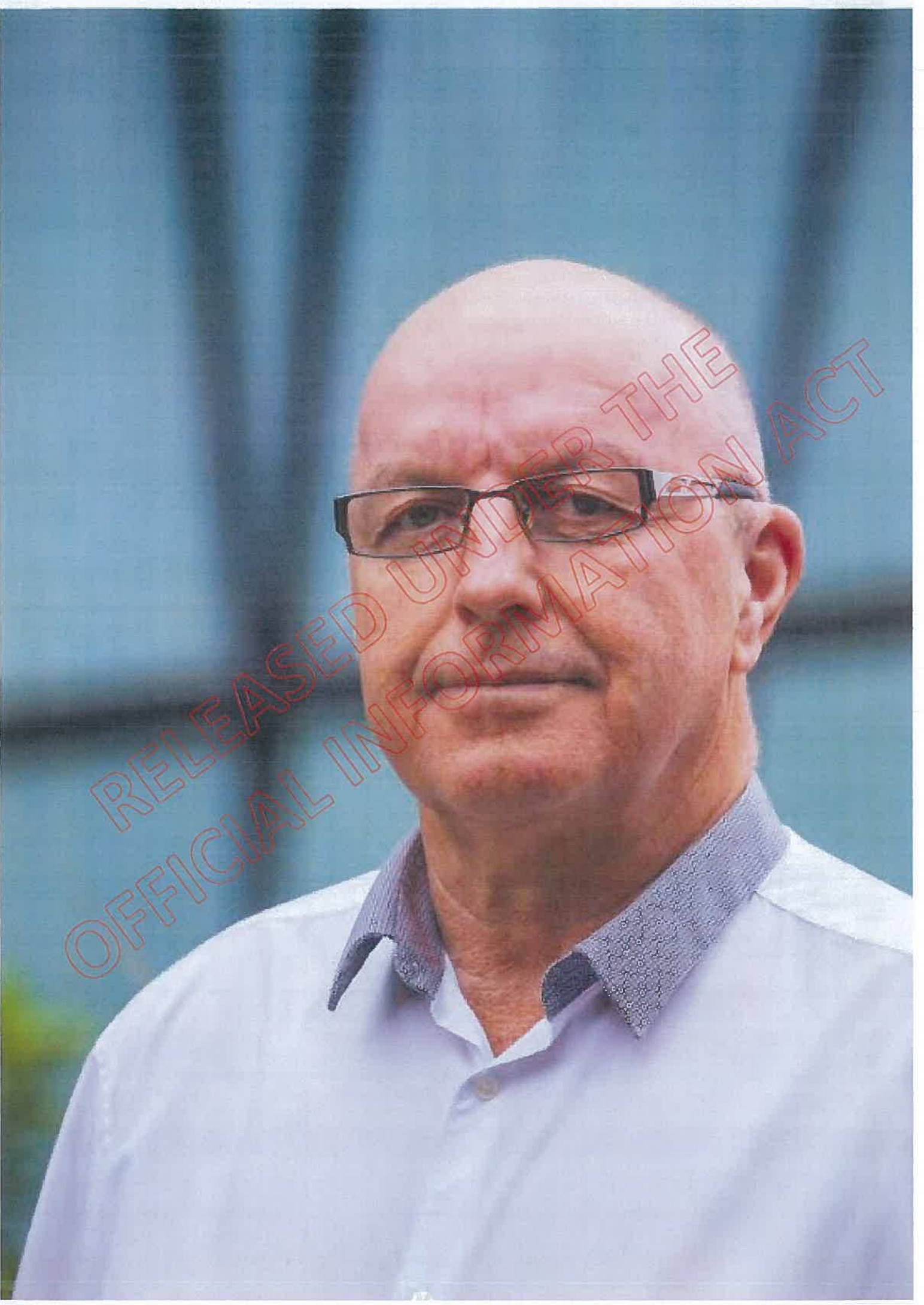
References:

<https://www.workpro.com.au/blog/work-health-and-safety-training/bullies-and-budgets-how-much-does-workplace-bullying-cost/>

<https://www.northernstar.com.au/news/bullying-australia-cost-15-billion/674849/>

In Victoria Australia, there is a special law against the workplace bullies.

<http://www.smh.com.au/small-business/brodies-suicide-prompts-law-on-bullying-20110404-1czub.html>



RELEASED UNDER THE
OFFICIAL INFORMATION ACT

From: Allan Halse
To: [Hon Iain Lees-Galloway](#)
Subject: FW: Letter from CultureSafe NZ Ltd
Date: Thursday, 30 August 2018 3:01:33 p.m.
Attachments: [Chief Judge Inglis 29 August 2018.pdf](#)
Sensitivity: Confidential

Dear Iain,

The issue of workplace bullying and the role of the ERA is going to become a serious political issue in Hamilton tomorrow as I stand up against the Authority's attempts to prevent freedom of speech about workplace bullying. See the attached letter and recent publicly on our CultureSafe Facebook page (link below) that is nearing 20,000 likes/followers.

<https://www.facebook.com/pages/category/Company/Culturesafe-NZ-Ltd-238970829620740/>

Kind regards,
Allan

Allan Halse
Director
CultureSafe NZ Ltd
Nominee New Zealander of the Year Awards 2018
Suite 3, 2nd floor
Caro House
137 Alexandra Street
Hamilton 3204
s 9(2)(a)
allan@culturesafenz.co.nz
www.culturesafenz.co.nz

Outside scope

[Redacted]

[Redacted]

[Redacted]

[Redacted]

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Allan Halse, Director
CultureSafe NZ Ltd
Suite 3, 2nd Floor
Caro House
137 Alexandra Street
Hamilton, 3204
07 838 9379
s 9(2)(a)

29 August 2018

Her Honour Chief Judge Christina Inglis,
Level 5, District Court Building,
43-49 Ballance Street,
Wellington

Attn: Her Honour Chief Judge Christina Inglis

BY EMAIL ONLY: joseph.buckton@justice.govt.nz

Dear Judge Inglis,

I was reminded this morning of our first meeting four years ago at an Employment forum in Whangarei. I wanted to take this opportunity to update you on the progress and undertakings myself and my colleagues at CultureSafe NZ Limited have made over the past four years.

As you know, I started CultureSafe NZ with a view to providing people who have experienced or are experiencing workplace bullying affordable and effective representation. My experience as a health and safety representative and Union representative over many years combined with my own lengthy and very public workplace bullying case revealed a dearth of knowledge about workplace bullying and how this matter should be dealt with. It also revealed the shockingly high incidence of workplace bullying and the all too often tragic consequences of it.

Over the past five years, I have represented over five hundred people at various stages in their career, from various industries and from various ethnicities. I have supported people in employer meetings, at mediations, and in ERA and Employment Court hearings. Despite the diversity, all the people I have met and who have shared their stories with me have one thing in common; they are traumatised by the bullying they have endured. Indeed, a qualified and registered counsellor who contracts to CultureSafe NZ estimates that she has dealt with more suicidal ideation in clients in the past six months at CultureSafe that she has done over a twelve-year period working with domestic abuse survivors. I write this, not to shock you as I am certain you are aware of the scale of the problem, but more to highlight the mental state of most people when they are finally driven to act against workplace bullying.

This is important to note because it is in this state of mind (commonly suicidal, always traumatised) in which most people enter the ERA process. And what I learnt over the past four years, is that this process serves only to further traumatise people and I will tell you why. I remember we discussed this matter four years ago and I am sorry to say, that little has changed.

Workplace bullying is a health and safety matter and should be dealt with under the Health and Safety at Work Act 2015. Bullying causing serious detrimental health effects. Many of our clients suffer from acute and chronic adverse mental health effects including depression, chronic post-traumatic stress disorder, anxiety, insomnia and agoraphobia due to the stress incurred from working in 'toxic' environments and experiencing targeted and prolonged attacks from people in their workplace. However, most employers and indeed employees, treat bullying in the workplace as an 'employment relations' matter, as opposed to a health and safety concern. Most employees follow their employer's dispute processes which invariably lead to personal grievances. Personal grievances, as you are aware are dealt with under the Employment Relations Act 2000, through mediation, the Employment Relations Authority, and if needed, the Employment Court.

The Employment Relations Act 2000 is ill-equipped to address workplace bullying — a health and safety matter — for several reasons. These include but are not limited to; section 114(1), Employment Relations Act 2000 (the 90-day time period in which employees must raise a grievance); the financial cost to employees who require representation at mediation and/or, hearings; the imbalance of power caused by individuals defending themselves against expert, highly paid employment lawyers; inadequate remedies that barely or don't cover the cost of taking the matter to the ERA in the first place (an issue I believe you are addressing and we are grateful).

- Section 114(1), Employment Relations Act 2000. The complex and covert nature of workplace bullying results in feelings of powerlessness and injustice which is exacerbated by the need for victims to prove the existence of behaviour that is often subtle and underhanded (see Workplace NZ's list of defined bullying behaviours). Typically, victims of bullying only seek help or address the situation after they have reached a point they cannot cope with the harm being incurred at work. This is often longer than three months. The reasons for this reluctance to report inappropriate behaviour in the workplace sooner are complex and socially and culturally engrained and not likely to change overnight; they include fear of loss of income and fear of retaliation. Employers may consent to have grievances that fall outside of this 90-day period addressed, but few do. The ERA has the authority to accept grievances outside of this period and we have appealed to them on several occasions to do so. However, disappointingly, they too rarely do. Applications for extension of time are often required, adding cost to our clients, who are NOT funded by large companies, and exacerbating the adverse health effects they are already experiencing.
- Lack of confidence and powerlessness are the most common symptoms of workplace bullying. Therefore, employees effected by workplace bullying rarely feel

strong enough to represent themselves through mediations or ERA hearings. Indeed, few people, bullied or otherwise, feel confident defending themselves against a team of legal experts in an environment that supports the imbalance of power; individual employees 'pitted against' often a team of highly paid environment lawyers at mediations, ERA hearings, and Employment Court hearings. I think you will agree this a fair statement. Employees seek representation which they are forced to pay for from their own pockets while employers hire expensive lawyers paid for the company. We see many strategies employed by businesses to 'make matters (employment disputes) go away'; stringing out legal proceedings by pedantic adherence to insignificant detail to increase costs and 'bleed the employee dry' is one such strategy we encounter regularly.

- On the few occasions employers have been found guilty of bullying, employees are rarely fully financially compensated due to the expense of applying to the ERA in the first place. Furthermore, the stress of going through the ERA process often does more harm to their already jeopardised state of health. Calder banks further serve to reduce the compensation people receive.

We firmly believe, and it is being proved regularly that the ERA and the Employment Relations Act 2000 is the wrong authority and legislation to address workplace bullying. Unfortunately, WorkSafe NZ, the authority who should be dealing with this matter continues to fail to acknowledge most of cases of bullying brought to their attention (also WorkSafe are unable to provide compensation), hence the only route available to victims has been and remains the ERA. CultureSafe NZ has been lobbying Ministers in attempt to get an independent authority established to deal specifically with workplace bullying and I am happy to report we have recently engaged WorkSafe NZ in a productive conversation around this topic.

People subjected to constant and prolonged bullying become hypervigilant and hyperreactive even in relatively safe environments. Many victims of this type of abuse take years to recover as they need to effectively 'reset' their reactions, and physiological and psychologically responses. We see this every day, and yes, we have become cynical and frustrated, to put it lightly with the systems that are in place to address workplace bullying. Recently, I have been accused of breaching a non-disparaging clause in a recent Record of Settlement and I now find myself under attack by an organisation who have failed repeatedly to protect their employees from significant harm. I have supported and represented no fewer than fourteen employees from this organisation, three of whom have considered suicide as a result of the treatment they have endured at work. The claims the organisation (Rangiura Rest Home Trust Board) have brought against me, if found substantiated by the ERA will bankrupt CultureSafe and jeopardise, not only the alliance I have finally established with WorkSafe NZ, but also the health and lives of my current clients. I have been accused of breaching a non-disparagement clause in a Record of Settlement unrelated to the Facebook posts (alleged breaches) used as evidence against me. I do not deny 'naming and shaming' this organisation in social media. I have found this an effective tool in the past to get

companies to finally address and deal with workplace bullying. I am the first to agree it is an unorthodox approach to the matter but when people's lives are at stake, I will do whatever I believe will work to protect them, even if this means placing myself in the firing line. I do this, not to make a mockery of the system but rather to highlight the inadequacies and reality of the situation which is; this process (going to ERA to address workplace bullying) often does more harm than good.

I am writing to you in hope that you will, if possible, intervene in Friday's ERA investigation meeting between myself and Rangiura Resthome Trust Board. The investigation meeting is scheduled to take place at 9.30am Friday 31st August at the Hamilton District Court. I appeal to you as a Chief Judge of the Employment Court, to use this case to shed light on the actions of employers who attempt to deny, ignore and hide the abuse that occurs in their workplaces. New Zealand has one of the worst mental health statistics in the developed world. This is because abuse survives in secrecy. Please help me address the insidious culture of workplace bullying in this country and support my efforts to get justice for victims.

Yours faithfully,



Allan Halse, Director CultureSafe NZ Ltd.

From: Lisa Kinloch
To: [Alice Feng](#); [Dave Allard](#)
Subject: [REDACTED] s 9(2)(a)

Date: Thursday, 16 November 2017 9:20:00 a.m.
Attachments: [Request for change of Member - Wendy Brennan - Reply from ERA.PDF](#)
[8 Oct 2017 complaint letter to Chief of the Employment Relations Authority.pdf](#)
[6 Oct 2017. Respondent application to make evidence inadmissible.pdf](#)
[2 November 2017 complaint letter to Chief of the Employment Relations Authority.pdf](#)
Importance: High

The attached documents have been withheld under 9 (2) (a) OIA as they contain information that could identify individuals, and information private to those individuals.

Outside scope

[REDACTED]

From: Allan Halse [<mailto:allan@culturesafenz.co.nz>]
Sent: Thursday, 16 November 2017 8:47 AM
To: Hon Iain Lees-Galloway <Iain.Lees-Galloway@parliament.govt.nz>
Cc: Hon Andrew Little <Andrew.Little@parliament.govt.nz>
Subject: FW: File number 3011632 Escalation of Wendy Brennan's case against Early Education Waikato to the Minister of Workplace Relations and the Minister of Justice.
Importance: High

Dear Iain and Andrew,

It has been 2 weeks since I wrote to you both about a matter of serious concern and one which we thought a "workers" party would address as a matter of urgency. As someone who chaired a union branch of 800 members in Auckland in the late 1970's, it was comforting to see a change from the right wing "employers" party in the September elections.

Workplace bullying is a serious issue in New Zealand, with one in five i.e. 400,000 workers effected.

We would be grateful if you would urgently confirm a jurisdiction that we can take our client's case to have it heard using the correct health and safety legislation.

Kind regards,
Allan

Allan Halse
Director
CultureSafe NZ Ltd
Suite 3, 2nd floor
Caro House

137 Alexandra Street
Hamilton 3204
s 9(2)(a)
allan@culturesafenz.co.nz
www.culturesafenz.co.nz

From: Allan Halse
Sent: Thursday, 2 November 2017 4:03 PM
To: 'iain.lees-galloway@parliament.govt.nz' <iain.lees-galloway@parliament.govt.nz>;
'andrew.little@parliament.govt.nz' <andrew.little@parliament.govt.nz>
Subject: s 9(2)(a)

Importance: High

The subject line has been redacted as it contains information that could identify individuals and information about those individuals.

Dear Iain and Andrew,

CultureSafe NZ Ltd, New Zealand's leading anti workplace bullying champion has a matter for the urgent attention of the Government. Please refer to attached correspondence.

The Employment Relations Authority (ERA) has finally admitted that they can't rule on workplace using the Health and Safety at Work Act 2015 i.e. the legislation that covers workplace bullying.

I have spoken publicly on this matter recently on Radio NZ and the audio and story can be accessed below:

<http://www.radionz.co.nz/national/programmes/checkpoint/audio/2018619037/remediating-workplace-bullying-next-to-impossible>

I have previously written to the former Minister of Workplace Relations and Safety, Michael Woodhouse (from 20 July 2015) and the matter has never been addressed. A associate and I also met with the Labour Party's former Justice Minister, Dame Margaret Wilson in 2015 to discuss our concerns about the inability of victims of workplace bullying to access justice because there is no jurisdiction that they can access which can hear the workplace bullying case using health and safety legislation. I provided Margaret with the correspondence between CultureSafe NZ Ltd and Michael Woodhouse.

Can you please urgently confirm a jurisdiction that we can take our client's case to have it heard using the correct health and safety legislation.

Kind regards,
Allan

Allan Halse
Director
CultureSafe NZ Ltd
Suite 3, 2nd floor
Cairo House
137 Alexandra Street
Hamilton 3204
s 9(2)(a)
allan@culturesafenz.co.nz
www.culturesafenz.co.nz

Outside scope

[Redacted content]

From: Lisa Kinloch
To: [Susan Keats](#); [Alice Feng](#)
Subject: FW: [REDACTED] s 9(2)(a)

Date: Monday, 6 November 2017 11:09:00 a.m.

Outside scope

This subject line has been redacted as it contains information that could identify individuals and information private to those individuals.

Outside scope

From: Allan Halse [<mailto:allan@culturesafenz.co.nz>]
Sent: Monday, 6 November 2017 11:01 AM
To: Lisa Kinloch <Lisa.Kinloch@parliament.govt.nz>
Subject: RE: [REDACTED] s 9(2)(a)

This subject line has been redacted as it contains information that could identify individuals and information private to those individuals.

Thank you for your prompt reply on behalf of the Minister Lisa,

While we appreciate that the Minister is very busy, the topic is one of life and death and we would ask that the Minister agree to meet urgently to discuss the matter. Can you advise when he will be available to meet?

You are advised that CultureSafe NZ Ltd will be making a media release on this matter this Wednesday and it is extremely likely that the government, potentially via Hon Iain Lees-Galloway, will be asked to respond to claims we will be making about the system failing the victims of workplace bullying which is leading to workers suffering serious psychological harm, feeling suicidal, attempting suicide and actually committing suicide.

We look forward to your response.

Kind regards,
Allan

Allan Halse
Director
CultureSafe NZ Ltd
Suite 3, 2nd floor
Caro House
137 Alexandra Street
Hamilton 3204
[REDACTED] s 9(2)(a)
allan@culturesafenz.co.nz
www.culturesafenz.co.nz

From: Lisa Kinloch [<mailto:Lisa.Kinloch@parliament.govt.nz>]

Sent: Monday, 6 November 2017 10:45 AM
To: Allan Halse <allan@culturesafenz.co.nz>
Subject: FW: [REDACTED]

s 9(2)(a)

This subject line has been redacted it as it contains information that could identify individuals and information private to those individuals.

Good morning Mr Halse

On behalf of Hon Iain Lees-Galloway, thank you for your recent emails.

Please note the Minister is receiving a large amount of correspondence at the moment & I will respond to you as soon as I can.

Kind regards
Lisa

Lisa Kinloch
Senior Private Secretary to Hon Iain Lees-Galloway

Minister for Workplace Relations and Safety, ACC, and of Immigration
Deputy Leader of the House

4.5R, Executive Wing | Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand
DDI: 04 817 9323 | Mobile: [REDACTED]

Authorised by Iain Lees-Galloway, Parliament Buildings, Wellington 6011

From: Allan Halse [mailto:allan@culturesafenz.co.nz]
Sent: Sunday, 29 October 2017 6:36 PM
To: Hon Iain Lees-Galloway <Iain.Lees-Galloway@parliament.govt.nz>
Subject: [REDACTED]

s 9(2)(a)

Importance: High

The subject line has been withheld under s 9(2)(a) of the Act as it contains information private to individuals.

Dear Iain,

I met with you in Hamilton when you and Sue Moroney kindly allowed me to interview for our CultureSafe Radio show on Free 89 FM.

CultureSafe NZ Ltd representatives would like to meet with you urgently to discuss a crisis in dealing with workplace bullying cases as we have proven time and time again that the Employment Relations Authority is not able to deal with cases using the appropriate legislation i.e. the Health and Safety at Work Act 2015. See our letter of 20 July 2015 to Michael Woodhouse, the previous Minister of Workplace Relations and Safety, attached.

CultureSafe NZ Ltd currently has more than ten workplace bullying cases at the ERA and one by one, the Authority Members are refusing to allow evidence that would prove that workplace bullying did occur. They are relying on provisions within the Employment Relations Act 2000, rather than the Health and Safety at Work Act 2015, which is the appropriate legislation. We have regularly attempted to get MBIE and Worksafe NZ to be concerned about the serious psychological harm being caused to the victims of workplace bullying but they don't seem interested. See links to a couple of our client stories that have reached the public arena below. Worksafe NZ has not completed an investigation into the Auckland City Mortuary case (two clients diagnosed with PTSD) and didn't investigate the Fire and Emergency NZ case where our client 3 times attempted suicide.

<http://www.newstalkzb.co.nz/on-air/mike-hosking-breakfast/audio/allan-halse-abuse-at-auckland-hospital-mortuary/>

http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11929072

In a case where the evidence was allowed, CultureSafe NZ Ltd won New Zealand's biggest pay-out in a workplace bullying case - see link to my interview on the TVNZ Breakfast Show below.

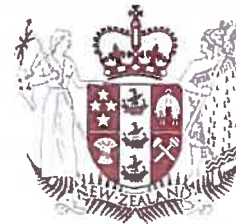
Hon Iain Lees-Galloway

MP for Palmerston North

Minister for Workplace Relations and Safety Deputy Leader of the House

Minister of Immigration

Minister for ACC



Allan Halse
Director
CultureSafe NZ Ltd
Allan@culturesafenz.co.nz

Dear Allan

Thank you for your email of 20 February 2018, and attachments regarding s 9(2)(a)

It is not appropriate for me to intervene in operational matters or direct WorkSafe New Zealand to investigate the specific circumstances of the individuals you represent.

Therefore I have forwarded your most recent correspondence to WorkSafe for consideration and a direct response, if appropriate.

Thank you again for taking the time to write.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Iain Lees-Galloway'.

Hon Iain Lees-Galloway
Minister for Workplace Relations and Safety

30 January 2018: For immediate release

400,000 Kiwis are bullied in the workplace⁴. It's time to recognise the mental health issues caused by workplace bullying and fix it.

International speaker to present at NZ Workplace Bullying Conference.

The Government's mental health and addiction review, should include bullying in its terms of reference. And it's time the government recognises that bullying is treated as a health and safety matter, not an employment matter, says Culture Safe NZ director Aland Halse.

"The Prime Minister has said that our mental health services are stretched and that demand for mental health services has grown rapidly. In 2016/17 more than 170,000 people used mental health and addiction services – that's up by 71 per cent on a decade earlier.

"That's not acceptable to us, and we see how bullying leads to suicidal thoughts and mental health issues! It's time for workplace bullying to be openly discussed and legislated as a criminal act, like it is in Australia," said Halse.

CultureSafe NZ is taking the lead in this space by holding a conference where a world authority on workplace bullying - Dr Gary Namie of the United States based Workplace Bullying Institute - will speak.

"The opportunity to hold a conference like this will create a conversation that will push workplace bullying up on the agenda as an area which we need to fix," said Halse.

"It's time for New Zealand business, employers and the government to focus on solutions around workplace bullying, not sweeping it under the Employment Relations Act as just a workplace dispute.

CultureSafe NZ is New Zealand's leading agency on supporting thinking about workplace bullying, and helping both clients and businesses regarding bullying issues.

"We see this conference and Dr Namie's contribution to it as the next step to eradicate workplace bullying in New Zealand.

"The opportunity is to promote better workplace practices, promote a better culture and promote better productivity for New Zealand.

"Culture Safe NZ is focused on providing the opportunity to create the discussion that New Zealand needs in this area, because there are too many people affected by workplace bullying, that it is costing them, their families and the economy.

"Victims deserve a voice and they deserve a forum where they can share, debate and push for changes to the New Zealand health and safety laws.

"This conference does that," Halse said.

NOTES

1. Link to Dr Gary Namie's bio <http://www.workplacebullying.org/the-drs-namie/>
2. Link to the Prime Minister's mental health inquiry <https://www.beehive.govt.nz/release/inquiry-improve-mental-health-services>
3. The cost of bullying to the economy is unquantified in New Zealand. In Australia figures for bullying equate to \$36 billion a year.
4. A NZ study had shown that throughout New Zealand 1 in 5 people are bullied in the workplace.

<http://www.massey.ac.nz/massey/about-massey/news/article.cfm?mnarticle=sorry-chef-but-youre-a-bully-15-04-2010>

That's equivalent to 400,000 New Zealanders who are subject to some form of bullying in the work force

All media inquiries to:

Allan Halse,

s 9(2)(a) or 07 838 9379.

References:

Australian Anti-Bullying Legislation (Brodie's Law)

Victoria's anti-bullying legislation, known as Brodie's Law, commenced in June 2011 and made serious bullying a crime punishable by up to 10 years in jail.

Brodie's Law was introduced after the tragic suicide of a young woman, Brodie Panlock, who was subjected to relentless bullying in her workplace.

Brodie's Law makes serious bullying a criminal offence by extending the application of the stalking provisions in the *Crimes Act 1958* to include behaviour that involves serious bullying.

The offence of stalking, and therefore conduct that amounts to serious bullying, carries a maximum penalty of 10 years imprisonment.

<https://www.workpro.com.au/blog/work-health-and-safety-training/bullies-and-budgets-how-much-does-workplace-bullying-cost/>

<https://www.northernstar.com.au/news/bullying-australia-cost-15-billion/674849/>

In Victoria Australia, there is a special law against the workplace bullies.

<http://www.smh.com.au/small-business/brodies-suicide-prompts-law-on-bullying-20110404-1czub.html>

From: Hon Iain Lees-Galloway
To: [Jeff Sissons](#); [Phil Reed](#); [Susan Keats](#)
Subject: FW: Corruption at the Employment Relations Authority - James Crichton, Chief of the ERA. Raised under the protection of the Protected Disclosure Act 2000
Date: Monday, 7 May 2018 8:43:00 a.m.
Attachments: [Letter to Minister Lees-Galloway 24 March 2018 final.pdf](#)
[Letter to Minister Lees-Galloway 14 April 2018.pdf](#)
[18042018_CultureSafe.pdf](#)
[K DT Determination # 2 010518.pdf](#)
[Letter to Minister Lees-Galloway 6 May 2018.pdf](#)

The attached documents are withheld under s 9 (2) (a) of the Act as they contain information private to individuals.

Lisa Kinloch

Senior Private Secretary to Hon Iain Lees-Galloway

Minister for Workplace Relations and Safety, ACC, and of Immigration

Deputy Leader of the House

4.5R, Executive Wing | Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand

DDI: 04 817 9323 | Mobile: **s 9(2)(a)**

Authorised by Iain Lees-Galloway, Parliament Buildings, Wellington 6011

From: Allan Halse [mailto:allan@culturesafenz.co.nz]

Sent: Monday, 7 May 2018 12:06 AM

To: Hon Iain Lees-Galloway

Subject: Corruption at the Employment Relations Authority - James Crichton, Chief of the ERA. Raised under the protection of the Protected Disclosure Act 2000

Dear Iain,

Please find attached our letter of 6 May 2018 and relevant attachments that proceed a media release due later this week asking you to dismiss James Crichton, the Chief of the Employment Relations Authority, for allowing his Authority members to deliberately cause harm to our clients who are victims of workplace bullying and for abusing his power by his malicious and vindictive action in fining us a total of \$30,000 and ordering us to pay \$3,000 costs.

Kind regards,

Allan

Allan Halse

Director

CultureSafe NZ Ltd

Suite 3, 2nd floor

Caro House

137 Alexandra Street

Hamilton 3204

s 9(2)(a)

allan@culturesafenz.co.nz

www.culturesafenz.co.nz

Outside Scope

Subject: FW: Corruption at the Employment Relations Authority - James Crichton, Chief of the ERA. Raised under the protection of the Protected Disclosure Act 2000

Date: Thursday, 11 April 2019 4:10:18 p.m.

Attachments: [Letter to Minister Lees-Galloway 24 March 2018 final.pdf](#)
[Letter to Minister Lees-Galloway 14 April 2018.pdf](#)
[18042018_CultureSafe.pdf](#)
[K DT Determination # 2_010518.pdf](#)
[Letter to Minister Lees-Galloway 6 May 2018.pdf](#)

The letter to Minister Lees Galloway 24 March has been withheld under section 9 (2)(a) OIA to protect the privacy of natural person.

Outside Scope

[REDACTED]

From: Allan Halse [mailto:allan@culturesafenz.co.nz]

Sent: Monday, 7 May 2018 12:06 AM

To: Hon Iain Lees-Galloway <Iain.Lees-Galloway@parliament.govt.nz>

Subject: Corruption at the Employment Relations Authority - James Crichton, Chief of the ERA. Raised under the protection of the Protected Disclosure Act 2000

Dear Iain,

Please find attached our letter of 6 May 2018 and relevant attachments that proceed a media release due later this week asking you to dismiss James Crichton, the Chief of the Employment Relations Authority, for allowing his Authority members to deliberately cause harm to our clients who are victims of workplace bullying and for abusing his power by his malicious and vindictive action in fining us a total of \$30,000 and ordering us to pay \$3,000 costs.

Kind regards,

Allan

Allan Halse

Director

CultureSafe NZ Ltd

Suite 3, 2nd floor

Caro House

137 Alexandra Street

Hamilton 3204

s 9(2)(a)

allan@culturesafenz.co.nz

www.culturesafenz.co.nz

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Allan Halse, Director
CultureSafe NZ Ltd
Suite 3, 2nd Floor
Caro House
137 Alexandra Street
Hamilton, 3204
07 838 9379
s.9(2)(a)

14 April 2018

Hon Iain Lees-Galloway,
Minister for Workplace Relations and Safety,
Parliament Buildings
Private Bag 18041
Wellington 6160

By email only to: iain.Lees-Galloway@parliament.govt.nz

**Corrupt behaviour of the Chief of the Employment Relations Authority –
Raised under the Protected Disclosure Act 2000.**

Dear Iain,

Further to my correspondence dated 18 March 2018, my letter dated 24 March 2018 and my letter of 2 April 2018 (copy attached to the email accompanying this letter) requesting the dismissal of ERA member Nicola Craig and the Chief of the Employment Relations Authority (ERA), James Crichton.

CultureSafe NZ Ltd has publicly confirmed on numerous occasions that the Employment Relations Authority (ERA) can't deal with workplace bullying using the correct legislation and last year, the ERA, through James Crichton, Chief of the ERA finally acknowledged that. The problem is that the ERA is continuing to accept workplace bullying cases and are allowing certain ERA members and employers lawyers to cause further emotional, psychological and physiological harm to Applicants who have no appropriate jurisdiction to take their cases.

James Crichton, Chief of the ERA, is now acting corruptly by abusing the power of his position to shoot the messenger, CultureSafe NZ Ltd, who has exposed the gapping loophole in the law that denied access to justice for the victims of workplace bullying.

Please find attached (to the email containing this letter) the latest attempt by the legal professional to use James Crichton, Chief of the ERA, to attempt to shut down CultureSafe NZ Ltd, Also attached below (addendum), is the latest public exposure on our CultureSafe

Facebook page (our only way of protecting ourselves from the bullying lawyers) that highlights the problem and the fact that we are writing to you seeking the dismissal of James Crichton, Chief of the ERA for allowing certain Auckland ERA members to deliberately allow harm to be caused to the victims of workplace bullying who attempt to seek justice through the ERA, the only jurisdiction available to them.

CultureSafe NZ Ltd requests your urgent intervention in this matter as it has the potential to escalate and cause many New Zealand to lose complete faith in the ability of your Government to protect the 400,000 workers who are being bullied.

James Crichton, Chief of the ERA must be dismissed for allowing taxpayer funded lawyers to subvert the law, in an attempt to shut down New Zealand's leading anti workplace bullying champion.

Yours faithfully,



Allan Halse,
Director
CultureSafe NZ Ltd.

Addendum - CultureSafe NZ Ltd Facebook post Saturday, 14 April 2018.

'Taxpayers fund workplace bullying in New Zealand?'

Unfortunately, that statement is sad but true and no one realises how many tens of millions are paid to lawyers to enable/condone workplace bullying.

It is almost ANZAC Day and my father, like 140,000 New Zealand's put their lives at risk to protect New Zealander's and to preserve their freedom.

Why then are the Government funding workplace bullying that is causing harm to at least 400,000 New Zealand workers?

This is but one example - on 13 November 2017, Turuki Health reached an agreement at MBIE mediation with a CultureSafe NZ Ltd client. 3.5 months later and despite numerous requests Turuki Health still hadn't complied with all the terms of that mediated settlement

and CultureSafe NZ Ltd raised concerns at a political level and Turuki Health finally complied.

Enter Anthony Drake, a Partner with Auckland law firm, Wynn Williams, who sees an opportunity to get some tax payer money from Turuki Health. Instead of acknowledging that his client has broken the law by breaching the MBIE settlement agreement, Anthony condones the breach and plays the "victim" card.

Anthony then runs off to his fellow lawyer, James Crichton, Chief of the ERA and claims that CultureSafe NZ Ltd have breached the MBIE settlement agreement, which incidentally had become "null and void" when Turuki breached it.

James Crichton who defended 3 Auckland based ERA members whose actions/decisions had contributed to serious emotional, psychological and physiological harm, including 2 suicide attempts and who CultureSafe NZ Ltd had asked Hon Iain Lees-Galloway, Minister for Workplace Relations and Safety, to dismiss for allowing the victims of workplace bullying to be both disadvantaged and harmed in the ERA jurisdiction saw an opportunity to attack CultureSafe NZ Ltd.

Taking the side of lawyer Anthony Drake, fellow lawyer James Crichton, abused his position of power and censured CultureSafe NZ Ltd, an advocate for CS and myself as Director of CS. And the fully taxpayer funded attack on New Zealand's leading anti workplace bullying champion, CultureSafe NZ Ltd continues.

A copy of the letter sent to the Minister on 2 April 2018 asking for the dismissal of James Crichton is shown in full below:

"By email only to: Iain.Lees-Galloway@parliament.govt.nz

Corrupt behaviour of the Chief of the Employment Relations Authority – Raised under the Protected Disclosure Act 2000.

**Dear Iain,
Further to my correspondence dated 18 March 2018 and my letter dated 24 March 2018 (copy attached to the email accompanying this letter) requesting the dismissal of ERA member Nicola Craig and the Chief of the Employment Relations Authority (ERA), James Crichton.**

CultureSafe NZ Ltd believes that on 23 March 2018, the Chief of the ERA, James Crichton has behaved corruptly, in the full knowledge that CultureSafe NZ Ltd was calling for his dismissal, and using his position of power, to unlawfully made a false and malicious determination ((2018) NZERA Auckland 95..3026572 – attached to the email containing this letter) in a deliberate attempt to discredit CultureSafe NZ Ltd, the Mental Health Expert and Senior CultureSafe NZ Ltd Employment Consultant, Tracey Simpson and me. CultureSafe NZ Ltd realises that you have not responded to or have acknowledged CultureSafe NZ Ltd’s letter of 24 March 2018 asking for the dismissal of ERA member Nicola Craig and the Chief of the ERA, James Crichton and given the pre-emptive attack on CultureSafe NZ Ltd and our credibility, by James Crichton, we have been left with no option but to publicly call for James Crichton’s dismissal.

We ask that in the interest of the public confidence in law and order within New Zealand, especially given the Chief Justice, Dame Sian Elias statement that “bullying of Counsel (read advocate) is not acceptable” that you as the Minister of Workplace Relations and Safety, ensure that the Chief of the ERA upholds New Zealand employment law and health and safety legislation. If the Chief of the ERA knows that the ERA can’t deal with workplace bullying cases using the Health and Safety at Work Act 2015, he should be honest and inform you of that rather than enabling/condoning his Auckland Authority members to bully and intimidate the victims of workplace bullying (the Applicants) by excluding essential evidence and by allowing and participating in causing harm to the victims of workplace bullying.

We give notice that CultureSafe NZ Ltd will be making a media release on Thursday, 5 April 2018, demanding the dismissal of James Crichton, Chief of the ERA.

Yours faithfully,

***Allan Halse,
Director
CultureSafe NZ Ltd".***

Hon Iain Lees-Galloway

MP for Palmerston North

Minister for Workplace Relations and Safety Deputy Leader of the House

Minister of Immigration

Minister for ACC



18 APR 2018

Allan Halse, Principal and Tracey Simpson, Employment Advocate
CultureSafe NZ

Email: allan@culturesafenz.co.nz; tracey@culturesafenz.co.nz

Dear Mr Halse and Ms Simpson,

My office has received your correspondence of 29 October 2017, 2, 8, 16 and 22 November 2017, 15, 21 and 26 February 2018, 1, 9, 15, 19, 20, 26 and 28 March 2018, 3, 5 and 14 April 2018.

I appreciate the evident passion which you have for the problem of workplace bullying. I agree with you that psychosocial risks (including bullying) are a source of significant harm to New Zealand workers and that more needs to be done to address this. I have directed the Ministry of Business, Innovation and Employment (MBIE) and WorkSafe New Zealand to investigate ways to provide better support and guidance for workers subject to these risks and employers. I have asked officials to focus particularly on issues of sexual harassment and bullying.

You may wish to reflect on the manner of your contact with my office and whether it is an effective way to pursue your reform agenda. Since I received my Ministerial warrant, you have directly sent or copied 30 emails to this office. In many cases these were sent or copied to various other Ministers and officials, and in most cases these emails disclosed personal details and information about individual cases and requested ministerial intervention in these cases.

It is unclear whether you have consent to share the personal information of the parties that you have sent to my office, other offices and officials. Several communications are expressed as 'without prejudice' and some have been found to be in breach of a settlement agreement in a recent Employment Relations Authority determination.

These are not a useful way to communicate with my office or that of other Ministers. For the avoidance of doubt, I do not have the ability to intervene in individual employment relationship problems. From now on, I have asked my office to forward your correspondence to MBIE and WorkSafe to respond as appropriate.

I also understand that representatives of MBIE, the Employment Relations Authority and WorkSafe will be arranging a joint meeting with you to discuss avenues by which you may appropriately raise concerns with both agencies.

I note your complaints regarding members of the Employment Relations Authority and will reply to these under separate cover.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Iain Lees-Galloway', written in a cursive style.

Hon Iain Lees-Galloway
Minister for Workplace Relations and Safety

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Allan Halse, Director
CultureSafe NZ Ltd
Suite 3, 2nd Floor
Caro House
137 Alexandra Street
Hamilton, 3204
07 838 9379
s.9(2)(a)

6 May 2018

Hon Iain Lees-Galloway,
Minister for Workplace Relations and Safety,
Parliament Buildings
Private Bag 18041
Wellington 6160

By email only to: Iain.Lees-Galloway@parliament.govt.nz

Dear Iain,

Corruption at the Employment Relations Authority - James Crichton, Chief of the ERA. Raised under the protection of the Protected Disclosure Act 2000

On 24 March 2018, and again on 14 April 2018 (copies attached to the email containing this letter) CultureSafe NZ Ltd wrote to you asking you to dismiss James Crichton, the Chief of the Employment Relations Authority, for allowing his Authority members to deliberately cause harm to our clients who are the victims of workplace bullying. One of the comments from our above quoted letter is shown in bold below:

“The very clear implication is that the Employment Relations Authority has no respect for the safety, health and wellbeing of anyone who participates in their investigation meetings”.

You failed to respond to our letters and in fact you subsequently wrote to us on 18 April 2018 (copy attached to the email containing this letter) to complain about us writing 18 letters to you in less than 6-months. The fact that we were writing to you in your capacity as Minister of Workplace Relations and Safety, about the potential risk of death by suicide of a number of our clients apparently wasn't sufficient motivation to encourage you to take our concerns seriously and respond to any of our letters.

In a political decision dated 1 May 2018 (copy attached to the email containing this letter) James Crichton, the Chief of the Employment Relations Authority in a malicious and vindictive retaliatory action against CultureSafe NZ Ltd and its advocates, fined us a total of \$30,000 and ordered us to pay \$3,000 costs in a case where the Respondent had breached the settlement agreement 3.5 months previously and where the agreement was therefore null and void.

As Director of CultureSafe NZ Ltd I absolve Tracey Simpson of any responsibility/liability for the subsequent malicious and vindictive action by James Crichton and I will personally take responsibility myself for resolving this matter. I will however, go to jail before I pay one cent of this illegal fine.

I can confirm that CultureSafe NZ Ltd will be issuing a media release later this week calling the Chief of the ERA “corrupt” and we will be demanding his dismissal for allowing bullying victims to be harmed in the ERA jurisdiction and for his malicious, vindictive and retaliatory actions against us as New Zealand’s leading anti workplace bullying champions. We will also be asking the public to consider whether Government officials were complicit in his actions.

We will also be going public with the story of a young woman who attempted suicide because of the actions of an Auckland ERA authority member in dismissing her genuine claim of migrant exploitation and for charging her \$15,000 of the employer’s legal costs under the archaic Calderbank offer scheme that ERA has somehow adopted. The Calderbank offer scheme is simply another form of bullying used by the ERA.

Abuse survives in secrecy and CultureSafe NZ Ltd will not be gagged by a corrupt system that causes abuse to all the victims of workplace bullying who take cases to the ERA. All correspondence about this matter, including this letter and the letters attached to the email containing this letter will therefore be made public.

CultureSafe NZ Ltd will not proceed with any current cases lodged with the ERA s 9(2)(a) [redacted] while James Crichton is employed there, and also until you, as Minister of Workplace Relations and Safety can guarantee the safety of victims of workplace bullying and CultureSafe NZ Ltd’s advocates who take cases to the Authority.

The following is a comment on our CultureSafe NZ Ltd Facebook page that is very relevant to the situation currently existing where CultureSafe NZ Ltd has correctly identified the fact that the ERA can’t rule on workplace bullying cases as the Authority members aren’t Judges

and the Health and Safety at Work act 2015 is a criminal act. Is the ERA feeling so threatened that their Chief has decided to attack and destroy our organisation?

"Isn't it interesting what happens to people who make a stand as an ethical bystander? They create discomfort and represent a threat to those who have behaved so appallingly and those who have aided and abetted the behaviour. It's horrific how we threat those who draw attention to maladaptive behaviour in organisations. We punish them. Exclude them. Character assassinate them and discredit them. And why!? Because they are courageous enough to put a line in the sand and say, 'no more'! This response is old. It's predictable. It's sadly, very easy to anticipate because it's driven by defensiveness and a need to avoid shame and accountability. When we see this response for what it is, we can call this out too for what it is and push through unrelentingly. Closing of the ranks and/or subjective investigations commence by the very people who wish to make them go away. Confirmation bias is a real concern as objectively cannot be assured.

Once again, I repeat our request for you to dismiss James Crichton, the Chief of the Employment Relations Authority, for allowing his Authority members to deliberately cause harm to our clients who are victims of workplace bullying and for abusing his power by his malicious and vindictive action in fining us a total of \$30,000 and ordering us to pay \$3,000 costs.

You are reminded that **"abuse survives in secrecy"** and that we will be continuing to use the Protected Disclosure Act 2000 to highlight the corrupt and unsafe practices within the ERA.

This is a matter of main concern to the health and wellbeing of New Zealand's 2 million workers and one which CultureSafe NZ Ltd is very willing to debate in the public arena.

Yours faithfully,



Allan Halse,
Director
CultureSafe NZ Ltd.

Outside Scope

Subject:

FW: Corrupt behaviour of the Chief of the Employment Relations Authority – Raised under the Protected Disclosure Act 2000.

Date:

Thursday, 11 April 2019 4:09:37 p.m.

Attachments:

[Letter to Minister Lees-Galloway 2 April 2018.pdf](#)
[Letter to Minister Lees-Galloway 14 April 2018.pdf](#)

The letter dated 14 April has been removed as repetition.

Outside Scope

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: Allan Halse [mailto:allan@culturesafenz.co.nz]

Sent: Sunday, 15 April 2018 11:14 PM

To: Hon Iain Lees-Galloway <Iain.Lees-Galloway@parliament.govt.nz>

Subject: FW: Corrupt behaviour of the Chief of the Employment Relations Authority – Raised under the Protected Disclosure Act 2000.

Dear Iain,

I have had to send this email minus some attachments because your mail marshal wouldn't accept it previously.

Your Government is condoning workplace bullying by funding organisations with tax payer money to use lawyers to attack New Zealand's leading anti workplace bullying champion, CultureSafe NZ Ltd as explained in my letter of 2 April 2018 which has not been acknowledged by you.

Please find attached my letter of 14 April 2018 with relevant attachments for your urgent attention.

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Kind regards,
Allan

Allan Halse
Director
CultureSafe NZ Ltd
Suite 3, 2nd floor
Caro House
137 Alexandra Street
Hamilton 3204

s 9(2)(a)

allan@culturesafenz.co.nz
www.culturesafenz.co.nz

From: Allan Halse
Sent: Saturday, 14 April 2018 9:13 AM
To: 'iain.lees-galloway@parliament.govt.nz'
Cc: 'andrew.little@parliament.govt.nz'
Subject: Corrupt behaviour of the Chief of the Employment Relations Authority – Raised under the Protected Disclosure Act 2000.

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Director
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Suite 3, 2nd floor
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allan@culturesafenz.co.nz
www.culturesafenz.co.nz

Allan Halse, Director
CultureSafe NZ Ltd
Suite 3, 2nd Floor
Caro House
137 Alexandra Street
Hamilton, 3204
07 838 9379
s 9(2)(a)

2 April 2018

Hon Iain Lees-Galloway,
Minister for Workplace Relations and Safety,
Parliament Buildings
Private Bag 18041
Wellington 6160

By email only to: iain.Lees-Galloway@parliament.govt.nz

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Allan Halse,
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