

Employment Relations Case Studies

The letter to the newspaper:

James is a project management at TL Consulting Limited. James is a very principled guy – he has high standards and sticks to them, he is always ready to defend someone who has been unfairly maligned and believes in fairness and equity in the workplace. However, sometimes this philosophy gets him in to trouble.

A couple of months ago, James believed his manager was 'bullying' another staff member called Ruth who is 20 years old. James came to her aid, helped her to seek assistance from the union and informed management of this bullying situation. It seems that management were aware that this manager had in the past bullied her staff but had chosen to take no action. Although most employees were pleased that James had become involved in Ruth's situation, some were not. These staff preferred not to 'rock the boat' and tried to avoid involvement in any potentially confrontational situations. Some members of management were also unhappy with James' involvement in what they viewed was a 'staff issue'. They saw James as a troublemaker and believed that in the past James had been overtly critical of management decisions.

This management dissatisfaction with James' involvement in the 'Ruth issue' led to many emails being sent back and forth between management and James. Of course, James wanted everyone in the company to know what management were up to and always provided a copy of the emails to all employees. This further upset management, but things eventually settled down and work carried on as usual.

However, last week James heard about another 'bullying' incident between the same manager and another young new employee. He confronted management about it and they told him to mind his own business. James decided to write to the local newspaper outlining the situation. The letter James sent to the local newspaper was published last Thursday. When management became aware of the letter, James was told that this was a serious misconduct matter. Management want to have a meeting with James to discuss the letter. James has agreed to such a meeting provided that the actions of the manager who bullies staff and the actions of management in allowing this to happen are also on the agenda.

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Questions:

1. Why do you think management considered James's actions 'serious misconduct'?
2. If you were management, would you agree to meeting with James on the conditions he has outlined? Give reasons for your answer.
3. Assume James's position was terminated as a result of the allegation of serious misconduct. He then files a personal grievance claim on the basis of unjustified dismissal. You are a mediator for the Employment Service, discuss how you would moderate this case.