The personal grievance process

If the first steps of solving a problem don’t fix the issue, in many instances an employee can raise a personal grievance.

If the first steps of problem solving (e.g., informal discussions with the employer, mediation etc) haven’t fixed the problem, then an employee can choose to take the matter further by raising a personal grievance. An employee can raise a personal grievance without trying to discuss it with their employer or going to mediation, but trying to resolve the problem informally first, can help to keep the employment relationship positive.

Raising a personal grievance is the first formal step towards taking action in the Employment Relations Authority (ERA).

Raising a personal grievance

A personal grievance must be raised within 90 days of the date when the problem happened or it came to the employee’s attention, for example, if an employee is dismissed, they have 90 days from the date of the end of the employment to raise their grievance for unjustified dismissal.

When raising the grievance, the employee must clearly state what their grievance is and the reasons why they believe that they have a grievance. It is best practice to do this in writing (this includes by email) to make sure that everything is included that needs to be, to properly raise the grievance.

The employee must give enough detail about the problem for the employer to address the issue/s. The employee should keep a copy of their letter/email for reference. If the employee raises the grievance verbally, both the employer and employee should take notes of what was said in case there is a dispute later.

If an employee doesn’t raise the grievance clearly enough, or in enough detail, it may mean that they are unable to take legal action.

See our sample letter raising a personal grievance [DOC 49KB].

Raising a grievance after the end of the 90-day notice period

With the employer’s agreement

The employer may agree to an employee raising a personal grievance after the end of the 90-day notice period.

With permission from the ERA

If the employer doesn’t agree, the employee can ask the ERA if they can raise the personal grievance after the 90-day period. An employee will only be allowed to do this if they can prove that the delay in raising the grievance was due to exceptional circumstances.

Examples of exceptional circumstances include:

- If the employee makes all arrangements for their representative to raise the grievance on time but the representative unreasonably fails to do it in time.
- If the problem affects the employee’s health so badly that they are incapable of raising their grievance in time.
- If the employment agreement does not explain services available for resolving employment problems, including stating that grievances must be raised within 90 days.
- If the employer hasn’t provided reasons for a dismissal and they were asked to.

Starting proceedings after raising a personal grievance

After an employee has raised a personal grievance, they have three years to begin proceedings in the ERA. After the three-year period has passed, an employee can’t start proceedings without permission of the ERA, and this is very rarely granted.

Tools and Resources

Raising a personal grievance sample letter - DOC 49KB
Use this example to help raise a personal grievance with an employer.

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