



BRIEFING

Initial advice on eligibility to remedies for personal grievances

Date:	21 June 2024	Priority:	Medium
Security classification:	In Confidence	Tracking number:	2324-3491

Action sought		
	Action sought	Deadline
Hon Brooke van Velden Minister for Workplace Relations and Safety	Agree , if change is preferred, to one of the three options in this briefing	27 June 2024

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Beth Goodwin	Manager, Employment Relations Policy	04 901 1611	Privacy of natural persons	✓
Ben Loughrey-Webb	Principal Policy Advisor, Employment Relations Policy	04 896 5028	-	

The following departments/agencies have been consulted
Ministry of Justice

- Minister's office to complete:
- | | | |
|--|---|------------------------------------|
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Overtaken by Events | <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Seen |
| | | <input type="checkbox"/> Withdrawn |

Comments



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Purpose

To provide initial advice on the New Zealand National – ACT New Zealand Coalition Agreement commitment to consider simplifying personal grievances, including removing remedies for at-fault employees.

Executive summary

The Employment Relations Authority (the Authority) and the Employment Court (the Court) currently assess whether an employee's behaviour contributed to the situation that gave rise to a personal grievance. If contributory behaviour is established, the remedies are reduced in relation to the level of contribution. This approach is intended to maintain proportionality between the contributory behaviour and levels of remedy reduction, while ensuring access to justice and appropriate recourse for employees on a case-by-case basis.

If amending remedies is preferred, we recommend increasing the levels of remedy reduction (relative to current practice) when contributory employee behaviour has occurred and prescribing those levels in legislation. This maintains the link between contributory behaviour and remedy reduction, maintains access to justice, and retains the incentive for employers to act in good faith. If you agree, we propose testing the recommended option with targeted stakeholders, alongside engagement on the proposal for an income threshold for personal grievances.

Recommended action

The Ministry of Business, Innovation and Employment (MBIE) recommends that you:

- a **Note** that the New Zealand National – ACT New Zealand Coalition Agreement committed to considering simplifying personal grievances, including removing the eligibility for remedies if the employee is at fault
Noted
- b **Note** that we have interpreted ‘at fault’ to mean where an employee contributes to the situation that gave rise to the personal grievance
Noted
- c **Note** that the Employment Relations Act 2000 allows for reductions in personal grievance remedies where it is determined that the employee’s behaviour contributed to the issue that gave rise to the personal grievance
Noted
- d **Note** that we have analysed options against the objectives of incentivising good behaviour in the employment relationship and maintaining access to justice
Noted

Options

- e **Agree**, if change is preferred, to progress one of the following options:
- Option 1: Remove eligibility for all remedies where contributory conduct from the employee is determined (the Coalition Agreement proposal) **(not recommended)**
Agree / Disagree
- Option 2: Introduce a monetary cap for remedies where contributory conduct from the employee is determined **(not recommended)**
Agree / Disagree
- Option 3: Increase the levels of remedy reduction (relative to current practice) when contributory employee behaviour is determined and prescribe them in legislation **(recommended)**
Agree / Disagree

Next steps

- f **Agree** that officials test your preferred option with stakeholders alongside targeted engagement on the income threshold proposal for personal grievance [2324-3227 refers].
Agree / Disagree



Beth Goodwin
Manager, Employment Relations Policy
Labour, Science and Enterprise, MBIE

21 / 06 / 2024

Hon Brooke van Velden
Minister for Workplace Relations and Safety

___ / ___ / 2024

Personal grievances are complaints against employers and take into account employee behaviour

1. The New Zealand National – ACT New Zealand Coalition Agreement committed to considering simplifying personal grievances, in particular removing eligibility for remedies if the employee is at-fault.
2. We understand your priority is to progress proposals which can be implemented in the Employment Relations Amendment Bill (ERAB), scheduled to pass by December 2025. This briefing provides contextual information and identifies three options for changing remedies within your preferred timing.

The Employment Relations Act establishes a dispute resolution system to address employment relationship problems, including personal grievances

3. An objective of the Employment Relations Act 2000 (the Act) is to build productive employment relationships through the promotion of good faith in all aspects of the employment environment and of the employment relationship.
4. Where an employment relationship problem occurs, the law requires employers to follow a fair and reasonable process, underpinned by the requirement to act in good faith. This generally includes investigating the matter, communicating concerns to the employee, providing clear standards to meet and a genuine opportunity to improve, and considering mitigating factors and alternatives. There are some instances where a summary dismissal (i.e. without notice) is justified, for example violent behaviour or theft, but the requirement to follow a fair and reasonable process is still required.
5. Having followed a fair and reasonable process, an employer may only dismiss an employee for a good reason, which includes:
 - a. serious misconduct
 - b. repeated misconduct
 - c. performance issues
 - d. redundancy
 - e. incompatibility
 - f. incapacity.
6. An employee may bring a personal grievance for unjustified dismissal if they believe that the employer did not have a good reason to dismiss them, or that the process was unfair. The Act establishes a dispute resolution system to address personal grievances (and other issues), which aims to:
 - a. prevent employment relationship problems,
 - b. support the fast, fair and flexible resolution of employment relationship problems, and
 - c. produce enforceable outcomes.
7. The personal grievance process allows employees to bring complaints against their employer and escalate them when not resolved. See **Annex 1** for more details on personal grievance settings.

Remedies may be awarded when a personal grievance is established

8. Where a personal grievance is established, the remedies that may be awarded to the employee include:
 - a. reinstatement of the employee in the employee's former position or in a position no less advantageous to the employee,

- b. the reimbursement of wages or other money lost as a result of the grievance (up to a maximum of three months' ordinary pay),
 - c. compensation for humiliation, loss of dignity, and injury to the feelings of the employee, or the loss of expected benefit, and/or
 - d. costs that one party must pay to the other relating to the case.
9. In the year to November 2023, the Employment Relations Authority (the Authority) awarded an average of \$26,972 in total remedies to successful unjustified dismissal claimants. Compensation for humiliation and injury to feelings has been increasing in recent years, partly due to concerns from the judiciary around payments being too low and the need for consistency.¹

Remedies may be reduced where an employee's behaviour contributed to the situation which gave rise to the grievance

10. Where a personal grievance has been established, section 124 of the Act requires the Authority or the Employment Court (the Court) to:
- a. consider the extent to which the actions of the employee contributed towards the situation that gave rise to the personal grievance, and
 - b. if those actions so require, reduce the remedies that would otherwise have been awarded.
11. The Authority and Court have developed case law to determine whether an employee's behaviour meets the threshold for reducing remedies. They consider:
- a. whether the employee's alleged contributory conduct was culpable and blameworthy,
 - b. whether the conduct created or contributed to the situation,
 - c. what is a fair assessment of the extent of contribution, and
 - d. if the reduction should be applied across all or some of the remedies.²
12. The Authority and Court aim to make the reduction proportionate to the employee's level of contribution. Case law has clarified that:
- a. in rare cases the Authority or Court may decline to award remedies where it would be inconsistent with "equity and good conscience",
 - b. in exceptional cases a reduction of 50 per cent may be warranted, and
 - c. care should be taken before imposing a reduction of 25 per cent, as it is of "particular significance".³
13. In the three years to February 2024, approximately 16.4 per cent of unjustified dismissal cases had reductions for contributory behaviour. Consistent with the case law, the majority of cases were reduced by between 10 and 30 per cent, with a few reduced by over 50 per cent. **Annex 2** provides example cases to illustrate the spectrum of contributory behaviours and reductions.
14. Reducing remedies according to contributory behaviour is consistent with the Australian approach to remedies.

¹ See *Hall v Dionex Pty Ltd* [2015] NZEmpC 29 at [88].

² See *Maddigan v Director-General of Conservation* [2019] NZEmpC 190 at [73].

³ These principles and thresholds were set out in *Xtreme Dining Ltd v Dewar* [2016] NZEmpC 136.

The impact of reducing remedies is likely to be small but does impact on fairness

15. The Coalition Agreement implies a concern about at-fault employees raising personal grievances. We have interpreted that this could cover two different scenarios:
 - a. Unfounded claims: employees who raise a personal grievance claim with little to no merit. This includes claims that could be considered vexatious, where an employee raises a personal grievance with the intention of annoying or frustrating a (former) employer, or with the intent of seeking a financial settlement to avoid lengthy and costly litigation.
 - b. Contributory behaviour: employees who have contributed to the issue that gave rise to the employment relationship problem and personal grievance.
16. MBIE is aware that unfounded claims exist and cause unwarranted costs to employers. Mediator feedback indicates that there are claims with little or no merit in the dispute resolution system. The Authority and Court can strike out cases for being 'vexatious' or 'frivolous', but generally around one case per year is struck out.⁴ However, we are unable to quantify the overall number of unfounded claims as many are likely to be resolved without engagement with Mediation Services or at the Authority.
17. Current remedy reductions are likely to have a small impact on employees' decisions to progress a personal grievance (founded or unfounded). Wider settings are likely more impactful, such as the quantum of remedies awarded (prior to reduction), the role of non-legal advocates and models like 'no win no fee', and the procedural requirements for employers when dismissing an employee. The costs of taking a personal grievance are also wider than remedies alone, and includes the time required to address a personal grievance claim, costs of hiring representation, and the potential reputational impact.
18. If you wish to address these wider issues, we could provide further advice on the drivers of unfounded claims. Policy options could include regulating non-legal advocates, and amending the Act to remove or adjust the availability of remedies for hurt, humiliation, loss of dignity, and injured feelings. However, these are more complex policy issues and we do not believe they can be progressed in time for the ERAB, so this briefing focuses on the narrower issue of contributory behaviour, which aligns with the scope of the Coalition Agreement commitment.
19. In terms of changing behaviour, current settings reflect that employment relationship problems can include contributory actions on both sides. Awarding remedies is intended to ensure employers are accountable for their behaviour (e.g. not following a fair and reasonable process or not having a substantive reason for dismissal), and reducing remedies is intended to ensure an employee's contribution to the problem is considered. However, there is limited evidence or stakeholder feedback on the functioning of these settings, so the degree to which these settings affect behaviour is unclear.
20. Reducing remedies also impacts on perceived fairness. Employers may perceive unfairness in paying remedies to 'at-fault' employees, for example where there have been sustained unexplained absences and failure to communicate with the employer. Conversely, employees may perceive unfairness if an employer is not 'penalised' for wrongdoing, for example where they are summarily dismissed for minor misconduct. The existing discretion provided to the Authority and Court to reduce remedies in relation to employees' behaviour is an attempt to maintain fairness by weighing up case-specific factors.

⁴ The threshold for striking out vexatious or frivolous cases is very high.

We propose objectives to incentivise good behaviour and maintain access to justice

21. We have adopted the following objectives to help us identify potential options:
- a. *Maintain accountability for employers' and employees' behaviour*: This focuses on incentivising good behaviour from both employees and employers, consistent with the purpose of the Act to build productive employment relationships through the promotion of good faith. Where there is poor behaviour, this should be held accountable, in a proportionate manner.
 - b. *Maintain access to justice*: The Act establishes rights and obligations for employers and employees, and access to justice provides an accountability mechanism where those obligations or rights are not upheld.

If change is preferred, we propose increasing remedy reductions for contributory employee behaviour and prescribing them in legislation

22. We understand that you wish to progress a change to remedies in the ERAB and therefore we have not considered maintaining the status quo as an option. We have applied the objectives above to the Coalition Agreement proposal and to alternative options for amending remedy settings, and provided a recommendation.
23. In assessing the options, we have applied the following criteria:
- a. Does the option hold employees accountable when they contribute to a situation which gives rise to the personal grievance?
 - b. Does the option hold employers accountable when they do not follow the requirements set out in the Act?
 - c. Does the option maintain access to justice and reasonable compensation for employees?
 - d. Does the option increase certainty for employers and employees around the potential costs of progressing a personal grievance?
 - e. What are the implementation considerations, including can the option be incorporated in the ERAB?
 - f. Is the option consistent with New Zealand's existing employment law and domestic and international obligations?
24. In summary the options are:

- Option 1:** Remove eligibility for all remedies where any level of contributory conduct from the employee is determined (the Coalition commitment) **(not recommended)**.
- Option 2:** Introduce a monetary cap for remedies where contributory conduct from the employee is determined **(not recommended)**.
- Option 3:** Increase the level of remedy reductions when contributory employee behaviour is determined, and prescribe them in legislation **(recommended)**.

25. We are seeking legal advice from the Ministry of Foreign Affairs and Trade on any potential impacts these options will have on New Zealand's free trade agreement obligations. We will update you on the advice when it is provided.
26. We have included te Tiriti o Waitangi/Treaty of Waitangi analysis in **Annex 3**. As we advised on the high-income threshold, there may be Māori interests in reflecting tikanga Māori in the design of personal grievances, but further engagement is required to determine this [2324-3227 refers]. Broadly, we consider options that remove remedies are at greatest risk of being inconsistent with tikanga-based approaches.

27. None of these options would limit what could be offered or settled in mediation, but they may shift incentives at play in mediation, including driving down the amount offered in settlement.

Option 1: Remove all remedies where any level of contributory conduct from the employee is determined (not recommended)

28. *Description:* Option 1 is the Coalition Agreement proposal, to remove eligibility for all remedies where any level of contributory employee conduct is determined. When it is found that an employee has contributed to the situation that gave rise to a personal grievance, they would receive no remedies. For example, if an employee is late two days in a row, and the employer summarily dismisses them, the employee would receive no remedies even if the Authority establishes a personal grievance for unjustified dismissal.

29. *Accountability:* This would increase the accountability for employees who contribute to the situation that gives rise to a personal grievance (although arguably too far, to a disproportionate level). By contrast, employers would not be held to account where they do not meet the requirements under the Act. This does not align with the Act's purpose to promote employment relationships based on good faith.

30. *Access to justice:* Removing eligibility for remedies may lead to unjust outcomes. For example, there are likely cases where there is significant employer wrongdoing, but where the employee has contributed in a small way. In the example above, if an employee was dismissed on the spot for multiple days of lateness, the employee would not receive remedies (if the Authority found this amounted to contributory behaviour). We expect this option would disincentivise some employees from raising a personal grievance, as there is a greater chance they would receive no remedies if a personal grievance was established.

31. *Certainty:* This option would increase certainty of costs for employers and employees, given there would be no remedies if contributory behaviour is determined.

32. *Implementation:* This option is relatively simple to implement.

33. *Sub options:* Rather than removing eligibility for remedies for all remedies, an alternative option is to only remove eligibility for one of the remedies (e.g. compensation for humiliation, loss of dignity and injury to feelings). We consider the same considerations would apply as outlined above, but would apply to a lesser extent.

34. *Recommendation:* We do not recommend this option, primarily as it removes proportionality for remedies, as comparatively small contributory behaviour would lead to a complete removal of remedies. This would remove accountability from employers where their employee has contributed to the situation that gave rise to the personal grievance. Removing accountability from one side of the employment relationship is likely to result in unjust outcomes.

Option 2: Introduce a monetary cap on remedies where contributory conduct from the employee is determined (not recommended)

35. *Description:* Reimbursement of lost wages is currently capped at three months. This option would introduce a monetary cap on the total amount of remedies that could be awarded where contributory conduct from the employee is determined. This would effectively cap compensation for humiliation, loss of dignity, and injured feelings where contributory behaviour is found.

36. Further policy work would be required to determine an appropriate cap and indexation (e.g. indexed to wages), and potential interactions with the existing cap on reimbursement of lost wages.

37. *Accountability:* This option's impact depends on where the cap is set. Broadly, a lower cap would provide greater accountability on employees' behaviour (and less on employers), and a higher cap provides greater accountability on employers' behaviour to act in good faith (marginally more or similar to the status quo of no cap). The remedy would not be able to be proportionate to each party's contribution.

38. *Access to justice*: This option has similar effects on access to justice as option 1, although to a lesser extent. It may lead to unjust outcomes, as the remedies for significant employer wrongdoing would be much lower than they otherwise would have been. This option may also disincentivise employees from raising a personal grievance.
39. *Certainty*: This option would increase certainty for both employees and employers on the potential remedy if contributory behaviour is determined.
40. *Implementation*: This option requires more complex policy design work than option 1, but is relatively simple to implement.
41. *Recommendation*: We do not recommend this option, as a cap could imbalance the accountability for employers and employees, and may lead to unjust outcomes.

Option 3: Increase the level of remedy reductions when contributory employee behaviour is determined and prescribe them in legislation (recommended)

42. *Description*: As mentioned, the level of remedy reduction has been developed through case law, with most reductions being between 10 and 30 per cent. This option is to prescribe higher levels of remedy reductions in legislation. If you choose this option, we will do further policy work to determine the appropriate levels of reductions.
43. *Accountability*: This option increases the level of reductions for contributory employee behaviour, increasing accountability on employees. It improves the link between the level of contributory behaviour and remedy reduction, maintaining accountability for employers.⁵
44. *Access to justice*: This option maintains access to justice. As the link between contribution and remedies remains, we do not expect this option would lead to unjust outcomes, as employers who significantly breach their employment obligations would still be required to pay remedies (albeit smaller remedies than the status quo). We expect it would have a marginal-to-small impact on whether employees choose whether to pursue a personal grievance claim.
45. *Certainty*: This option is the most complex to implement, as new legislation setting out increased reductions would need to be designed, however we are confident it can be designed in time to be included in ERAB.
46. *Recommendation*: If change is preferred, we recommend this option as it improves proportionality in reducing remedies, which in turn improves accountability on both sides of the employment relationship. It also maintains access to justice and does not carry the same risks around unjust outcomes.

Next steps

47. If you agree, we propose to test the recommended option with targeted stakeholders. This will help fill gaps in our knowledge regarding the impact of the current settings and to work through some of the key policy design choices of the recommended option, including what appropriate levels of remedy reduction may be, how to determine levels of contributory employee behaviour and the potential impacts of this change for both employers and employees.
48. We propose aligning our approach and timing with the upcoming engagement on the proposal to introduce an income threshold for personal grievances to avoid duplication. Officials are available to discuss or answers questions with you or your office.
49. We plan to report back to you on the outcomes of the engagement in September, with final advice on policy choices in October. This would be completed in time for you to take the proposal to Cabinet and include in the ERAB, scheduled to be passed by December 2025.

⁵ We note that complexities in determining contributory behaviour in remedy reductions would remain.

Annex 1: Key personal grievance settings

Eligibility settings

0. Legal professional privilege
[Redacted]
1. The bases on which an employee can raise a personal grievance include for: unjustified dismissal; unjustified disadvantage⁶; discrimination⁷; sexual and racial harassment; duress over membership of a union or other employee organisation; and failure of an employer to comply with specified employment obligations⁸.

Institutions and services provided for in the Act

2. The Act establishes a tiered system of procedures, services and employment institutions designed to support employers and employees to resolve employment relationship problems (including personal grievances) and, if possible, preserve the employment relationship. These include:
 - *Mediation*: Mediation services are the primary resolution mechanism to resolve employment problems between parties and preserve the employment relationship. The Act embodies a general presumption that mediation will be the first avenue for dispute resolution before progressing to determination-making forum. This can be through early resolution or more formal mediation processes.
 - *Employment Relations Authority*: The Authority is an investigative body that has the role of resolving employment relationship problems that cannot be solved through mediation, by establishing the facts and making determinations based on the substantial merits of the case. The Authority also ensures recorded settlements are complied with.
 - *Employment Court*: The Court has exclusive jurisdiction (and corresponding powers) to deal with a range of employment related issues, including hearing a matter previously determined by the Authority that has been appealed.

⁶ This can include: being given a warning, suspension, or demotion without good reason, having hours of work or pay changed without consultation, being underpaid, being misled by their employer, not having the opportunity to respond to allegations against them, not having a safe workplace, or not being informed about proposals which may affect their employment.

⁷ The Act restates the prohibited grounds in the Human Rights Act 1993 and adds two further grounds for discrimination: health and safety and union membership.

⁸ This includes failures related to continuity of employment for employees affected by restructuring, breaches regarding hours and shifts, retaliation in relation to health and safety or protected disclosure, protection of employee's employment whilst in Reserve Forces service or training, or Easter Sunday rules.

Annex 2: Case law examples of remedy reductions from 2021 onwards

Reduction	Overview and remedy (after reduction)
10%	<p>An account manager was dismissed for an email to customer that made company potentially look anti-competitive and risked a Commerce Commission fine. This followed a comparable incident a few months earlier. The Authority determined that a fair and reasonable employer could have considered further disciplinary options rather than a summary dismissal but that a 10% reduction was warranted, given that the employee had not accepted responsibility for their actions and adopted a defensive and hostile approach to the employer's investigation.</p> <p><i>Remedy: \$16,399.78 for lost wages; \$13,500 compensation.⁹</i></p>
12.5%	<p>An art gallery manager was dismissed for starting up a business commissioning artwork for clients, in competition with the gallery they worked for; employee claimed she was disadvantaged by the process leading up to her dismissal and by other unfair actions of the employer. The Authority determined the employee's actions were a breach of her good faith obligation and warranted a warning, but not dismissal and the employee's behaviour warranted a 12.5% reduction.</p> <p><i>Remedy: \$7184.63 for lost wages; \$21,875 compensation.</i></p>
25%	<p>A truck driver and forestry worker was dismissed by email without warning for poor performance after he failed to torque the wheels of a trailer correctly, following earlier performance issues. The Authority found the dismissal to be procedurally and substantively unjustified as there were no warnings and no opportunity for the employee to respond to the decision. Authority determined that a 25% reduction was appropriate given the employee's prior performance issues and that the incident in question gave rise to the situation that led to the dismissal.</p> <p><i>Remedy: \$7,170.39 for lost wages; \$13,500 compensation.</i></p>
40%	<p>A rest home caregiver was unjustifiably dismissed for a one-off incident where they hoisted a resident on their own, instead of with the help of another person. The remedies were reduced by 40% after the employee acknowledged that hoisting a patient on their own was wrong.</p> <p><i>Remedy: Three months' lost wages; \$12,000 compensation.</i></p>
50%	<p>Employee claimed employer dismissed him in a phone call on 9 August after he was away from work without explanation from 1 August. Employer did not respond when employee contacted them on 11 August and the employer said the employee abandoned them or resigned. Authority determined that there was a significant link between the employee's action (ie absence) and the dismissal, but the employer was not justified in following no process.</p> <p><i>Remedy: No lost wages; \$4,000 compensation.</i></p>
No remedies awarded	<p>An employee was dismissed for violence (headbutting and pushing against a wall) against a director. The employee also drove dangerously while the director was in the vehicle. While the dismissal was procedurally unjustified, no remedies were awarded given the employee's behaviour.</p>

⁹ The term 'compensation' as it appears in this table refers to compensation for humiliation, loss of dignity, and injury to the feelings of the employee.

Annex 3: Te Tiriti o Waitangi/Treaty of Waitangi analysis

Options that propose removing or reducing remedies may not align with a tikanga Māori approach to employment relationships

0. The Crown Law Office's 2017 guidance to departments on Government decision-making and Treaty of Waitangi principles notes that the Crown should undertake early "Treaty due diligence" to assess whether any Tiriti rights or interests are involved in a policy, and weigh that with any wider or competing rights or interests. Crown Law advises that this improves the likelihood of a favourable outcome if the policy is challenged at the Waitangi Tribunal or Courts.
1. In relation to taonga interests¹⁰, the application of tikanga Māori (the interplay of custom, spirituality, lore, procedure, rules and behaviours deeply embedded in the social context¹¹) to employment law is evolving¹², and tikanga has been considered by the Supreme Court¹³. In an employment context, a tikanga Māori approach to employment relations is consistent with the good faith approach outlined in the Act and emphasises:
 - whanaungatanga (restoring relationships),
 - maintaining mana, and
 - mitigating mamae (hurt) and whakamā (shame).¹⁴
2. Personal grievance remedies recognise the impacts of an employment relationship breakdown on the employee including, providing compensation for any hurt (mamae), humiliation and injured feelings (whakamā) as a result of the employer's actions. In cases where it is determined that an employee's behaviour contributed to the issue that gave rise to the personal grievance, a te ao Māori perspective may also recognise that the potential mamae and whakamā that an employee may experience because of this extends beyond the individual to the family and wider whānau group.
3. Policy options that propose removing or reducing personal grievance remedies are likely to raise potential concerns among iwi Māori about taonga interests, so the Crown may need to consider this in the policy design process.
4. In relation to equity interests¹⁵, MBIE does not collect data on the proportion of Māori who bring personal grievance claims.
5. Further work is required to determine whether Māori interests would be affected by a removal or reduction in personal grievance remedies.

¹⁰ Taonga interests include how a policy could affect Māori rights or interests in accessing, using, protecting, or making decisions about taonga (treasures), including tikanga.

¹¹ "Tikanga" [Te Aka Māori Dictionary](#).

¹² Chief Judge Christina Inglis (2021). '[The lens through which we look: What of tikanga and judicial diversity?](#)'.

¹³ [Peter Hugh McGregor Ellis v The King - SC 49/2019](#).

¹⁴ In particular, see Bennett and Kopu (2020). '[Applying the duty of good faith in practice, in a way consistent with Te Ao Māori, Treaty and employment law obligations](#)' (LexisNexis Employment Law Bulletin, November 2020).

¹⁵ Equity interests include how the living standards and wellbeing of people who are Māori are improved or could be affected by the policy.