

Personal Grievance Tracker Analytics

Personal Grievance Tracker Analytics is a comprehensive searchable collection of personal grievance cases, where the specific details of each personal grievance have been fielded to allow users to conduct specialised research.

Personal Grievance Tracker Analytics will help you to advise clients on the costs, timing, and likely outcomes by understanding the most probable results from cases that have already taken place.

The Personal Grievance Tracker Analytics service contains specialised summaries of the cases focusing on type of grievance, offence, remedy, key outcomes, amount awarded, successful party and key factors that influence the outcome.

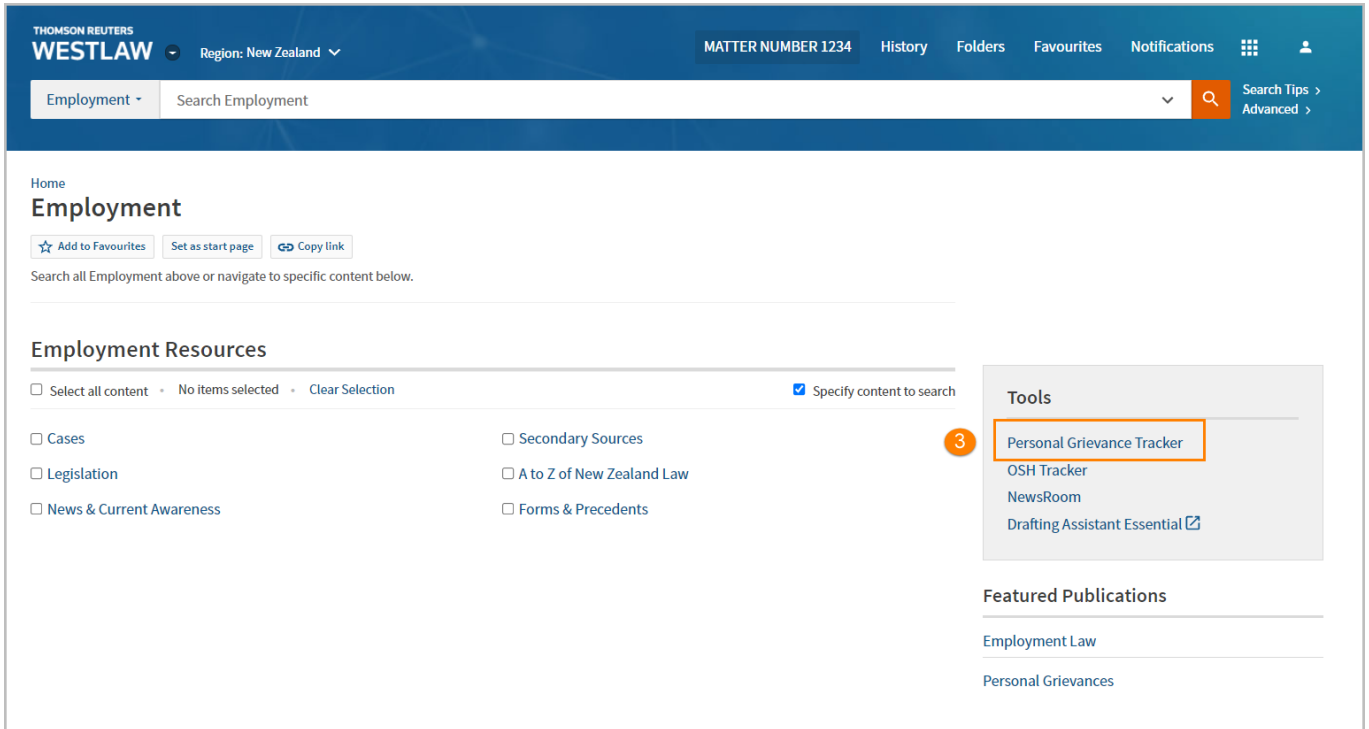
Where are the Trackers located?

The trackers are accessible from three locations within Westlaw (New Zealand):

1. Under Tracker Analytics on the home page.
2. Specialty areas > Tracker Analytics on the home page.

The screenshot displays the Westlaw New Zealand interface. At the top, the 'THOMSON REUTERS WESTLAW' logo is visible, along with a dropdown menu for 'Region: New Zealand'. The navigation bar includes 'MATTER NUMBER 1234', 'History', 'Folders', 'Favourites', 'Notifications', and a user profile icon. A search bar is present with the placeholder text 'Enter terms, citations, databases, questions, anything ...' and a search icon. Below the search bar, there are three tabs: 'Content types', 'Practice areas', and 'Tools'. The 'Content types' tab is active, showing a list of categories: 'Cases', 'Key Numbers', 'Legislation', 'News & Current Awareness', 'Practical Law', 'Secondary Sources', 'A to Z of New Zealand Law', 'Government & Regulatory Materials', 'Forms & Precedents', and 'Bills'. A 'Tracker Analytics' section is highlighted with a red box and a '1' icon, containing sub-sections for 'Criminal', 'Personal Injury', 'Sentencing Tracker', 'Accident Compensation Tracker', 'Employment', 'Environment & Resources', 'Personal Grievance Tracker', and 'OSH Tracker'. The 'Personal Grievance Tracker' is further highlighted with a red box and a '2' icon. Below this, there is a 'Key Number System' section with a brief description. At the bottom left, under 'Specialty areas', there is a 'Trackers' link with a '2' icon.

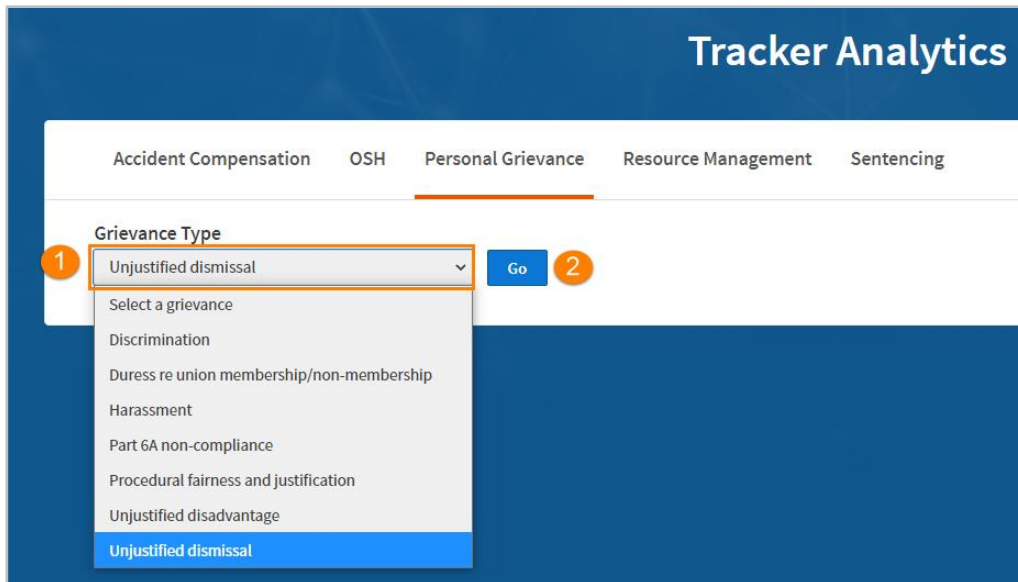
3. In the Employment practice area page. Click Practice areas tab > select Employment > select Personal Grievance Tracker from Tools on the right.



How to locate a Grievance Type

Begin your tracker research by selecting the required grievance type from the list provided on the Tracker Analytics page.

1. Select a **Grievance Type** classification from the drop-down list, e.g., Unjustified Dismissal.
2. Click Go.



Navigate the Personal Grievance Tracker Analytics Page

1. Search within judgments will search the full text of the cases from the Tracker results list.
2. Filter by Category
 - a. Selecting and applying multiple categories will narrow your results.
 - b. Applying multiple options within a category will expand your results.
3. The Data Visualisation provides the ability to see trends quickly.
 - The **Remedy** chart displays the individual remedy amount.
 - The **Outcome** chart shows successful party in the grievance.
 - The **Highest remedy** amount awarded based on your search parameters is displayed in the top right.
 - Cases with no defined financial amount are displayed.
4. Tracker Summaries

The tracker summary outlines the type of grievance, remedy, key outcomes, amount awarded, successful party and key factors that influence the outcome.

Home > Personal Grievance Tracker > Results
3

Unjustified dismissal analytics

Filter

Select multiple

Search within judgments

search

Filter by category

- Issues determined + 2
- Grievance successful party +
- Remedy +
- Remedy amount +
- Penalty +
- Penalty amount +
- Costs/Disbursements +
- Costs amount +
- Contributing behaviour +
- Interim reinstatement +
- Employment agreement +
- Employment type +
- Industry +
- Jurisdiction +

Remedy
Outcome

Results	Total	Percentage
\$2,501 - \$5,000	1,078	28%
\$1,001 - \$2,500	638	16%
\$10,001 - \$50,000	635	16%
\$5,001 - \$7,500	630	16%
\$7,501 - \$10,000	559	14%
\$0 - \$1,000	345	9%
\$50,001 - \$100,000	25	<1%
More than \$100,000	10	<1%

Highest remedy

\$201,086.00

[Filter results](#)

No defined financial amount: ⓘ

1,120

remedies (excluded from chart)

[Filter results](#)

Tracker summaries (4,364)

1 - 100 > Sort: Date: newest to oldest ▾

1. **Soper v Sanford Ltd** Judgment

Employment Relations Authority • 6 August 2021 • [2021] NZERA 349 • 2021 WL 3509479

Grievances: Unjustified disadvantage, Unjustified dismissal

Total financial award: \$4,000.00

2. **Bates v Major Motors Ltd** Judgment

Employment Relations Authority • 27 July 2021 • [2021] NZERA 324 • 2021 WL 3206816

Grievances: Unjustified dismissal, Unjustified disadvantage

Total financial award: \$2,500.00

Refine Results

The **Search within judgments** provides the ability to refine results by keywords related to your client's matter. The search will deliver results where the keywords appear in the full judgment text.

1. Enter the keywords into the search within judgments field, e.g., "non performance" or "poor performance". Click **search**.
Note: Boolean connectors and expanders can be used.
2. Keywords will be highlighted in yellow in the results list.
Note: To run a new search click **Remove search** and type in the new search terms.

Filter

Select multiple

Search within judgments

Filter by category

- Issues determined +
- Grievance successful party +
- Remedy +
- Remedy amount +
- Penalty +
- Penalty amount +
- Costs/Disbursements +
- Costs amount +
- Contributing behaviour +
- Interim reinstatement +
- Employment agreement +
- Employment type +
- Industry +
- Jurisdiction +
- Judge +
- Date +

Home > Personal Grievance Tracker > Results

Unjustified dismissal analytics

Remedy Outcome

\$7,746
Average financial remedy

Results	Total	Percentage
\$2,501 - \$5,000	123	30%
\$10,001 - \$50,000	72	17%
\$1,001 - \$2,500	68	17%
\$5,001 - \$7,500	68	17%
\$7,501 - \$10,000	51	12%
\$0 - \$1,000	28	7%
\$50,001 - \$100,000	1	<1%
More than \$100,000	1	<1%

Highest remedy

\$201,086.00

[Filter results](#)

No defined financial amount: 0

133

remedies (excluded from chart)

[Filter results](#)

Tracker summaries (394)

1 - 100 > Sort: Date: newest to oldest

- Ward v Samson Hill Forest Harvesting Ltd** Judgment

Employment Relations Authority · 10 March 2021 · [2021] NZERA 97 · 2021 WL 949377

Grievances: Unjustified dismissal

Total financial award: \$28,670.39

Judgment:

...81 at [61] – [62] The cumulative effect of Mr Ward's **poor performance** and conduct, including that Mr Ward was on a final evidence Mr Ward accepted that some of the conduct or **poor performance** complained of by Samson Hill did occur and he accepted...
- Ellison v Mooventures Ltd (in liq)** Judgment

Employment Relations Authority · 2 February 2021 · [2021] NZERA 38 · 2021 WL 424442

Grievances: Unjustified dismissal

Total financial award: \$17,155.77

Judgment:

...Employment law 24k50324Employment law24k475-k530Termination24k503**Poor performance**

Refine results using filters

To further refine the results, apply a filter or select multiple filters. You can select multiple categories as well as subcategories from the options provided. In the example below we have selected to refine results to the Retail Trade Industry.

1. Click on the + sign to expand the **Industry** filter.
2. Select **Retail Trade**.

Remedy amount +

Penalty +

Penalty amount +

Costs/Disbursements +

Costs amount +

Contributing behaviour +

Interim reinstatement +

Employment agreement +

Employment type +

Industry -

- Manufacturing 51
- Retail Trade 39**
- Other Store-Based Retailing 14
- Food Retailing 11
- Motor Vehicle and Motor Vehicle Parts Retailing 6
- Non Store Retailing and Retail Commission Based Buying and/or Selling 5
- Fuel Retailing 2
- Transport, Postal and Warehousing 30

Tracker summaries (39)

1 - 39 Sort: Date: newest to oldest

- Smith v Falcon Building Solutions Ltd** Judgment

Employment Relations Authority · 16 October 2018 · [2018] NZERA Auckland 322 · 2018 WL 5311474

Grievances: Unjustified disadvantage, Unjustified dismissal

Total financial award: \$28,321.56

Judgment:
...why not and was told it was because of her **poor performance**. Mr Nick Khalesi went through the duties in the new

Ms Smith was not given any examples of her supposed **non-performance** and she was unaware that there had been any concerns...
- Joshi v Southgate Legend Ltd** Judgment

Employment Relations Authority · 11 October 2018 · [2018] NZERA Auckland 314 · 2018 WL 5111228

Grievances: Procedural fairness and justification, Unjustified dismissal

Judgment:
...and the other staff. Ms Yin says that Mr Joshi's **poor performance** has had a major personal impact on her as a...
- Ke v B & Z Trades Company Ltd** Judgment

Employment Relations Authority · 12 July 2018 · [2018] NZERA Auckland 215 · 2018 WL 4144693

Grievances: Unjustified dismissal, Procedural fairness and justification, Unjustified disadvantage

Total financial award: \$6,804.00 - \$14,380.00

Judgment:
...three-month period was finished. To make matters worse, Bob's **poor performance** escalated the tension between me and my father and added...
- Sissons v Good Food Trading Company Ltd (in liq)** Judgment

Employment Relations Authority · 22 December 2017 · [2017] NZERA Auckland 397 · 2017 WL 6887586

Data Visualisation provides the ability to see trends quickly

1. The **Remedy** chart displays the average financial remedy, as well as sorting the results into remedy amounts.
2. Select a banded remedy amount to filter results further, e.g., \$5,001-\$7,500.

Filter

Select multiple

Search within judgments

Remove search

Filter by category

Clear all filters

Issues determined +

Grievance successful party +

Remedy +

Remedy amount +

Penalty +

Penalty amount +

Costs/Disbursements +

Costs amount +

Contributing behaviour +

Interim reinstatement +

Employment agreement +

Employment type +

Industry -

Home > Personal Grievance Tracker > Results

Unjustified dismissal analytics

1

26%
\$5,001 - \$7,500

Remedy Outcome

Results	Total	Percentage
\$5,001 - \$7,500	12	26%
\$2,501 - \$5,000	11	24%
\$7,501 - \$10,000	7	15%
\$0 - \$1,000	6	13%
\$1,001 - \$2,500	6	13%
\$10,001 - \$50,000	4	9%

2

Highest remedy
\$22,500.00
Filter results

No defined financial amount: ⓘ
8
remedies (excluded from chart)
Filter results

Tracker summaries (39)

1 - 39 Sort: Date: newest to oldest

- Smith v Falcon Building Solutions Ltd** Judgment

Employment Relations Authority · 16 October 2018 · [2018] NZERA Auckland 322 · 2018 WL 5311474

Grievances: Unjustified disadvantage, Unjustified dismissal

Total financial award: \$28,321.56

Judgment:
...why not and was told it was because of her **poor performance**. Mr Nick Khalesi went through the duties in the new

Ms Smith was not given any examples of her supposed **non-performance** and she was unaware that there had been any concerns...
- Joshi v Southgate Legend Ltd** Judgment

Employment Relations Authority · 11 October 2018 · [2018] NZERA Auckland 314 · 2018 WL 5111228

View Tracker Summaries

1. Click the case title to open the case summary.

Home > Personal Grievance Tracker > Results

Unjustified dismissal analytics

Remedy Outcome

All > \$5,001 - \$7,500

\$6,329
Average financial remedy

Results	Total	Percentage
\$5,001 - \$7,500	12	100%

Highest remedy
\$7,500.00
Filter results

No defined financial amount: ⓘ
0
remedies (excluded from chart)

Tracker summaries (12)

1 - 12 Sort: Date: newest to oldest

1. **Smith v Falcon Building Solutions Ltd** 1 Judgment
Employment Relations Authority · 16 October 2018 · [2018] NZERA Auckland 322 · 2018 WL 5311474

Grievances: Unjustified disadvantage, Unjustified dismissal

Total financial award: **\$28,321.56**

Judgment:
...why not and was told it was because of her **poor performance**. Mr Nick Khalesi went through the duties in the new

2. The tracker summary outlines the type of grievance, remedy, key outcomes, amount awarded, successful party and key factors that influence the outcome.
3. Click on the **Judgment** link in the case summary to open the full-text judgment in Westlaw (New Zealand).

Smith v Falcon Building Solutions Ltd tracker summary 2

Employment Relations Authority · 16 October 2018 · [2018] NZERA Auckland 322 · 2018 WL 5311474

Judgment 3

Applicant: Smith, Moana

Appeal: No

Issues determined: Costs/disbursements
Grievance claim
Remedies under s 123

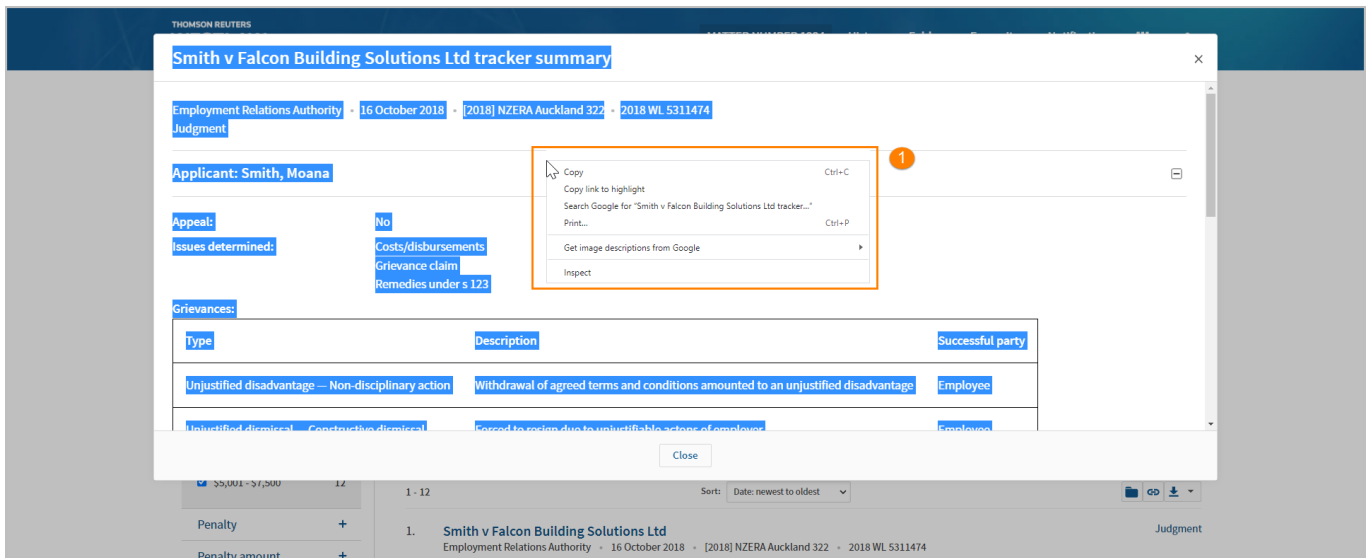
Grievances:

Type	Description	Successful party
Unjustified disadvantage — Non-disciplinary action	Withdrawal of agreed terms and conditions amounted to an unjustified disadvantage	Employee
Unjustified dismissal — Constructive dismissal	Forced to resign due to unjustifiable actions of employer	Employee

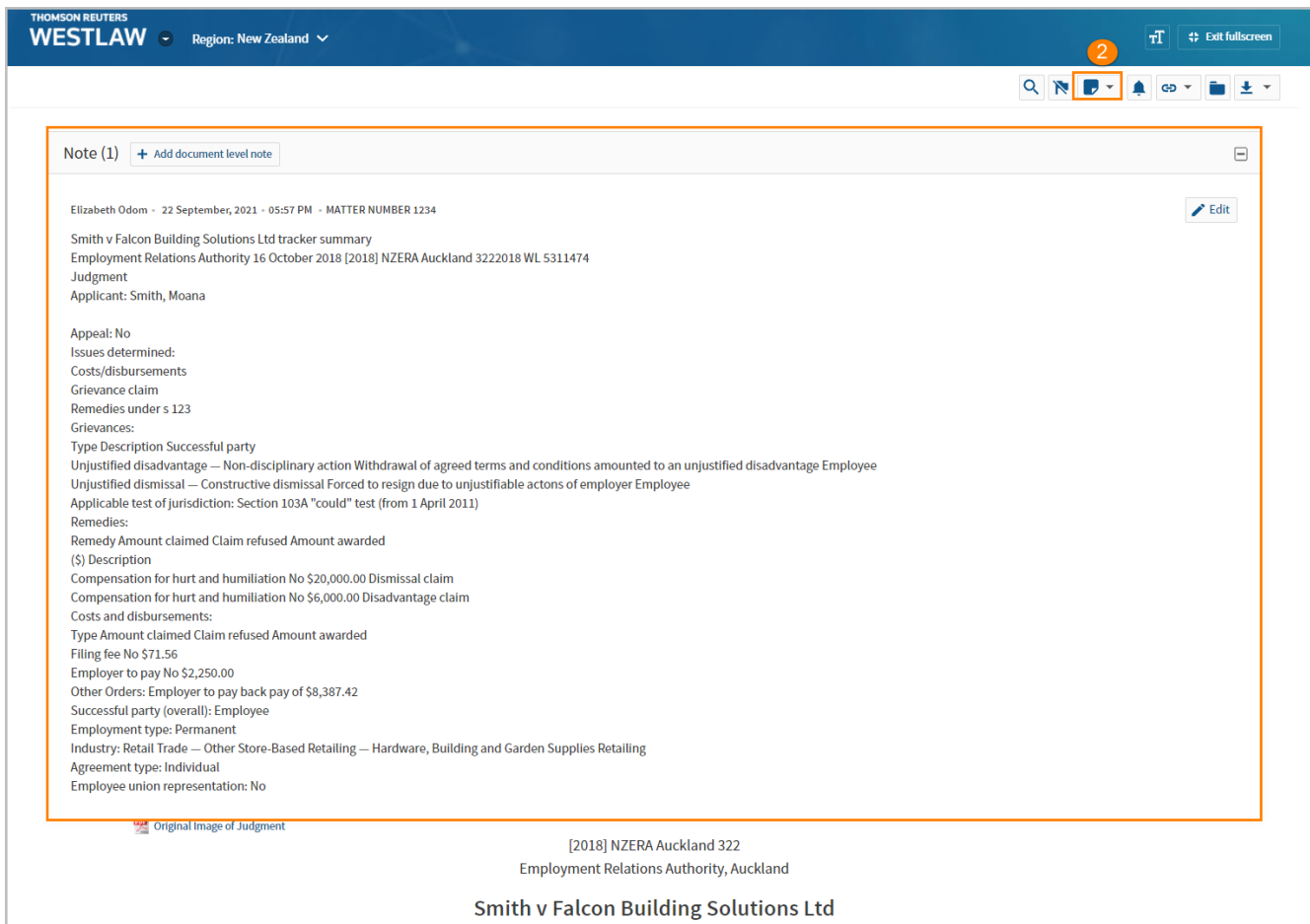
Close

Copy and Paste Summary Results

1. Case summary results can be copied into a Microsoft Word document.



2. To download the tracker summary and full text judgment in one document, copy the text of the tracker summary and paste it as a document annotation into the full text judgment.



3. You can then print or download the full text judgment and include your annotations.

THOMSON REUTERS
WESTLAW Region: New Zealand

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Note (1) + Add document level note

Elizabeth Odom - 22 September, 2021 - 05:55

Smith v Falcon Building Solutions Ltd tra
Employment Relations Authority 16 Octo
Judgment
Applicant: Smith, Moana

Appeal: No
Issues determined:
Costs/disbursements
Grievance claim
Remedies under s 123
Grievances:
Type Description Successful party
Unjustified disadvantage — Non-disciplinary action Withdrawal of agreed terms and conditions amounted to an unjustified disadvantage Employee
Unjustified dismissal — Constructive dismissal Forced to resign due to unjustifiable actions of employer Employee
Applicable test of jurisdiction: Section 103A "could" test (from 1 April 2011)
Remedies:
Remedy Amount claimed Claim refused Amount awarded
(\$) Description
Compensation for hurt and humiliation No \$20,000.00 Dismissal claim
Compensation for hurt and humiliation No \$6,000.00 Disadvantage claim
Costs and disbursements:
Type Amount claimed Claim refused Amount awarded
Filing fee No \$71.56
Employer to pay No \$2,250.00
Other Orders: Employer to pay back pay of \$8,387.42
Successful party (overall): Employee
Employment type: Permanent
Industry: Retail Trade — Other Store-Based Retailing — Hardware, Building and Garden Supplies Retailing
Agreement type: Individual
Employee union representation: No

Original Image of Judgment

[2018] NZERA Auckland 322
Employment Relations Authority, Auckland

Smith v Falcon Building Solutions Ltd