

POLICY ON RESOLUTION OF EMPLOYMENT RELATIONSHIP PROBLEMS

Purpose

The Board recognises the rights given its employees by the *Employment Relations Act 2000* to seek resolution of any employment relationship problems. Specifically, the Employment Relations Act provides procedures for the resolution of personal grievances and disputes. This policy outlines the processes available to employees in such cases.

Policy

Personal grievances

An employee (or the representative of an employee) who wishes to raise a personal grievance should first take the matter up with the person to whom they report. That is, the Deputy Registrar and Administrator should raise any issue with the Registrar, the Registrar should raise any issue with the Board Chair, and the Professional Standards Advisor should raise any issue with the Convenor of the Professional Standards Committee.

If the employee (or former employee) believes they may have grounds for raising an employment relations problem with the Board, then they must do so within 90 days of the action occurring, or the grievance coming to their attention. If a grievance is raised out of time the Board can choose to accept the late grievance or reject it. If the Board chooses to reject it, the employee can ask the Employment Relations Authority to grant leave to raise the grievance out of time.

If the employee feels they cannot approach their manager about the employment relations problem they should discuss this with the Board Chair or (in the case of the Registrar) the convenor of the Administration Committee. If the matter is not settled in discussions, the employee may submit the problem in writing to the Board, including the following information:

- **Grievance Statement** - A description of the work-related issue, including the policy or rule that the staff member alleges was violated, if applicable, and the name of the respondent.
- **Background** - A statement of the relevant facts supporting the staff member's position, including information about the impact the issue has had or is having on the staff member.
- **Requested Resolution** - A statement of what the staff member is requesting as a satisfactory resolution to the grievance.

A grievance cannot be expanded or modified once it has been submitted for consideration. If a staff member who has already filed a grievance wishes to pursue new issues, a new grievance must be filed. Staff members can, however, supplement their initial grievance statement with additional information in order to clarify the issues further.

If the Board is not prepared to grant the remedy sought, and the parties have otherwise failed to resolve the problem, the Registrar/Chair will advise the employee of the Board's decision and the supporting reason(s) within 14 days.

If the problem is not resolved, the employee has the right to:

- seek information, advice or mediation assistance from the Employment Relations Service of the Ministry of Business, Innovation & Employment;
- take part in mediation provided by the Employment Relations Service, or the Board and the employee may agree to appoint a mediator;
- seek the agreement of the Board to have a mediator make a final and binding decision to resolve the problem; or
- take the problem to the Employment Relations Authority for a decision.

An employee who has been dismissed may ask either the Registrar or Board Chair for a statement of the reasons for the dismissal. The request must be made within 60 days of the dismissal, and the Board must provide the statement within 14 days of the request.

If the grievance involves a claim of discrimination or sexual or racial harassment, an employee can choose to raise a personal grievance under the *Employment Relations Act* or lay a complaint under the *Human Rights Act 1993* – but cannot use both procedures for the same complaint.

Disputes

An employee who has any questions about an employment agreement or its interpretation or application should first raise these questions, or have them raised by a representative, with the Registrar. If the Registrar has any questions he/she should raise them with the Board Chair.

If the question cannot be answered satisfactorily, the employee or the employee's representative may then approach the Employment Relations Service of the Ministry of Business, Innovation & Employment for information or assistance. If the problem cannot be resolved in discussion or mediation, the employee is entitled to refer the matter to the Employment Relations Authority. It is able to investigate employment relationship problems and make determinations according to the facts and the substantial merits of the case.

Approved by the Board: August 2014

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