SERVICES AVAILABLE FOR RESOLUTION OF EMPLOYMENT RELATIONSHIP PROBLEMS
(Sections 54 and 65 of the Employment Relations Act 2000 ("ERA"))

DEFINITIONS

'Employment relationship problem' includes "a personal grievance, a dispute, and any other problem relating to or arising out of an employment relationship, but does not include any problem with the fixing of new terms and condition of employment" (s5 ERA).

'Personal grievance' means a claim for unjustified dismissal, unjustified disadvantage, discrimination, duress (in relation to membership or non-membership of a union), sexual or racial harassment (s103 ERA).

'Dispute' means "a dispute about the interpretation, application, or operation of an employment agreement" (s129 ERA).

RAISING AN EMPLOYMENT RELATIONSHIP PROBLEM

To raise an employment relationship problem, you should advise your employer of the existence and nature of the problem and that you want something done about it. A personal grievance must be raised with your employer within 90 days of the action occurring or coming to your notice, whichever is the later (s114 ERA). A written submission is preferable.

You are entitled to seek the support and assistance of your union or representative at any time. Your union or other representative can act on your behalf if you so choose.

SERVICES AVAILABLE FOR RESOLUTION

Following is a description of the services available for the resolution of an employment relationship problem.

- ADVISE YOUR EMPLOYER
  You should advise your employer of your employment relationship problem by informing your manager. If you do not feel comfortable about raising the matter directly with your manager you should inform their manager. You could also choose to have your representative approach your manager or their manager on your behalf.

- MASSEY UNIVERSITY MEDIATION SERVICE
  The University provides a mediation service to assist staff with resolving issues that arise in the workplace. A trained mediator will help the parties to resolve the problem, but does not make a decision as to who is right or wrong.

- DEPARTMENT OF LABOUR MEDIATION SERVICE
  The Department of Labour runs a Mediation Service to support all employment relationships. This Service provides general information about employment rights and obligations as well as mediators to assist parties to resolve employment relationship problems. The phone number is in the Public Telephone Directory under "Labour, Department of".

- EMPLOYMENT RELATIONS AUTHORITY
  If the Department of Labour Mediation Service was unable to assist you to resolve the problem, then you can apply to the Employment Relations Authority for assistance. This is a more formal step to take, and you may elect to have someone represent you. The Authority members will investigate the problem and will make a decision. This decision can be appealed by either party to the Employment Court and then to the Court of Appeal.

- HUMAN RIGHTS COMMISSION (ALTERNATIVE PROCESS)
  If you believe you have a personal grievance based on discrimination, sexual harassment or racial harassment, you may be able to make a complaint under the Human Rights Act 1993 to the Human Rights Commission. However, you cannot refer your personal grievance to both the Human Rights Commission and the Employment Relations Authority. They are alternative services.

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