

# Employee Grievance Procedure

Argosy

## Introduction

This policy sets out Argosy Property Limited's policy in relation to employment-related grievances and other employment relationship problems.

The Employment Relations Act 2000 provides a process to assist in resolving employment relationship problems. An employment relationship problem includes:

- a) any personal grievance as defined in section 103 of the Employment Relations Act 2000 (such as unjustified dismissal, unjustifiable action leading to disadvantage, discrimination, sexual harassment, racial harassment or duress in relation to union membership);
- b) a dispute over the interpretation, application or operation of an employment agreement; or
- c) any other problem relating to or arising out of the employment relationship.

This procedure, which is reflected in each employee's employment agreement, focuses on resolving employment relationship problems quickly and effectively, and in a way that is consistent with rights and obligations under the Employment Relations Act 2000. It is Argosy's policy to attempt to resolve employment relationship problems directly and at the earliest opportunity. Both employees and Argosy should try to resolve employment problems in good faith.

In many circumstances employment relationship problems can be resolved informally without using the formal grievance procedure set out in this policy. Argosy encourages employees to make an informal approach to their Manager where they feel comfortable doing this. However, where an employee considers that their employment relationship problem should be addressed in accordance with a formal process, they should follow the grievance procedure set out in this policy.

If an employee considers they are being unlawfully discriminated against or they are being sexually or racially harassed and do not want to raise an employment relationship problem with Argosy directly, they can call the Human Rights Commission on 0800 496 877. The Commission can assist with free, confidential advice. They also provide mediation and investigation services free of charge.

## Scope

This policy applies to employees of Argosy and its subsidiaries, who raise an employment relationship problem, while they remain employed by Argosy. After employment ceases, Argosy will comply with its legal obligations but this policy will cease to apply.

This policy does not apply to the reporting of suspected serious wrongdoing. If you wish to report suspected serious wrongdoing you should make a protected disclosure in accordance with Argosy's Protected Disclosures (Whistleblower) Policy.

## Step 1 – Raising the problem

In order to address employment relationship problems as fairly and efficiently as possible, employees should raise a problem as soon as it occurs or when they become aware of it. It is recommended that the employment relationship problem be raised in writing, outlining the employee's concern and any relevant evidence, using respectful and neutral language. The employment relationship problem can be raised with the employee's manager or with a member of senior management such as the Chief Executive Officer or Chief Financial Officer. An employee who has raised an employment relationship problem can involve a representative or support person at any stage of this procedure and they are encouraged to do so.

Where the employment relationship problem is a personal grievance for the purposes of the Employment Relations Act, it must be raised with Argosy within 90 days of the grievance occurring or when an employee becomes aware of the grievance (unless there are exceptional circumstances). To do this, an employee must take reasonable steps to make Argosy aware that they have a grievance that they want addressed. For example, an employee could advise their Manager in writing that they consider that a personal grievance has arisen, and what it is about.

## Step 2 – Investigation

Argosy will investigate any employment relationship problem raised by an employee as soon as practicable after it is reported. Where appropriate, Argosy may ask to meet with the employee as part of its investigation (the employee's representative or support person should also attend). An objective and fair investigation will be carried out, and updates on the progress and/or outcome of the investigation will be provided to the employee.

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## Step 3 – Meeting to discuss the problem

After the investigation is completed, the employee and Argosy will meet so that Argosy can respond, and to discuss the problem. If an employee has a support person or representative, they should attend this meeting. If the employment relationship problem is not resolved at this stage, either party may escalate the problem to mediation as outlined below.

## Step 4 – Mediation

The Ministry of Business, Innovation and Employment provides a mediation service that assists in resolving personal grievances and other employment relationship problems. If the problem proceeds to mediation, there are a number of possible outcomes:

- a) the employee and Argosy reach an agreement or settlement with the assistance of the mediator;
- b) the employee and Argosy agree to give the mediator power to make a decision. The decision would be final and binding; or
- c) the employee and Argosy cannot agree, and one or both parties are not prepared to give the mediator power to make a final and binding decision. In this situation, either party can escalate the personal grievance or problem to the Employment Relations Authority.

## Step 5 – Refer the problem to the employment relations authority

If an employment relationship problem cannot be resolved, it can be referred to the Employment Relations Authority. A member of the Authority will investigate the case and make a decision about it. There is no formal process as to how the Authority member will make the decision, and the decision will generally be final and binding. However, it can be appealed to the Employment Court in certain circumstances.