**DRAFT PERSONAL GREIVANCE / UNPAID WAGES & LEAVE CLAIM - TEMPLATE**

[Your name]

[Your address]

[Your email]

[Date]

[Employer’s Name]

[Employer’s Address]

Dear [Employer’s name],

**RE: Personal Grievance** **and claim for wages and holiday pay**

1. I am raising a personal grievance for [unjustified dismissal/unjustified disadvantage/sexual or racial harassment/other or “an employment relationship problem” (if the grievance does not fit within a specific category)].

**Background**

1. *[Outline the facts of what has happened*]:

* When did it all start?
* What happened?
* Who was involved?
* Why was it unfair or unjustified?
* How did you react?
* How did it end?
* How did you feel at each stage?]

*[Some things you could include:]*

1. I started working at *[employer]* as a *[job title]* on *[date]*.
2. I am on an Accredited Employer Work Visa. It is a condition of my visa that I work as a *[eg Restaurant Manager*] with *[employer]* in *[location]* at an hourly rate of at least *[$29.66]*.
3. My employment agreement stated that I he would be paid an hourly wage of *[$29.66]* and would work *[Monday to Sunday according to a roster]*. My hours of work would be between *[10.30am to 9.00pm for a minimum of 30 hours a week*.  *My agreement said I would / would not be paid overtime.]*
4. My actual hours of work were *[11.00am – 2.30pm and 5.00 pm– 10.00pm, Mondays – Saturdays]*. Sometimes I finished work at *[10.30pm or even 11pm]*. *[Sometimes between the morning and afternoon shifts, I had to buy supplies for the restaurant or do takeaway deliveries]*.
5. On average I worked *[55 hours each week].*
6. *[I kept a record of the hours I worked each week. A copy of this record is* ***attached.****]*
7. I received *[$900 a week in cash as wages / $900 paid into my bank account*].
8. *I did not receive any payslips / my payslips recorded that I was paid for 30 hours a week]*.
9. I asked *[Manager]* to pay me for the actual hours I worked but I was ignored.
10. *[Explain other working conditions eg did you have breaks? Were you required to carry out duties that were not within your job description?]*
11. *Other things you can include if relevant eg did you pay for the job (a premium)? Did you ask for sick leave or annual leave and was this denied? Were you required to work on a statutory public holiday, and if so, did you get paid time and a half and receive another day’s pay?*
12. *[Set out the circumstances of your dismissal if your employment was terminated eg When I asked my Manager to pay me my wages owing, he told me that they had received complaints about me from customers and he was going to terminate my employment.]*

**Unpaid wages and leave entitlements**

1. The table below records the hours that I worked according to the work diary I kept, and the hours recorded in my payslips / the hours I was paid for. The table also sets out the weekly wages I was paid, and the wages I am owed in accordance with my employment agreement.

*[Note this table is just to show you the sort of information you can include to support your claim. You will need to tailor it to your particular facts]*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Week worked (work ending)** | **Hours worked accord-ing to payslip** | **Actual hours worked according to my work diary** | **Wages paid (gross)** | **Wages I should have been paid** | **Shortfall in wages** | **Notes / public holidays** |
| 9 - 15 Oct 2023 | 30 | 55 | $889.80 | $1,628.00 | $738.20 |  |
| 16 – 22 Oct 2023 | 30 | 56.5 | $889.80 | $1,675.79 | $785.99 |  |
| 23 – 29 Oct 2023 | 30 | 54 | $889.80 | $1,601.64 | $711.84 | 23 Oct was a public holiday (Labour Day); I worked but was not paid time and a half or given an extra paid day off |
| **Total** |  |  |  |  | **$2,236.03** | Statutory holiday pay for working on Labour Day |

1. *[When my employment ended, I received a final payslip but it did not include my annual leave owing to me. It also did not include the 4 weeks’ notice period.]*

**Unjustified Disadvantage / Dismissal etc.**

1. *[Outline why you believe your dismissal was unfair / unjustified and/or the terms of your employment disadvantaged you.]*

**Impact**

1. As a result of your actions, I suffered the following consequences:

* [Stress
* Humiliation
* Lost wages
* Other]

**Moving Forward**

1. In order to resolve this grievance I request the following:

* *[An apology]*
* *An agreed written reference*
* *Agreement that neither party will speak ill of each other*
* *Reinstatement*
* *Payment of lost wages for [time period] to the date of resolution of the personal grievance / for 3 months, which is the period of time it took me to find work again*
* *Payment of holiday pay*
* *Compensation for hurt and humiliation under section 123(1)(c)(i) of the Employment Relations Act [there is no need to ask for a specific amount at this stage].*

*[Specific dollar amounts are not required at this stage].*

1. *I wish to meet to resolve this grievance. I would like to invite you to attend a meeting/mediation at [specific Mediation Service/other location].*
2. Please reply to this letter and state whether or not you agree to meet / go to mediation. You are welcome to reply to either the postal address or email address above.

Yours sincerely,

[Your name]

Enclosed [any supporting documentation you wish to include]

[Note: Personal Grievances must be raised for events that have already occurred, not anticipated events, you must raise a personal grievance within 90 days of the incident occurring]