



HR Policy

Resolution of Employment Relationship Problems

POLICY

The University is committed to resolving employment relationship problems wherever this is practicable.

Introduction

The University is committed to providing a fair workplace for all members of staff.

If a member of staff has any concerns regarding their employment or how she/he is being treated, the University will try to resolve the matter wherever this is practicable. The University is committed to resolving any problem informally without affecting the rights or obligations of the staff member or the University.

The University has agreed with the AUS to insert the attached appendix into the 2001 General Staff Collective Agreement. Other collective agreements are expected to incorporate these provisions after negotiation.

What is an “employment relationship problem”?

Employment relationship problems include:

- a **personal grievance** (a claim of unjustifiable dismissal, unjustifiable disadvantage, discrimination, sexual or racial harassment, or duress in relation to membership or non-membership of a union or employee organisation)
- a **dispute** (about the interpretation, application or operation of an employment agreement)
- **any other problem** relating to or arising out of the employee's employment relationship with the University except matters relating to the fixing of new terms and conditions of employment.

Who can help, and how?

If the employee believes there is a problem with his or her employment relationship with the University, the employee should tell the employee's manager, either personally or through the union or other representative, as soon as possible:

- that there is a problem; and
- the nature of the problem; and
- what action the employee wishes to be taken in relation to the problem.

If for any reason the employee feels unable to raise the matter with his or her manager, other suggested contacts are:

- Dean or Director
- the Director or other staff member of the Human Resources Registry
- the EEO Advisor or
- the University Mediator.

The employee is entitled at any time to seek the assistance of:

- a union
- an advocate
- the Department of Labour (DoL). The DoL offers free information and a free mediation service which can provide assistance in resolving problems. The DoL may be contacted through 0800-800-863 or www.dol.govt.nz.

The University will try to resolve the matter through discussion with the employee and/or his or her union or representative.

If the problem cannot be resolved through discussion, then either the employee or the University can request assistance from the Department of Labour which may provide mediation services (see below).

What can you do if you have a personal grievance?

To raise a formal personal grievance, the employee should raise this with the University through the Vice Chancellor or Director of HR within 90 days of the occurrence of the grievance, or 90 days of having become aware of the grievance, whichever is the latter. The Employment Relations Authority may approve leave to raise a personal grievance after 90 days in certain circumstances, as outlined in sections 127 and 128 of the Employment Relations Act. The University and employee must then try to mutually resolve the grievance through mediation.

Harassment

In the case where an employee considers that they have been subject to harassment, the employee may raise their concern with:

- the University Mediator
- any member of the Contact Network
- any person listed above who can help with employment relationship problems.

There are procedures covering harassment that are available from the Mediator or through the Mediator's web site.

Mediation Services

If the employee and University are unable to resolve an employment relationship problem, then either party or both parties may seek the help of the Mediation Service of the Department of Labour. This may include:

- information about rights and obligations
- information about services
- assistance in resolving problems

Employment Relations Authority

If the problem is not resolved by mediation, the employee may apply to the Employment Relations Authority for investigation and determination. In certain circumstances the decision of the Employment Relations Authority may be appealed by the employee or the University to the Employment Court.

Director of HR

Excerpt from General Staff Collective Agreement
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Procedure for Resolving Employment Relationship Problems

The Employment Relations Act 2000 requires that all collective and individual agreements contain a plain-language explanation of the services and processes available to resolve any employment relationship problems. The University, the AUS and the PSA have agreed on the following procedure.

1. Employment relationship problems include:
 - ◆ a **personal grievance** (a claim of unjustifiable dismissal, unjustifiable disadvantage, discrimination, sexual or racial harassment, or duress in relation to membership or non-membership of a union or employee organisation).
 - ◆ a **dispute** (about the interpretation, application or operation of an employment agreement).
 - ◆ **any other problem** relating to or arising out of the employee's employment relationship with the University except matters relating to the fixing of new terms and conditions of employment.
2. If the employee believes there is a problem with his or her employment relationship with the University, the employee should tell the employee's manager, either personally or through the union or other representative, as soon as possible:
 - ◆ that there is a problem; and
 - ◆ the nature of the problem; and
 - ◆ what action the employee wishes to be taken in relation to the problem.
3. If for any reason the employee feels unable to raise the matter with his or her manager, other suggested contacts are: Dean or Director, the Director or other staff member of the Human Resources Registry, the EEO Advisor or the University Mediator.
4. In the case of a personal grievance, the employee must raise the matter with the employer within 90 days of the grievance occurring or coming to the employee's notice, whichever is the later. A written submission is preferable but not necessary.
5. The employee has the right to seek the support and assistance of his or her union or representative, or information from the Department of Labour Mediation Service at any time.
6. The University will try to resolve the matter through discussion with the employee and/or his or her union or representative.
7. If the problem cannot be resolved through discussion, then either the employee or the University can request assistance from the Department of Labour which may provide mediation services.
8. If the problem is not resolved by mediation, the employee may apply to the Employment Relations Authority for investigation and determination.
9. In certain circumstances the decision of the Employment Relations Authority may be appealed by the employee or the University to the Employment Court.