

24 January 2024

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Kia ora Jean

Your Official Information Act request, reference: GOV-029405

Thank you for your request of 5 December 2023, asking for the following information under the Official Information Act 1982 (the Act). For ease of reading, we are responding to each of your questions in turn. Data has been provided for the past three financial years.

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)

In the below table are the number of total personal grievances and types by financial year for the past three years. ACC records personal grievances by unjustified disadvantage or unjustified dismissal. We do not record the whether the disadvantage was due to bullying.

| Financial year | Personal grievances | Unjustified disadvantage | Unjustified dismissal |
|------------------------------------|---------------------|--------------------------|-----------------------|
| 14 December 2020 – 30 June 2021 | 11 | 8 | 3 |
| 1 July 2021 – 30 June 2022 | 10 | 7 | 3 |
| 1 July 2022 – 30 June 2023 | 11 | 8 | 3 |
| 1 July 2023 – 13 December 2023 YTD | 11 | 11 | - |

A manual review of these cases was conducted to ascertain where certain words were mentioned that relate to bullying or constructive dismissal. One case was found to relate to bullying and one to constructive dismissal.

The number of Mediations that took place broken down by year

The number of mediations that took place within the last three financial years is provided in the below table.

| Financial year | Number of mediations |
|---------------------------------|----------------------|
| 14 December 2020 – 30 June 2021 | 6 |
| 1 July 2021 – 30 June 2022 | 6 |
| 1 July 2022 – 30 June 2023 | 6 |
| 1 July 2023 – 13 December 2023 | 3 |

The number of successful mediations broken down by year

The number of successful mediations that took place within the last three financial years is provided in the below table. Please note that we have defined 'successful' as meaning that the matter was resolved at, or as a result of, mediation.

| Financial year | Number of successful mediations |
|---------------------------------|---------------------------------|
| 14 December 2020 – 30 June 2021 | 6 |
| 1 July 2021 – 30 June 2022 | 6 |
| 1 July 2022 – 30 June 2023 | 5 |
| 1 July 2023 – 13 December 2023 | 1 |

Of the PGs raised, how many went to Employment Relations Authority broken down by year?

No personal grievances were referred to the Employment Relations Authority (ERA) between 14 December 2020 and 30 June 2023. One case was referred between 1 July 2023 and 13 December 2023. This case is currently going through the respective process.

How many cases were found against the Ministry broken down by year?

We have interpreted this question as referring to ERA cases only. As per the above, no such cases were identified. The active case investigation has not been concluded and so does not apply.

How much money – in total- were paid to settle these cases / or pay the fee required by ERA broken down by year?

We have interpreted this question as referring to all cases, settled through mediation and after an ERA hearing. No such cases were identified.

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?**How many ERA cases resulted in reinstatement of employee broken down by year?**

None.

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

ACC has cover under the Employment Disputes section of our Combined Liability Policy. The limit of cover is \$250k with an excess of \$50k for each case. This covers any settlements and costs that we are legally obliged to pay. Thus far, no costs have been covered by this policy.

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

The wording of this question assumes that an ACC business group manager is the cause of the incident for which a case concern. This is not necessarily the situation in all cases. If a case was to go against ACC, a review of the case would be undertaken to find where there are learnings and opportunities for improvement. If through that review it was found that the action or behaviours of an ACC person or persons were below expectations, then consideration would be given to what action might be warranted. This could range from training right through to possible disciplinary action.

As this information may be of interest to other members of the public

ACC has decided to proactively release a copy of this response on ACC's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available www.acc.co.nz/resources/#/category/12.

If you have any questions about this response, please get in touch

You can email me at GovernmentServices@acc.co.nz.

If you are not happy with this response, you can also contact the Ombudsman via info@ombudsman.parliament.nz or by phoning 0800 802 602. Information about how to make a complaint is available at www.ombudsman.parliament.nz.

Ngā mihi



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