

**Laura Bowman**

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**From:** official information  
**Sent:** Tuesday, 22 February 2022 3:39 pm  
**To:** [REDACTED]  
**Cc:** official information  
**Subject:** Final Response: LGOIMA 21370 - [REDACTED] - Updated responses as per LGOIMA 21272 / workplace bullying and employment external legal costs.

**Importance:** High

Kia Ora,

I refer to your **information request below**, Hamilton City Council is able to provide the following response.

1. Last year we provided information for the previous 10 calendar years, concluding 31 December 2020 and additional information for the period between 1 January to 31 August 2021. Between 1 September 2021 to 5 January 2022, we have not received any bullying complaints and/or personal grievances.
2. Last year we provided information for the previous 10 calendar years, concluding 31 December 2020 and additional information for the period between 1 January to 31 August 2021. Between 1 September 2021 to 5 January 2022, we did not pay Tompkins Wake any monies to deal with bullying complaints and/or personal grievances.
3. Last year we provided information for the previous 10 calendar years, concluding 31 December 2020 and additional information for the period between 1 January to 31 August 2021. Between 1 September 2021 to 5 January 2022, we did not engage any additional external lawyers/consultants to investigate bullying complaints and/or personal grievances.
4. Last year we provided information for the previous 10 calendar years, concluding 31 December 2020 and additional information for the period between 1 January to 31 August 2021. For the period between 1 September 2021 to 5 January 2022, as with the previous periods, no monies have been paid as compensation for being bullied, unjustifiably disadvantaged and/or unjustifiably or constructively dismissed.

Some complaints and/or personal grievances have been resolved through full and final settlements. These settlements are entered into to resolve matters and are without admission of liability.

5. This information was provided previously in our response to your LGOIMA # 20391, which can be found in this email thread for your reference.
6. This information was provided previously in our response to your LGOIMA # 20391, which can be found in this email thread for your reference.
7.
  - A. Last year we provided up to date information on the amounts paid to Tompkins Wake for the following cases. The additional costs for the period between 1 September 2021 to 5 January 2022 are provided below:

Request	\$
i.	\$2704.80
ii.	Nil
iii.	Nil
iv.	Nil
v.	Nil

- B. The costs paid to all other external agencies in respect to the cases you specified is provided below:

Request	Purpose	External Agencies
i.	Nil	Nil
ii.	B&H	\$6,925.88

	Other	\$2,812.33
iii.	Facilitation	\$3,620.24
iv.	Nil	Nil
v.	Nil	Nil

8. Last year we provided available turnover information for selected units/teams. Below is the available turnover data for the period 1 September 2021 to 1 January 2022:

Unit	leavers	Percentage
Hamilton Zoo	6	12.63%
Human Resources	0	0.00%
Health and Safety	0	0.00%
Property Facilities	3	10.53%

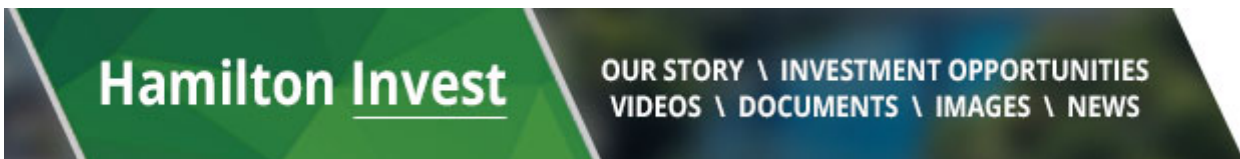
You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Kind Regards,

**Official Information Team**

Legal Services & Risk | People and Organisational Performance

Email: [officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)



**From:** [REDACTED]  
**Sent:** Wednesday, 5 January 2022 2:58 pm  
**To:** official information <[officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)>  
**Subject:** RE: FINAL RESPONSE: LGOIMA 21272 - [REDACTED] - Updated responses as per LGOIMA 20391 / workplace bullying and employment external legal costs.

Dear LGOIMA at Hamilton City Council.

Please provide an update from 1 September 2021 to 5 January 2022 for all the information you provided in your 29 September 2021 response, see your email below.

In an addition to those updates, we want more information in respect to the following:

*“The total amount paid to 30 August 2021 to law firm Tompkins Wake in the following cases:*

- i. Hamilton City Council versus [REDACTED]*
- ii. Defending HCC against [REDACTED] personal grievances.*
- iii. Defending HCC against [REDACTED] bullying complaint and personal grievances.*
- iv. Defending HCC against [REDACTED] personal grievance, and*
- v. Defending HCC against [REDACTED] personal grievance”.*

We now request the updated legal costs paid to law firm Tompkins Wake in respect to each of those five (5) cases but also all costs paid to all other external agencies in respect to:

1. Hamilton City Council versus [REDACTED]
2. [REDACTED]. We know that HCC engaged Everest Group to run an “investigation” and a Tauranga lawyer to state that [REDACTED] “Protected Disclosure” was not legitimate.
3. [REDACTED].
4. [REDACTED].
5. [REDACTED].

We look forward to receipt of the information within 20 working days.

Kind regards,

[REDACTED]

[REDACTED]

**CultureSafe NZ Ltd**  
**Nominee New Zealander of the Year Awards 2019, 2020 & 2022**  
**New Zealand’s leading anti workplace bullying advocate**  
Suite 3, 2nd floor  
Caro House  
137 Alexandra Street  
Hamilton 3204

[REDACTED]

[www.culturesafenz.co.nz](http://www.culturesafenz.co.nz)

**Due to various Covid-19 lockdowns since 25 March 2020 there have significant delays caused to MBIE mediations, ERA investigation meetings, and Employment Court hearings.**  
**Clients, please email me if you want to know whether your case is being progressed.**

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**From:** official information <[officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)>

**Sent:** Wednesday, 29 September 2021 10:16 AM

**To:** [REDACTED]

**Cc:** official information <[officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)>

**Subject:** FINAL RESPONSE: LGOIMA 21272 - [REDACTED] - Updated responses as per LGOIMA 20391 / workplace bullying and employment external legal costs.

Kia Ora,

I refer to your **information request below**, Hamilton City Council is able to provide the following response.

**Your Request**

2. The number of workplace bullying complaints and/or personal grievances received by Hamilton City Council (HCC), year by year, for the last 10-years.
3. The cost of external legal costs, law firm by law firm, year by year, for the last 10-years, to deal with those workplace bullying complaints and/or personal grievances and
4. The cost of additional external lawyers/consultants, year by year, for the last 10-years, engaged to investigate those bullying complaints and/or personal grievances
5. The amount of money paid, year by year, for the last 10-years, to complainants as compensation for being bullied, unjustifiably disadvantaged and or unjustifiably or constructively dismissed.

6. The amount paid to QEC to carry out the investigation (that found 38 failures in the processes used by HCC) into workplace bullying
7. The cost to HCC (internal and external) in rectifying of the 38 failures in the workplace bullying processes used by HCC.
8. In addition to what I have requested above, I also require the following:
  - A. The total amount paid to 30 August 2021 to law firm Tompkins Wake in the following cases:
    - i. Hamilton City Council versus [REDACTED]
    - ii. Defending HCC against [REDACTED] personal grievances.
    - iii. Defending HCC against [REDACTED] bullying complaint and personal grievances.
    - iv. Defending HCC against [REDACTED] personal grievance, and
    - v. Defending HCC against [REDACTED] personal grievance.
  - B. The total turnover of staff, year by year for the last 10 years in each of the following units/teams:
    - i. Hamilton Zoo
    - ii. Human Resources
    - iii. Health and Safety
    - iv. Property Facilities.

**Our Responses**

1. Earlier in the year we provided information for the previous 10 calendar years, concluding 31 December 2020. Between 1 January to 31 August 2021, we have received seven bullying complaints and/or personal grievances.
2. Earlier in the year we provided information for the previous 10 calendar years, concluding 31 December 2020. Between 1 January to 31 August 2021, we have paid Tompkins Wake \$18,515.09 to deal with those complaints and/or personal grievances.
3. Earlier in the year we provided information for the previous 10 calendar years, concluding 31 December 2020. Between 1 January to 31 August 2021, we did not engage any additional external lawyers/consultants to investigate those bullying complaints and/or personal grievances.
4. Earlier in the year we provided information for the previous 10 calendar years, concluding 31 December 2020. Between 1 January to 31 August 2021, as with the previous 10 years, no money has been paid as compensation for being bullied, unjustifiably disadvantaged and/or unjustifiably or constructively dismissed.

Some complaints and/or personal grievances have been resolved through full and final settlements. These settlements are entered into to resolve matters and are without admission of liability.

5. This information was provided previously in our response to your LGOIMA # 20391, which can be found in this email thread for your reference.
6. This information was provided previously in our response to your LGOIMA # 20391, which can be found in this email thread for your reference.
7.
  - A)i. \$99,540.07
  - A)ii. \$17,785.49
  - A)iii. \$729.60
  - A)iv. Nil
  - A)v. Nil

Due to systems changes that have occurred throughout the duration of your proposed 10-year turn over, we are unable to provide the information as far back as you have requested as this would require substantial collation. Therefore, we are refusing this request in part as per [S 17\(f\) of LGOIMA](#).

Please see table below for our responses to Request 7B as far back as seven years.

Year	Turnover						
	B)i. Hamilton Zoo		B)ii. Human Resources		B)iii. Health & Safety		B)iv. Property Facilities
	Percentage	Leavers	Percentage	Leavers	Percentage	Leavers	

2014/2015	7.14%	2	8.00%	1	0.00%	0
2015/2016	19.35%	6	0.00%	0	0.00%	0
2016/2017	20.51%	8	30.77%	4	22.22%	1
2017/2018	17.20%	8	34.78%	4	0.00%	0
2018/2019	16.84%	8	25.00%	3	20.00%	1
2019/2020	23.66%	11	0.00%	0	22.22%	1
2020/2021	23.66%	11	6.25%	1	44.44%	2

Earlier in the year we provided information for the previous 10 calendar years, concluding 31 December 2020. Between 1 January to 31 August 2021, the turnover within Facilities was 29.09% (8 leavers).

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

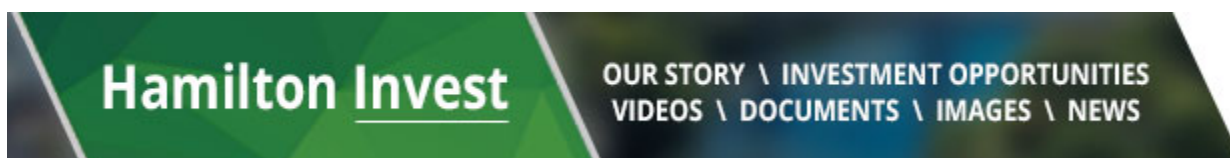
Kind Regards,

**Tatiyana** | Official Information & Legal Support Advisor  
 Legal Services & Risk | People and Organisational Performance  
 Email: [officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | [www.hamilton.govt.nz](http://www.hamilton.govt.nz)

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**From:** [REDACTED]  
**Sent:** Monday, 30 August 2021 9:03 pm  
**To:** official information <[officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)>  
**Cc:** [REDACTED]  
**Subject:** FW: LGOIMA 20391 - CultureSafe NZ Ltd Official Information Act request. Workplace bullying and employment external legal costs.

Dear Michelle,

Please update the figures provide in your email of 15 February 2021 below, to reflect the current situation for each of the questions you answered.

It is noted that you must have inadvertently put down the incorrect figure for question 4 as Nil is a blatant lie. As a union delegate and Director of CultureSafe NZ Ltd, I have been involved with settlements over the past 10-years that total in the hundreds of thousands of dollars. PWC chastised Hamilton City Council in a 2015 audit for not disclosing confidential settlement figures, as they are required to be publicly declared. You can advise departing chief executive Richard Briggs that I will be lodging a formal complaint with the Ombudsman if the correct figure is not provided for question 4 in 20-working days' time.

In addition to what I have requested above, I also require the following:

1. The total amount paid to 30 August 2021 to law firm Tompkins Wake in the following cases:
  - a. Hamilton City Council versus [REDACTED]

- b. Defending HCC against [REDACTED] personal grievances.
- c. Defending HCC against [REDACTED] bullying complaint and personal grievances.
- d. Defending HCC against [REDACTED] personal grievance, and
- e. Defending HCC against [REDACTED] personal grievance.

2. The total turnover of staff, year by year for the last 10 years in each of the following units/teams:
  - a. Hamilton Zoo,
  - b. Human Resources,
  - c. Health and Safety,
  - d. Property Facilities.

I look forward to receipt of this information within the mandatory 20-working days.

Kind regards,

[REDACTED]

[REDACTED]

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**Due to various Covid-19 lockdowns since 25 March 2020 there have significant delays caused to MBIE mediations, ERA investigation meetings, and Employment Court hearings.**  
**Clients, please email me if you want to know whether your case is being progressed.**

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**From:** official information <[officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)>  
**Sent:** Monday, 15 February 2021 10:02 AM  
**To:** official information <[officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)>; [REDACTED]  
**Subject:** RE: LGOIMA 20391 - CultureSafe NZ Ltd Official Information Act request. Workplace bullying and employment external legal costs.

Kia ora

I refer to your information request below, Hamilton City Council is able to provide the following response.

1. **the number of workplace bullying complaints and/or personal grievances received by Hamilton City Council (HCC), year by year, for the last 10-years.**

2011	10
2012	10
2013	7
2014	7

2015	5
2016	9
2017	8
2018	5
2019	7
2020	10

2. **the cost of external legal costs, law firm by law firm, year by year, for the last 10-years, to deal with those workplace bullying complaints and/or personal grievances and**

2011	\$	17,348.00
2012	\$	29,027.46
2013	\$	39,589.92
2014	\$	59,603.56
2015	\$	43,746.42
2016	\$	19,344.64
2017	\$	20,974.98
2018	\$	2,392.00
2019	\$	12,843.20
2020	\$	33,305.08

Following review of Council’s records, staff understand that Council has only engaged Tompkins Wake on these matters.

3. **the cost of additional external lawyers/consultants, year by year, for the last 10-years, engaged to investigate those bullying complaints and/or personal grievances**

2011	No information held
2012	No information held
2013	No information held
2014	\$ 7,361.96
2015	\$ 18,716.25
2016	\$ 20,700.00
2017	\$ 23,000.87
2018	\$ 15,962.28
2019	\$ 27,772.31
2020	\$ 37,420.42

Please note, invoices are not kept beyond the seven years required under legislation. In addition we were unable to locate an invoice for an investigation completed in 2014. This part of your request is therefore refused pursuant to section 17(e) of LGOIMA - A request made in accordance with section 10 may be refused because the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found. Staff were able to provide the complete information for question 2 as the earlier information was retained on file within the People, Safety and Wellness Unit.

4. **The amount of money paid, year by year, for the last 10-years, to complainants as compensation for being bullied, unjustifiably disadvantaged and or unjustifiably or constructively dismissed.**

Nil.

5. **The amount paid to QEC to carry out the investigation (that found 38 failures in the processes used by HCC) into workplace bullying**

We are unable to locate the invoices for the work completed by QEC . This part of your request is therefore refused pursuant to section 17(e) of LGOIMA - A request made in accordance with section 10 may be refused because the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

6. **The cost to HCC (internal and external) in rectifying of the 38 failures in the workplace bullying processes used by HCC.**

We are unable to quantify the cost to HCC in addressing the recommendations made by QEC as no records of staff time on this matter have been kept by Council. This part of your request is therefore refused pursuant to section 17(g) of LGOIMA - A request made in accordance with section 10 may be refused because that the information requested is not held by the local authority and the person dealing with the request has no grounds for believing that the information is either held by another local authority or a department or Minister of the Crown or organisation; or connected more closely with the functions of another local authority, or a department or Minister of the Crown or organisation.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Kind regards,

**Michelle**

Official Information Team

Email: [officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)

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**From:** official information

**Sent:** Tuesday, 12 January 2021 1:21 PM

**To:** [REDACTED]

**Cc:** official information <[officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)>

**Subject:** RE: CultureSafe NZ Ltd Official Information Act request. Workplace bullying and employment external legal costs.

Kia ora

I write to acknowledge your information request of 06 January 2021 as below.

Please be advised that your request has been passed on to the relevant team within Council and you will be informed of the outcome.

The Local Government Official Information and Meetings Act 1987 requires that we advise you of our decision on whether the Council will provide the requested information or not "as soon as reasonably practicable", no later than 20 working days after the day we received your request. We will respond to you no later than Monday 15 February 2021

The response date shown takes into account the following non-working days under the Local Government Official Information and Meetings Act 1987:

- Summer holidays (25 December to 15 January)
- Waitangi Day (6 February 2021)
- Waitangi Day observed (8 February 2021).



Regards,

Michelle Hawthorne

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**From:** [REDACTED]

**Sent:** Wednesday, 6 January 2021 3:12 PM

**To:** 'richard.briggs@hcc.govt.nz' <[richard.briggs@hcc.govt.nz](mailto:richard.briggs@hcc.govt.nz)>

**Subject:** Official Information Act request. Workplace bullying and employment external legal costs

Dear Richard,

This is an Official Information Act 1982 request for:

- the number of workplace bullying complaints and/or personal grievances received by Hamilton City Council (HCC), year by year, for the last 10-years, and
- the cost of external legal costs, law firm by law firm, year by year, for the last 10-years, to deal with those workplace bullying complaints and/or personal grievances and
- the cost of additional external lawyers/consultants, year by year, for the last 10-years, engaged to investigate those bullying complaints and/or personal grievances
- the amount of money paid, year by year, for the last 10-years, to complainants as compensation for being bullied, unjustifiably disadvantaged and or unjustifiably or constructively dismissed.
- The amount paid to QEC to carry out the investigation (that found 38 failures in the processes used by HCC) into workplace bullying and
- The cost to HCC (internal and external) in rectifying of the 38 failures in the workplace bullying processes used by HCC.

I look forward to receipt of this information within 20-working days.

Kind regards,

[REDACTED]

[REDACTED]

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Hamilton 3204

[REDACTED]

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**Due to the ongoing restrictions of the Covid-19 level-4, level-3, level-2 & level-1 lockdowns that have been in force since 25 March 2020 interactions in person with clients, and employers, have been seriously compromised.**

**MBIE mediations, ERA investigation meetings, and Employment Court hearings are now being scheduled.**

**Clients, please email me if you want to know whether your case is being progressed.**