3 January 2021

[Company Limited]

[Address]

Attn:

By email:

**Personal Grievance**

1. I am writing to raise a personal grievance for unjustified dismissal, in accordance with section 103(1)(a) of the Employment Relations Act 2000. I believe that my employment has been terminated in circumstances that were neither fair nor reasonable.

or

1. I am writing to raise a personal grievance for unjustified constructive dismissal, in accordance with section 103(1)(a) of the Employment Relations Act 2000. I had no other option but to resign, following the unfair and unreasonable behaviours of my employer.
2. I am writing to claims of unjustified disadvantage, pursuant to section 103(1)(b) of the Employment Relations Act 2000 for:

Unjustified disadvantages are separate to an unjustified dismissal; these are disadvantages that have occurred outside and separate to the dismissal claim. Some examples include:

* 1. The unfair and unreasonable conduct displayed towards me, which I believe amounts to bullying.
  2. The failure to reasonably investigate my concerns of unfair treatment.
  3. The use of a performance management process in retaliation to my complaints of unfair treatment.
  4. The first, second, final warning that was provided on 1 January 2021 in circumstances that were neither fair nor reasonable.
  5. Suspending me from my employment in circumstances that were neither fair nor reasonable.

Other personal grievance types can be found in section 103 of the Employment Relations Act 2000: <https://www.legislation.govt.nz/act/public/2000/0024/latest/DLM60322.html>

This is also your opportunity to raise claims for breaches of the Individual Employment Agreement, breach of the Holidays Act 2003, breach of the Wages Protection Act 1983, breach of the Employment Relations Act 2000, etc.

1. I am also concerned that COMPANY has breached its obligations of good faith, pursuant to section 4 of the Employment Relations Act 2000, in that it failed to be active and constructive in maintaining the employment relationship.
2. The facts that give rise my claims are:

You should list your facts very specifically and very truthfully. Even if there is a fact that does not make you look good, you are best to address it rather than have your employer try to use it in their defence.

I like to write one fact per line, as this makes it easier for the other party to respond to, and it makes it easier to transfer into the Statement of Problem if you are required to file at the Employment Relations Authority. Most of my personal grievances are about four pages long.

Try to take most of the emotion out of your facts. I prefer to use factual statements such as: “I felt disappointed that XYZ.” Also, try to take any argument out of your facts, as you will address this later.

* 1. I started employment with COMPANY on DATE as ROLE. I was employed on a permanent, full-time, basis and was remunerated RATE.
  2. On DATE, this happened to me.
  3. On DATE, I was invited to a meeting.
  4. On DATE, I attended the meeting. In the meeting I said XYZ.
  5. My last day of work was DATE.

1. I therefore believe I have been unjustifiably dismissed, because:

This is where you will list your reasons for why you believe the termination of your employment was unfair and unreasonable in all the circumstances. I’ve prepared some examples below:

* 1. My employment was terminated without any process whatsoever, contrary to the expectations contained within section 103A of the Employment Relations Act 2000

<https://www.legislation.govt.nz/act/public/2000/0024/latest/DLM60327.html>

* 1. I do not believe that you fairly considered all the circumstances regarding the alleged conduct.
  2. I do not believe that my conduct amounted to serious misconduct.
  3. I do not believe that the trust and the confidence in the employment relationship was beyond repair.

You will want to do this for each claim.

1. In short, I believe I have grounds for a personal grievance. I am seeking lost wages, compensation for hurt and humiliation, and a contribution towards any legal fees incurred in progressing this matter.
2. The parties have an obligation to attempt to resolve the matters prior to taking formal litigious steps. It is my view that the matter could be resolved at mediation services offered by the Ministry of Business, Innovation and Employment.
3. Please confirm that you are agreeable to attending mediation.
4. I look forward to receiving your response.

Sincerely,

**NAME NAME**

PHONE NUMBER

EMAIL ADDRESS