

29 November 2023

Jean Roberts  
fyi-request-24480-d13467ce@requests.fyi.org.nz

REF: OIA-13898

Dear Jean

### Request made under the Official Information Act 1982

Thank you for your email of 20 October 2023 requesting information under the Official Information Act 1982 (the Act). On 20 November 2023, Waka Kotahi wrote to you to advise of an 8 working day extension to respond to your request for information.

I have answered your questions in turn. Responses relate to the 3-year period 1 July 2020 to 30 June 2023.

**1. *The number of Personal Grievances raised in your Ministry, in the last 3 years broken down by year , and categories (for example: Bullying, Unjustifiably disadvantaged, constructive dismissal etc)***

The following table provides a breakdown of Personal Grievances (PG) raised per year:

Financial year	Total PGs lodged	Total PGs settled
2020/21	14	8
2021/22	8	8
2022/23	10	13

Waka Kotahi does not hold information which breaks down PGs by category.

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

**3. *(in the last 3 years) The number of successful mediation broken down by year***

Waka does not hold this information and has no reason to believe another agency either holds it, or has functions more closely connected to it. Waka Kotahi has not consistently tracked or reported on the specific methods used to resolve employment matters – for example, a dispute might be resolved by discussion between the parties, using a Ministry of Business, Innovation and Employment mediator, or via direct negotiation of a settlement between Waka Kotahi and external counsel. I am therefore refusing this part of your request under section 18(g) of the Act because the information is not held.

From March 2023, Waka Kotahi has improved its record keeping in relation to employment matters, including capturing data on PGs, settlements, and mediations.

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

The following table provides a breakdown of PGs that went to the Employment Relations Authority (ERA) per year:

Financial year	Total ERA cases
2020/21	1
2021/22	2
2022/23	1

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

The following table provides a breakdown of ERA cases found against Waka Kotahi per year:

Financial year	ERA cases found against Waka Kotahi
2020/21	0
2021/22	0
2022/23	1

**6. (in the last 3 years) How much money – in total- were paid to settle these cases/or pay the fee required by ERA broken down by year?**

The cost of settling and/or paying ERA fees for the case decided against Waka Kotahi in 2022/23 was \$18,143.12.

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

Zero. Waka Kotahi does not hold insurance for the purposes of settling employment disputes.

**8. (in the last 3 years) How much money – in total – were paid to external Legal consultants to defend the cases filed in ERA or to prepare the responses to the case broken down by year?**

The following table provides the costs paid to legal consultants in relation to defending or responding to PGs. Note that not all PGs incurred external legal costs.

Financial year	Total PGs	Total PG costs	Total ERA	Total ERA Costs
2020/21	10	\$50,004.50	1	\$89.60
2021/22	3	\$3,718.71	2	\$19,793.57
2022/23	4	\$24,939.25	2	\$32,184.30

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

None.

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

This information is withheld under section 9(2)(a) of the Act because it constitutes personal information relating to the employment of an individual.

With respect to the information that has been withheld in responding to this request, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision on this request. The contact details for the Ombudsman can be located at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

If you would like to discuss this reply with Waka Kotahi, please contact us by email to [official.correspondence@nzta.govt.nz](mailto:official.correspondence@nzta.govt.nz).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Richard Gilhooly', is written over a light blue circular stamp.

**Richard Gilhooly**  
Head of Reward and Employment Relations