

OC230806

29 September 2023

Tēnā koe

I refer to your email/letter dated 11 September 2023, requesting the following under the Official Information Act 1982 (the Act):

*"Policies, guidelines, and/or general information provided to Ministry of Transport employees regarding working from home or other flexible/remote/hybrid working arrangements that were in effect before 21 March 2020.*

*Policies, guidelines, and/or general information provided to Ministry of Transport employees regarding working from home or other flexible/remote/hybrid working arrangements that have been put in place or changed on or after 21 March 2020.*

*Policies, guidelines, and/or general information regarding reasonable accommodations for disabled employees at the Ministry of Transport that were in effect before 21 March 2020.*

*Policies, guidelines, and/or general information regarding reasonable accommodations for disabled employees at the Ministry of Transport that have been put in place or changed on or after 21 March 2020."*

The following documents fall within the scope of your request and are enclosed:

- Flexible by default FAQs, manager, team, and employee tips
- Flexible by default step by step guide
- Reasonable accommodation policy
- TMW Flexible Working draft 2023
- What is flexible by default key principles

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā

S Will ms

Suzanne Williams  
**HR Manager**

# Flexible-work-by-default

## Frequently asked questions

### Q. Are all employees eligible for flexible work arrangements?

A. Yes, specific provisions apply under Part 6AA of the Employment Relations Act 2000, these are: All employees can request a change to their working arrangements at any time in their employment term. Employees can make as many requests for flexible work arrangements as they like in any 12 month period.

### Q. Do I need to earn my right to flexible working?

A. Flexible working is not an entitlement, reward or something that needs to be traded off against salary or other conditions of work. Flexible work can be part of a role's design upfront and new starters can have the same conversation with their teams regarding flexible work as other employees.

### Q. What do I need to consider in making an application for a flexible work arrangement?

A. It is the responsibility of the employee to look at the flexible work arrangement options, determine which will suit them and to make an application considering the potential impact on business needs, their role and the team. Ongoing check-in points for employee and manager should be agreed and scheduled in to review how the arrangement is working.

### Q. I'm unsure how it will affect the team, can I do this on a trial basis?

A. It is a good idea to consider a trial period to assist with the decision of a possible longer-term change. If the trial is successful, then the longer-term arrangement should have an end or review date set at the outset.

### Q. How do I ensure the health, safety and wellbeing requirements are being met when working from home or remotely?

A. Be proactive. Health and Safety guidelines for working from home or remotely are available on Discover [here](#). There are different requirements depending on why working from home or remote working is in place. If requesting a working from home or remote working arrangement, employees will be required to fill in a ['working from home or remotely' agreement](#) and attach this to their application for a flexible work arrangement. Additional advice and information is available from HR.

### Q. Can everyone work flexibly at the same time?

A. Flexible-by-default has to work for employees, managers, teams and the Ministry. Managers and teams should proactively discuss how flexibility might work, given the nature of their work. It is unlikely, for instance, that many teams could operate effectively if there was one day a week when no one worked. On the other hand, there may be times when the way teams work has to change significantly, like after earthquakes or during pandemics.

### **Q. Will colleagues working flexibly mean I will have to cover for them?**

A. Managers will be considering how flexible arrangements can work for the team as a whole. They will be talking with their teams about how it might work, while maintaining or enhancing delivery and without negatively impacting on team members who don't work flexibly. Flexible employees and managers also share responsibility for making flexibility work in an ongoing way. Teams can agree on some norms of behaviour (in a team charter for instance) to ensure everyone plays their part.

### **Q. Who should initiate the application for flexible work arrangements?**

A. It is the responsibility of the employee to initiate an application for flexible work. It is the responsibility of the Ministry (employer) to provide a process for its employees (managers and workers) to follow in applying for a flexible work arrangement. Details about the application process is available on Discover [here](#).

### **Q. What if it's not possible to accommodate the flexible working option requested?**

A. It is recommended managers explore other options within the flexible work arrangements that the Ministry offers with the individual who has made the request. But in the event where a flexible working arrangement is not viable, the reason needs to be provided to the individual who made the request within one month of their request.

### **Q. How long will it take for my application to be approved/declined?**

A. An employer is required to respond to an employee's request for flexible work within one calendar month of receiving the written application.

### **Q. What if my application is declined?**

A. There are a number of grounds which the Ministry can decline an application. These include:

- It is not practical to distribute work among current employees
- You are unable to recruit additional employees (e.g. in the case of job share)
- The arrangement may have a detrimental impact on quality or performance
- An insufficiency of work during the period the employee wishes to work
- Future plans for structural changes
- Additional burden or cost for the organisation
- Arrangement cannot easily be accommodated
- Potential detrimental effect on the ability to meet customer demands
- A potential detrimental effect on the ability to meet team demands.

If an employee's request is declined, they will be notified by their manager in writing and reasons for that decision given.

### **Q. How often should flexible work arrangements be reviewed?**

A. Regularly. Initially this could be at the one-to three-month mark. After that, have six-monthly review linked to the half and full-year talent/performance management cycle.

### **Q. Can a flexible work arrangement be changed?**

A. Yes, if either the employee or manager wants to change the arrangement, this needs to be discussed and agreed on by both parties. Neither the manager nor an employee can change an arrangement on their own, without getting agreement from the other person.

### **Q. What if it's not working?**

A. It is recommended that you first have a chat with your HR Business Partner to see what can be done to make it work. Otherwise, a flexible working arrangement may be terminated, if determined that it is negatively affecting an individual's performance, or the performance of the team.

### **Q. What happens if I am working flexibly and would like to return to my original work arrangement?**

A. Should an employee wish to change their flexible working arrangement, they will need to discuss this with their manager and get agreement on the new arrangement. This may require going through the application process again, pending nature of the change.

### **Q. What happens if meetings, training sessions or other important events are scheduled at times when a team member is working from home or remotely?**

A. There will be times when work events and meetings are scheduled outside of a flexible worker's office hours. Managers and their teams should work together to determine how best to manage the situation. There may need to be some flexibility from both sides to make the arrangement work.

### **Q. Is flexible working just working from home?**

A. Flexible working is about rethinking the where, when and how work can be done. It is more than just working from home or part time. It can include flexible hours, remote working, career breaks, job sharing, study leave, flexible rostering and much more.

### **Q. Is flexible working only for working mums or study?**

A. The approach of "if not, why not" democratises and normalises flexible working, regardless of the reason. For instance, flexible working can help reduce unnecessary stress on employees who seek to balance their paid work with a range of personal commitments, like caring for ageing parents, sick family members, or other whānau, community or religious responsibilities, or pursuing other interests. Lots of this type of flexibility takes place already, even though it might not be very visible.

### **Q. I would like to work flexibly but I'm worried it will have a negative impact on my career.**

There are many successful individuals who have been promoted while working flexibly. By moving to flexible-by-default, and normalising flexible working it will be less likely to impact on career progression. We will be monitoring flexible-by-default to help ensure flexible working does not impact on career progression.

**Q. Flexible working will only work in some roles, like back-office roles.**

**Q. You can't be a manager or leader and work flexibly.**

While employees in service-delivery roles may not be able to work from home, there are other flexible working arrangements that should be possible, such as job-sharing or flexible rostering. Context matters. Flexible options that will work for a business support coordinator for example, may be different from those that can work for a policy adviser, but both employees can still have access to some flexible options. Teams working in these types of roles can develop their own processes to ensure delivery continues. There are already managers and leaders who work flexibly, either shifting their hours, or working from home.

**Q. How is flexibility treated if there is a restructure or change process?**

A. There will be implications. Any new role will have to be renegotiated unless it is the same role.

**Q. How can I manage people working flexibly and still deliver when we don't have all the right technology?**

Imperfect technology can make some types of flexible working harder for employees and managers than it needs to be, but it is not an insurmountable barrier if employees and managers consider workarounds or other types of flexibility.

The Ministry will provide employees with a standard technology kit to assist them to work from home or remotely. This includes a laptop, mobile phone and headset. Any requests for additional ICT equipment must be relevant to the role and will be considered by the Ministry on a case by case basis.

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THE OFFICIAL INFORMATION ACT 1982

# Flexible-by-default

## Tips for managers

Managing flexible-by-default teams. You are likely to be familiar with, and already operate in many of the ways suggested below. If you are not already working with flexible teams, however, we hope that some of these suggestions will be useful.

Raise awareness about flexible working by:	<ul style="list-style-type: none"><li>• sharing the summary of flexible-by-default key messages and the <a href="#">Principles of flexible-by-default</a> especially the principles on 'Works for the role', 'Works for team', 'Mutually beneficial' and 'Requires give and take'</li><li>• discussing benefits and opportunities presented by flexible working AND the challenges and how these can be addressed – don't wait for individual requests to have these conversations</li><li>• ensuring employees know where to find information on your <a href="#">Ministry's flexible-by-default guidance</a> and how to make requests</li><li>• sharing information on the <a href="#">types of flexible working available</a> to your team any options that might be impractical or unworkable and why</li><li>• ensuring that employees making the request know that involving the team is part of the process</li><li>• ensuring that privacy considerations are met (e.g. the reasons for a request are only relevant when discussing what type of flex options might work and an employee may not want these reasons shared with others in the team).</li></ul>
Foster cohesion by:	<ul style="list-style-type: none"><li>• Adopting a team-based approach to managing flexible working. For instance, when you have approved a request, discuss how it will be managed with your team. Enable team members to raise any concerns and work through these as a team</li><li>• being aware that most teams work with other teams in an Ministry and ensuring that you and your team also consider the impact of flexible arrangements on other teams and how this aspect of your team's responsibilities can be managed</li><li>• involving the team in setting flexible working norms, such as clarifying when and where team members are working, when and how they can be reached</li><li>• treating off-site employees as if they were in the office and avoiding shifting incidental or urgent work to employees you can see</li><li>• avoiding siloed working. One team member may lead a piece of work while another team member in a supporting role can provide coverage when a flexible employee is not working. This will also provide coverage when an employee is sick or on leave</li><li>• setting regular times when the team can meet face-to-face and if this is not possible use teleconferencing technology.</li></ul>
Clarify respective expectations and responsibilities with flexible employees by:	<ul style="list-style-type: none"><li>• being clear that flexible arrangements need to work for the Ministry, the team and the employee</li><li>• being clear that flexible employees are responsible for maintaining delivery and that you will trust them to do this</li><li>• considering review periods to test how arrangements are working with the Ministry, the team and the employee</li></ul>



Support employee wellbeing when employees work remotely by:

- making regular times to review how things are going with employees working flexibly and the team, and whether adjustments or clarifications are needed
- agreeing when and how flexible employees will be available, how they can be contacted and whether they can shift times and hours to cover unexpected work and/or times when face-to-face engagement is important,
- such as in Māori settings, with Ministers, when establishing relationships with stakeholders, or when discussing sensitive or tough issues
- recording agreements with your employee – an email may be sufficient.

Foster inclusion within the team by:

- maintaining regular professional and informal contacts, remembering that you will have fewer incidental opportunities to check the health and wellbeing of employees working remotely and ensure they continue to feel part of the team
- encouraging regular informal interactions between team members working in the office and those working remotely
- being clear that employees working remotely are not expected to be available at any hour
- encouraging employees to take breaks and establish clear distinctions about when they are 'at work' and when they are not

Support culture change by:

- taking an 'if not, why not' approach to requests for flexible arrangements from all team members
  - distributing work evenly – employees working flexibly need to share in both the urgent, unexpected work and the long-term, challenging projects
  - treating employees working offsite as if they were in the office and avoid shifting incidental or urgent work to employees you can see
  - distributing development opportunities equitably – flexible workers, especially part-time workers, can miss out on these opportunities and this can contribute to slower career progression
  - ensuring that in meetings you deliberately make space for the contributions of people who are participating remotely.
- considering how you can visibly model flexible working, if you don't already
  - 'sense checking' for your own bias when responding to requests. For instance, when an employee discusses their reason for wanting a flexible working arrangement, and you explore what options might work, is your response more positive when the reason is familiar (such as, female employees with caring responsibilities) and less positive when the reason is unfamiliar (such as, employees with cultural or religious responsibilities)
  - 'sense checking' for assumptions about flexible workers, such as that they are less committed to their work or able to take on stretch roles
  - guarding against the emergence of negative outcomes like work intensification or expectations of employees being available 24/7
  - highlighting and sharing examples of flexibility working well
  - seeking support from other managers, or your HR team if you are facing challenges.

Manage outcomes and trust by:	<ul style="list-style-type: none"> <li>• setting clear expectations about quality standards and timelines for delivery</li> <li>• focusing on the outputs produced by team members, more than how, where and/or when they are achieved</li> <li>• communicating what you need from your team to feel confident their work is on track</li> <li>• discussing performance regularly, rather than waiting for formal review times, when the stakes are higher</li> <li>• planning work allocation with the team so everyone knows what work is being done by who. This can support accountability for delivery within the team</li> <li>• remembering that when you have many team members working remotely, the structure and processes that work naturally in an office need to be replaced with more deliberate communications and expectations.</li> </ul>
Distinguish between issues with the flexible arrangement and performance issues by:	<ul style="list-style-type: none"> <li>• regularly discussing how the flexible arrangement is working. This will help ensure solutions to any issues with the arrangement itself are addressed as they arise</li> <li>• having assured yourself that the flexible arrangement is not the problem. If there are performance issues with an employee who works flexibly, deal with them as you would for an employee who doesn't work flexibly.</li> </ul>
Consider solving business problems by:	<ul style="list-style-type: none"> <li>• considering when flexible working may provide solutions to business problems (e.g. to help fill hard-to-fill roles, to extend coverage of service delivery or during peak work periods)</li> <li>• considering whether changes to the nature and scope of roles within your team might make flexible options more workable while delivering on team objectives.</li> </ul>
Contribute to continuous improvement by:	<ul style="list-style-type: none"> <li>• sharing your experiences, including challenges, with other managers and the human resources teams as part of the Ministry's monitoring process.</li> </ul>



## Flexible work application - manager's response form

This form can be used to approve your employee's request, approve an alternative arrangement or decline a request

This form can be cut and paste into an email.

Date of response	
Employee's full name	
Position	
Manager's name	
Manager's title	

I have considered your request for a variation to your working arrangements (attached) and I can confirm that i have approved your request for:

*Add details of arrangements including place(s), days and times of work OR details for reasons to decline*

Your new working arrangement will commence from:

Start Date		Finish Date (if temporary)	
If <u>permanent</u> we will review the arrangement after a 3 month trial period – <b>insert 3 month date</b>			

Signed by manager:

### Note to employee:

If you have any questions on the information provided on this form, please contact me as soon as possible to discuss. Please note that the change in your working arrangement will be a permanent change to your terms and conditions of employment unless a specified period of time is identified and agreed for which the new arrangement will last. If the change is permanent, you will have no right to revert to your previous working arrangement unless both parties agree. If working from home is part of this arrangement then you are responsible to ensure your home environment is set up appropriately to work safely.

# Flexible-by-default

## Tips for employees

You are likely to be familiar with and already operate in many of the ways suggested below. If you are not already working flexibly, however, we hope that some of these suggestions will be useful.

<p>If requesting flexible working, prepare yourself by:</p>	<ul style="list-style-type: none"><li>• familiarising yourself <a href="#">with the Principles of flexible-by-default</a>, especially the principles on 'Works for the role', 'Works for the team', 'Mutually beneficial' and 'Requires give and take'.</li><li>• familiarising yourself with your Ministry's flexible-by-default guidance including the <a href="#">flexible working options</a> which might work for your type of role</li><li>• reviewing the tips in this <a href="#">guide for managers</a> and <a href="#">teams</a> so you are familiar with shared expectations</li><li>• • being prepared to discuss any impacts with your manager and the team. You do not have to have the answers when you make a request but be prepared for this conversation.</li></ul>
<p>Clarify respective expectations and responsibilities with your manager by:</p>	<ul style="list-style-type: none"><li>• asking your manager what they need from you to feel confident that your work is on track</li><li>• being aware of your work responsibilities outside your immediate team</li><li>• letting your manager know if you can shift your hours or location when</li><li>• unexpected work arises or face-to-face engagement is important and agreeing whether you can trade with other hours or days off</li><li>• having ongoing review conversations with your manager about how the</li><li>• arrangement is working and helping find solutions to any issues if they arise</li><li>• being aware that if the arrangement is no longer mutually beneficial, managers and employees should discuss what has changed and consider alternative arrangements.</li></ul>
<p>Contribute to team cohesion by:</p>	<ul style="list-style-type: none"><li>• sharing your hours and contact details with colleagues (including with</li><li>• colleagues you work with outside your immediate team) by:<ul style="list-style-type: none"><li>• using your calendar to show when you are working remotely</li><li>• stating your hours/days in your signature block</li><li>• using out of office email and voicemail when you are</li></ul></li><li>• unavailable, include when you will respond in the message</li><li>• maintaining professional and informal contacts with your colleagues, if you work remotely or different hours, remembering that you may have fewer incidental opportunities for updates and check-ins with colleagues.</li></ul>
<p>Self-manage by:</p>	<ul style="list-style-type: none"><li>• developing your time management skills if necessary</li><li>• talking with your manager about how they would like to be kept in touch with your progress and with any risks to delivery. If you are working remotely or different hours you may have fewer incidental opportunities for updates and check-ins with your manager</li><li>• briefing your manager in advance if a work issue might arise in times or on</li><li>• days you are not working, including how you propose the issue be dealt with.</li></ul>
<p>Make the most of the available technology by:</p>	<ul style="list-style-type: none"><li>• seeking support to upskill in your Ministry's technology, if you need to e.g. to support self-management, team collaboration etc.</li><li>• seeking 'workarounds' where technology solutions are unavailable and sharing what you have learnt with other flexible workers.</li></ul>
<p>Contribute to continuous improvement of flexible-by default by:</p>	<ul style="list-style-type: none"><li>• proactively discussing with your manager any issues with your flexible- working arrangement and helping to find solutions</li><li>• considering recording the times you work if you work non-traditional hours or off site. This can help you identify if you are working more than your agreed hours and help you if you need to raise this with your manager</li><li>• sharing your experiences, including challenges, with other employees across the Ministry as part of the Ministry's monitoring process.</li></ul>

## Flexible work application form

Details can be cut and paste into an email, but must be complete and accurate. All applications for working from home or remote arrangements must include a signed '[working from home or remotely agreement](#)' by the employee.

Full Name		Date	
Job Title			
Manager Name			

I would like to request a variation to my current working arrangements which are:

Place(s) of work	
Days and hours of work	

**My proposed working arrangement is:**

*(This may be a combination of two arrangements or a different version. Refer to [guidance on flexible work options](#))*

Place(s) of work If more than one location state both address's	Full street address(s)
Days and hours of work If working from home specify both hours at work and home	If flexitime state hours to work between

**I would like the new working arrangement to be permanent and start from:**

*(Please write in full - Day of the week, Date, Month and Year and allow at least one month's notice of start date)*

**I would like the new working arrangement to be temporary**

*(Please write in full - Day of the week, Date, Month and Year and allow at least one month's notice of start date)*

**Starting:**

**Finishing:**

**If applying to work from home or remotely please include additional technology requirements/requests here:**

**I believe that the new working arrangements;**

Complete all relevant sections, if there are no benefits or impacts on a specific group state 'Not Applicable'

will benefit <u>me</u> by	
will benefit the <u>business</u> (and <u>employer</u> ) by	
will benefit the <u>team</u> by	
will benefit the <u>customers</u> by	
could have the following <u>impacts</u> for the <u>business</u> (and <u>employer</u> )	
could have the following <u>impacts</u> for the <u>team</u>	
could have the following <u>impacts</u> for the <u>customers</u>	
I suggest we could <u>fix</u> the <u>impacts</u> by	

\_\_\_\_\_  
Signature of employee

\_\_\_\_\_  
Date

# Flexible-by-default

## Tips for teams

Prepare to work in a flexible team by:	<ul style="list-style-type: none"><li>• familiarising yourself with the <a href="#">Principles of flexible-by-default</a>, especially the principles on 'Works for the role', 'Works for the team', 'Mutually beneficial' and 'Requires give and take'</li><li>• familiarising yourself with the Ministry's <a href="#">flexible-by-default guidance</a> including the <a href="#">flexible working options</a> which might work for the types of roles in your team</li><li>• 'sense-checking' any personal bias that might influence your responses to others' flexible working</li><li>• accepting that everyone should have equal access to flexible working, regardless of their personal situation or context.</li></ul>
Take a team approach to making flexibility work by:	<ul style="list-style-type: none"><li>• discussing how flexible arrangements might affect the work of the team and raising any concerns you might have</li><li>• participating in finding solutions to any issues or concerns.</li></ul>
Contribute to team cohesion by:	<ul style="list-style-type: none"><li>• reviewing the above tips for managers and employees as a team so everyone is clear about the shared expectations associated with flexible working</li><li>• considering developing a team charter or amending an existing charter to establish common norms of behaviour around flexible working</li><li>• maintaining the same level of professional and social contact with off-site colleagues as you would if they were working in the office, remembering you may have fewer incidental opportunities for updates and check-ins with colleagues.</li></ul>

# Flexible Working

## Step-by-step guide for managers and employees

### Tips for making a request

Employees making a request and their managers are expected to familiarise themselves with Te Manatū Waka flexible-by-default policy, the flexible work options including their benefits, limitations – if any, suggested solutions (see [Flexible Work Options](#)) and on the [Principles of flexible-by-default](#).

Flexible work arrangements can be formal or informal, ad hoc or regular, temporary or permanent and this should be made clear at the outset of any flexible arrangement.

You may consider talking with your manager if you are interested in flexible working.

Regardless of whether your arrangement is formal or informal, yourself and your manager should approach flexible working requests, in an open-minded and fair way, and focus on exploring all potential arrangements that will work for you, teams and Te Manatū Waka.

If you and your manager fail to reach an agreement, advice can be sought by your HR Business Partner to ensure all options have been considered. Employees who are PSA members may seek advice from their PSA delegate or representative.

If you are ready to make a request for formal flexible working, it must be made in writing using the template (as per Part 6A of the Employment Relations Act (ERA) 2000).

For more information, refer to information below on requesting **informal** versus **formal** flexible work arrangements.



## How to **make** a request for an **informal** flexible working arrangement (employees)

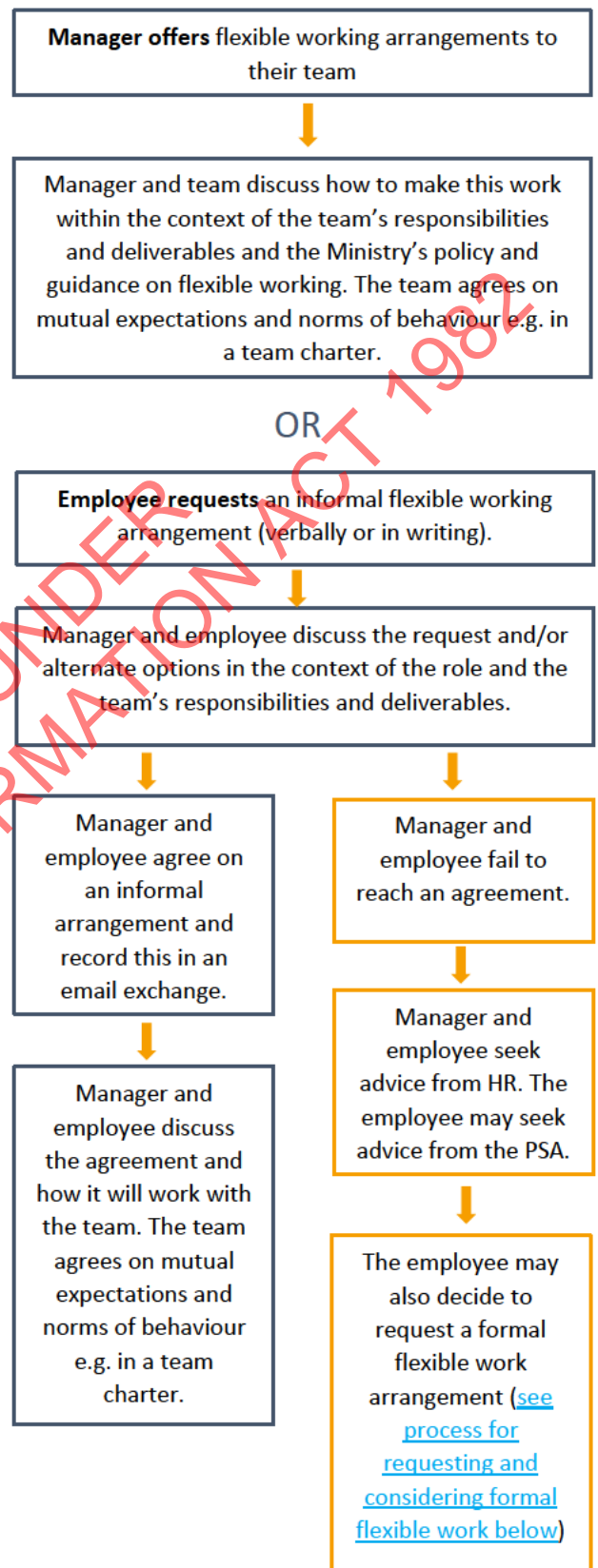
Some flexible arrangements can be managed on an informal basis and agreed between employees and their managers without going through a formal request and response process. In all cases of informal flexible working arrangements, teams should discuss and record any reciprocal expectations or norms of behaviour (such as in a team charter), to help flexibility operate smoothly across teams.

### Informal arrangements:

- are generally appropriate for flexibility that doesn't involve changes to pay or employment agreements
- may be established at the request of an individual employee or by a manager proactively offering informal arrangements to everyone in their team
- may involve ad hoc arrangements which are agreed between managers and employees on an as-needs basis, such as variable start and finish times and/or working remotely on some days
- may also involve regular arrangements such as specific start and finish times on particular days, or regular days an employee will work remotely
- should involve give and take on the part of the employee, manager and team, to ensure team delivery is maintained.

Informal arrangements can be agreed verbally between managers and employees. However, it can be useful for clarity to note in an email. This may be especially helpful if a manager leaves or any issues arise with the flexible arrangement that need to be worked through.

### Process for establishing informal flexible working arrangements



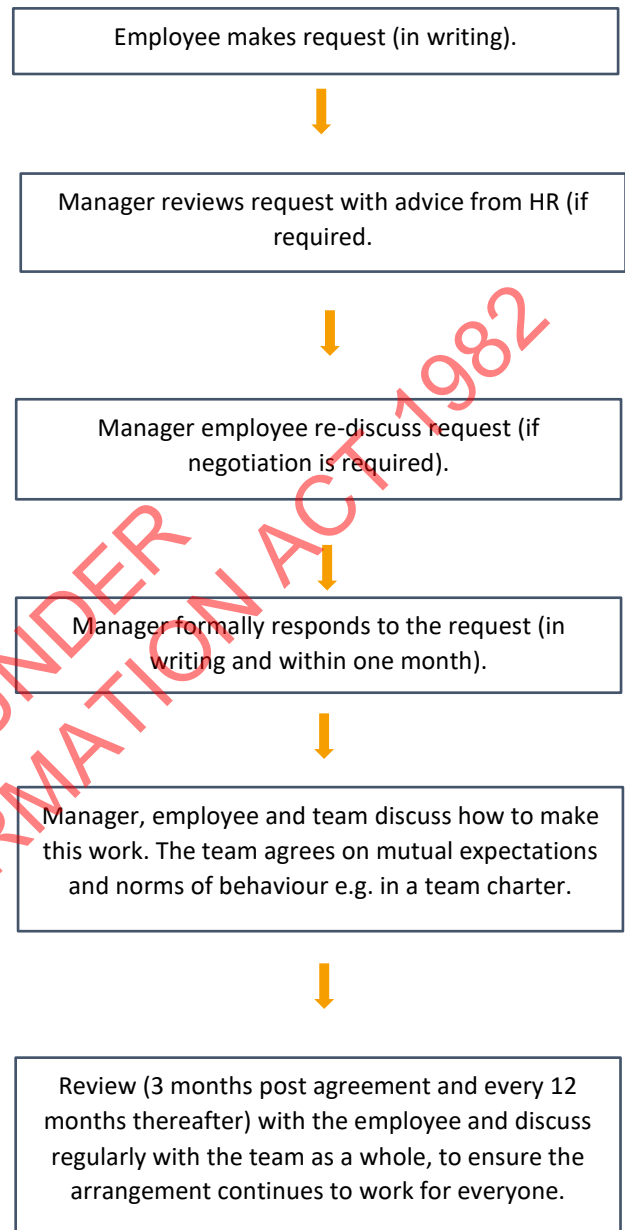
## How to **make** a request for a **formal** flexible working arrangement (employees)

### Formal arrangements:

Where a flexible working arrangement involves changes to employment terms and conditions, such as a change to pay or permanent change to working days or hours.

1. Submit in writing (email, letter, or form) your request for a formal flexible arrangement
2. It must cover the following:
  - a. Provide as much detail as possible about the working arrangement you would like
    - it is permanent or for a set period - state the requested start date (and end date if applicable)
    - specify the date on which you propose that the variation take effect and, if the variation is for a period, the date on which the variation is to end
  - b. Show how your plans would not have negative impact on the team, other teams and wider Ministry business/deliverables or may in fact improve it
  - c. Identify how the new working arrangement meets your needs, the Ministry's needs and the needs of the people you work with.
3. Read all guidance
4. **Submit the request to your manager.**

### Process for establishing formal flexible working arrangements



## How to **consider** a request for a flexible working arrangement (manager)

As a manager, you must consider all requests for flexible working arrangements in a fair and reasonable way and in good faith. It is important to remember that **there are only a few business-related grounds to say no** to a request.

When assessing a request, it is important to keep in mind the Ministry's focus on diversity and inclusion. The Ministry seeks to encourage and support flexible work for all employees where and whenever possible.

1. **Acknowledge the request.** It's important to acknowledge that you have received the request in writing by email or letter.
2. **If you haven't already, meet with your employee to discuss the request face-to-face.** This is a chance to talk about the requested working arrangement in depth and consider how this could fit with the business and other workers. It will help if both you and the employee are prepared to be flexible. Here are a few tips to get the most out of the meeting:
  - Make a list or draft an agenda of what you want to discuss at the meeting.
  - Refer to top tips for managers.
  - Familiarise yourself with the different types of flexible working arrangements available and whether this is an informal or formal flexible working arrangement. Remember, informal arrangements will still require agreement, however, they should not require a change to the employee's employment contract e.g. reduced hours and therefore reduced pay.
  - It may also be helpful to involve external expertise, such as your HR Adviser
3. **Ensure you have all the information needed.** If a request has information missing let the employee know what they've missed and ask them to re-send the request when complete. You should also let them know that you do not need to formally respond to their request until you have received the necessary information.
4. **Respond to the request.** You must deal with a request as soon as possible, but no later than one month after you receive it. (Note: this is a statutory requirement.) The one-month time limit for dealing with a request should provide plenty of time for you to weigh up the impact on your business and make a decision. You must respond in writing.
5. **Some important questions to consider when making your decision:**
  - Is re-organising work necessary, and if so how can it be managed?
  - What is the likely impact on other employees?
  - How will you manage the impact?
  - If the employee works as part of a team, do they understand their commitment to the team under the new arrangement?
  - Will the likely benefits outweigh any potential adverse effects for stakeholders or customers or teams?
  - Are there peaks and troughs of demand in the business that this new arrangement could meet?

- Are there health and safety implications (for example if the employee is working from home or if they are working alone late/early or out of core business hours).
  - If the request relates to moving to a new location (e.g. Wellington to Auckland), you have discussed this with your HR Business Partner/or Business Support Manager as appropriate to ensure there is relevant space, desk, technology requirements and that they are informed.
  - If the form of flexible working requested can't be accommodated, which types could? Have these been fully explored with the employee?
6. **Consider a flexible working arrangement trial.** Agree on a detailed arrangement with the employee, including a period during which the effectiveness of the arrangement will be tested.

A flexible working arrangement trial can provide an opportunity to test a particular arrangement to see if it works out well for all parties. For example, your employee may not be sure about making a permanent change to their employment agreement. At the same time, you may be concerned about how the proposed working arrangement may affect other staff or business opportunities.

A flexible working arrangement trial (anywhere from one to three months, with annual reviews thereafter) will give both you and the employee a chance to find out whether the proposed arrangement will really work out well in practice.

## How to **approve** a request for a flexible working arrangement (manager)

1. Once you've considered your employee's request for flexible working arrangements, you need to let them know your decision in writing. Remember, you must deal with a request no later than one month after you receive it (refer to the [Manager Response Form](#)), alternatively you can copy and paste this in to an email.
2. Remember if it's a formal arrangement, this will signify a **change** to the employee's terms and conditions of employment, unless agreed otherwise.
3. Once you have made your decision and advised the employee you also need to:
  - Inform other team members
  - Inform HR and send them the completed Flexible Work Arrangement form so that they can update their HR records accordingly.
  - Talk with HR to understand whether the new working arrangement means that you need to change your employee's pay and what the impacts might be on holiday's and leave
  - Consider whether health and safety requirements are still satisfied. This might be relevant if the employee is going to be working from another location or alone out of core business hours.

- Advise the Business Support team (if moving to another physical location) to ensure there is relevant space, desk, technology requirements.

## How to **decline** a request for a flexible working arrangement (manager)

The Ministry encourages you to find an arrangement that works for you and your employee. In some cases you may not be able to approve the requested flexible working arrangement. Before making such a recommendation make sure you have explored all alternatives. This includes:

1. talking to the employee who has made the flexible work request to ensure that all options and solutions have been explored
2. consulting your manager to consider any options or solutions that may not be obvious or within your delegations (e.g. additional FTE required)
3. talking to your HR Business Partner, or HR Manager who can help you consider your options and perhaps find a solution that you have not yet thought of
4. Receiving approval from your DCE to decline the request

You may not be able to approve the requested flexible working arrangement, as flexible-by-default does not mean all types of flexible working are always available for all roles.

**When declining a request, you must in writing:** (enter details in to the section of the [Manager Response Form](#))

- state the ground/s for your refusal
- explain the reasons for these ground/s

According to the Employment Relations Act 2000, **section 69AAF** employers can only refuse a request:

- on one or more of the following recognised business grounds
- if it conflicts with a collective agreement.

### **Recognised business grounds:**

- Cannot reorganise work among existing employers
- Cannot recruit additional employees
- Negative impact on quality
- Negative impact on performance
- Not enough work during the periods the employee proposes to work
- Planned structural changes
- Burden of additional costs
- Negative effect on ability to meet customer demand.

### **Conflicts with a collective employment agreement**

Employers must refuse a request if the proposed new working arrangement conflicts with the provisions of an employee's collective employment agreement. However, there are also likely to be times where a compromise can be reached between the employer, the employee making the request, and other employees in the workplace.

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## Reasonable Accommodation Policy

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### Purpose

The purpose of this policy is to set out the objectives and principles that are adopted by the Ministry of Transport (The Ministry) and its managers to ensure fair and consistent implementation of reasonable accommodations across the Ministry.

This policy outlines the full range of workplace reasonable accommodations (workplace adjustments) provided by the Ministry to promote a sound work-life balance for Ministry employees. It's to help to ensure consistency when managers are processing accommodation requests and to make it easier to provide effective job modifications where and when they are required.

These provisions are not exhaustive, however and the Ministry does not intend to describe all possible arrangements, nor restrict the options that may be arrived at through discussion between a managers and employees.

### Scope

1. This policy applies to all prospective and current employees of the Ministry of Transport, including contractors.
2. Reasonable accommodation applies across the whole employment continuum, this includes:
  - Job advertisements
  - The application process
  - Selection interviews
  - Recruitment procedures
  - On the job training
  - Promotion; and
  - Job protection and termination of employment.
3. All health and safety issues including evacuation procedures and protocols are covered under the Health, Safety and Wellbeing Policy and associated processes and procedures.
4. Budget for reasonable accommodation requests sit with either Human Resources or Business Support depending on the nature of the request.

Workbridge NZ administers support funds on behalf of the Ministry of Transport. The Ministry of Transport can help support an application and the process for accessing funds where it is not reasonable for the Ministry to fund e.g. NZ Sign Language interpreters; specialist assessments, braille printers.

Support funds should not be used for car parking; large screen monitors; standing desks. Applications are made by the employee, and any support/equipment provided is owned by the employee going forward.

5. What's reasonable is dependent on the particular circumstances and will be advised on by a member of the Human Resources team. The decision sits with Managers with support from appropriate DCE.
6. This policy replaces parts of the existing Work Life Balance policy 2014.

## Policy Statement

The Ministry recognises reasonable accommodation (also known as workplace support and adjustments) is required by many employees not only people with disabilities.

The Ministry is committed to providing, where practicable, accessible accommodations that enables employees to achieve balance between work and home lives, manage and protect their health and wellbeing, take opportunities for rest and recreation, contribute to wider family/whanau responsibilities and participate in community activities.

Managing reasonable accommodation is a partnership between the employee, manager and where appropriate, teams. The Ministry will carefully consider all requests and determine if they can be reasonably accommodated.

## Principles

Making reasonable accommodation enables the Ministry to confidently:

- Attract good employees
- Retain experienced employees
- Actively and better support its people
- Ensuring ALL employees are able to do their job and use the workplace with dignity i.e. without a person's impairment-related vulnerabilities being unduly exposed.
- Support individuals with disabilities
- Be competitive and inclusive of its customers and employees.
- Comply with the Human Rights Act 1993.

The Ministry values each of its employees and their ability to contribute and improve the overall morale of the workplace. To attract new talent and retain our existing employees the Ministry aims to work with individuals to identify and reasonably accommodate what will assist that individual to do the best job possible with dignity, whether they have a disability or not.

The Ministry will consider a full range of workplace accommodations which include and are not limited to:

- worksite assessments
- working from home
- employees caring for their children or other relatives
- employees with religious beliefs or ethical beliefs
- supporting disabled employees
- supporting employees mental health conditions
- supporting employees exposed to domestic violence

## What is Reasonable Accommodation?

**Reasonable accommodation** (also known as workplace support or adjustments) is the term used to describe creating an environment intended to ensure equality of opportunity to meet:

- the particular practices of an employee's religious or ethical beliefs
- the employee's needs in relation to family or other personal commitments
- the employee's needs in relation to a disability, including mental health conditions - under the Human Rights Act 1993 - employers must not discriminate against a person because of their disability. We are obligated to reasonably accommodate a person's disability, including specific services or facilities if needed.

Most accommodations are low or no cost e.g. flexible hours; instructions in writing as well as verbal; and showing people how to do a task.

Factors the Ministry will take in to account when considering reasonable accommodation include:

- The extent of the Ministry's and other resources
- Whether it is practical to make the adjustment
- The effectiveness of the adjustment in assisting the employee to perform their job
- The impact on the employee if no adjustment is made or how other employees might be impacted.
- How much disruption, if any, would be caused to Ministry business or other employees
- Health and Safety requirements
- The financial or other costs of any adjustment, in relation to the size of the employer's business
- Available support for implementing the accommodation and its cost e.g. a modification grant

## Definitions

The definitions used in this policy and some types of 'reasonable accommodation' is outlined below:

Reasonable Accommodation	Definition
Flexible Work Arrangements	Refer to the Ministry's flexible-work-by-default policy.
Supporting our employees with disabilities, including mental health conditions	<p>In the case of disability, making reasonable accommodation:</p> <ul style="list-style-type: none"><li>• Means making modifications or changes e.g. enabling a job applicant with a disability to participate on a more equal basis in a workplace</li><li>• Can involve physical measures e.g. improving access to a building; or</li><li>• Can mean modifying the way a job is done e.g. by giving some parts of the job to another employee.</li><li>• Does not require changes that would unreasonably disrupt an employer's activities</li><li>• Makes sure the job or the workplace is better suited to the employee who has a disability.</li></ul> <p>Some adjustments that could be considered and discussed may include:</p> <ul style="list-style-type: none"><li>• Specialised hardware (e.g. mouse, keyboard)</li><li>• Visual impairment software</li><li>• Specialised hearing impairment software</li><li>• Specialised office furniture</li><li>• Modifying the recruitment process</li><li>• Modifying the way the job is done</li><li>• Modifying the training for the job</li><li>• Providing flexible work arrangements e.g. flexible hours, working from home, job sharing and providing ergonomic workstations.</li><li>• Physical changes e.g. rearranging furniture or improving access to building.</li></ul>

Medication at work	<p>Many people need to take medication at work to help them manage a medical condition, (e.g. heart conditions, diabetes, asthma). It is critical that medications are managed appropriately at work.</p> <p>Examples of reasonable medication accommodations:</p> <ul style="list-style-type: none"> <li>• Schedule break times to coincide with medicating times</li> <li>• Some modifications to work routine and task order may be needed to manage a condition or medication.</li> <li>• People with respiratory disorders may get exhausted if not given adequate rest times or chance to rotate between more and less physically demanding jobs.</li> <li>• Providing physical accommodation</li> <li>• Safe, secure storage space for medication, away from heat, damp and light which can damage medications. A fridge may be needed for some medications.</li> <li>• Provision of a private space to take medication correctly.</li> <li>• Sufficient workspace may need to be given to people needing oxygen equipment.</li> </ul>
Working Remotely	Please refer to the Ministry's current Working Remotely guidance.
Caring for Children or other relatives	The Ministry appreciates the constraints that young families may have on employees returning to work, as well as issues around providing some privacy associated with nursing mothers. The Ministry has taken the initiative to ensure that there is a room that can be sealed from use as necessary by nursing employees.
Annual Health and Fitness Assessments	The Ministry provides a free yearly health and fitness assessment, and an optional flu injection. HR will be responsible for sending a general employees communication to all employees which will include a calendar of times available for employees to make use of this service. Any private health checks at the employee's volition and convenience will not be covered by the Ministry.
Leave Options	Refer to the Ministry's leave policies (under development)
Return to work and/or retirement	<p>The Ministry recognises that at certain points in an individual's working life decisions may need to be made in respect of retirement, or participating in a planned return-to-work programme following a prolonged period of illness, injury or other absence.</p> <p>Each situation will be assessed on merit and will be subject to approval by the employee's manager and the Ministry. The Ministry recognises that a return-to-work programme may form an integral part of an ACC initiated Rehabilitation Plan.</p>
Employee Assistance Programme (EAP)	Counselling is available to Ministry employees to seek free and confidential advice on any personal or work-related problems that may be impacting on their work. Counselling is provided through a confidential Ministry-funded programme, and employees using this service are not identified. No information is divulged to the Ministry by the independent service providers.

	The Ministry funds three one-hour counselling sessions for each employee per calendar year. Additional work-funded sessions may be possible under some circumstances on a case-by-case basis.
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## Monitoring

The Senior Leadership team will receive reports about reasonable accommodation requests to enable them to review, comment and provide strategic advice and direction on the Ministry's risks, if any. Access to confidential/personal information will be restricted as per Privacy laws and Ministry of Transport policies. Any data provided will be at a level that cannot identify any individual employee and the data will only be used for the intention of monitoring strategy actions. HR will provide guidance on what can and cannot be shared to ensure any shared data is not in breach of individual privacy rights.

## Associated Guidance and Policies

The following Ministry policies and guidelines should be read in association with this policy:

- a. Step-by-step guide for people with disabilities is under development
- b. Step-by-step guide for people with mental health conditions is under development
  - c. Working remotely guidance: Guide for all people – maintain health, safety and wellbeing when working remotely
  - Guide for managers – managing the health, safety and wellbeing of people working remotely

Relevant legislation:

- a. Employment Relations Act 2000
- b. The Human Rights Act 1993
- c. Accident Compensation Act 2001

Other information:

- d. Workbridge NZ
- e. Public Service Commission guidance
- f. Ministry of Health guidance

## Ownership and Review

Owner	Approved by	Date Approved	Next Review Date
Human Resources	Robyn Smith, Deputy Chief Executive Te Kāhui Tangata   Corporate Services	2 October 2020	October 2022



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## Flexible-Work-by-Default Policy

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### Purpose

The purpose of this policy is to set out the objectives and principles that the Ministry and its managers commit to undertake to ensure fair and consistent implementation of flexible working arrangements across the Ministry. It's to help to ensure consistency when managers are processing flexible working requests and to make it easier to provide work life balance.

### Scope

1. This policy applies to all prospective and current employees of the Ministry of Transport, including contractors.
2. All health and safety issues including evacuation procedures and protocols are covered under the Health, Safety and Wellbeing Policy and associated processes and procedures.
3. What's accepted as flexible working is dependent on the requirements of the role and will be advised on by a member of the Human Resources team and in line with Public Service Commission guidance.
4. Flexible working options, process and procedures are covered under the flexible-work-by-default guidance documents. The Ministry does not intend to describe all possible arrangements, nor restrict the options that may be arrived at through discussion between manager, employee and team.
5. The decision sits with Managers with support from appropriate DCE.
6. This policy replaces the existing Work Life Balance policy 2014.

### Policy Statement

The Ministry is committed to providing, where practicable, flexible working options that enable employees to achieve balance between work and home lives, manage and protect their health and wellbeing, take opportunities for rest and recreation, contribute to wider family/whanau responsibilities and participate in community activities.

### Key Principles

The Ministry recognises all roles will be considered flexible unless there is a genuine business reason for any role not to be. Every role should be suitable for some form of flexibility but not every type of flexibility will work for every role. Genuine business reasons may mean that some types of flexibility cannot be implemented for some roles.

Managing flexible working requests will be carried out in partnership between the employee, manager and wider team. Flexibility requires give and take between the employee, manager and team. It also places collective obligations on employees, managers and teams to be open and adaptable so that it works for everyone.

Through implementing a flexible-work-by-default approach the Ministry aims to seek to normalise flexible working so that it does not undermine career progression or pay, and is equally available to all employees regardless of gender, ethnicity, disability and other dimensions of diversity. Leaders will support, champion and role model flexible working for their teams and themselves. Flexible-work-by-default will help the Ministry of Transport to:

- build a more diverse and inclusive workplace actively and better support its people
- attract and retain diverse talent



- meet our Gender Pay Gap Action Plan objectives
- give effect to the Gender Pay Principles e.g. all agencies flexible-by-default by 2020
- strengthen its ability to maintain business continuity
- comply with legislative requirements
- be competitive and inclusive of its customers and employees
- promote the transport benefits e.g. reducing congestion by having employees travelling outside peak hours; contribute to lowering carbon emissions and traffic congestion through reducing staff commute

The Ministry values each of its employees and their ability to contribute and improve the overall morale of the workplace. To attract new talent and retain our existing employees the Ministry aims to work with individuals to identify and reasonably accommodate what will assist that individual to do the best job possible.

## Definitions

### Flexible working

Has a minimum statutory definition under part 6AA of the Employment Relations Act 2000. It is a broad term referring to changes in an employee's terms and conditions of employment relating to their working arrangements. Working arrangements, in relation to an employee, refers to (a) hours of work, (b) days of work, (c) place of work (for example, at home or at the employee's place of work).

Flexible working provisions under part 6AA of the of the Employment Relations Act 2000 state:

1. Any employee may request flexible working arrangements at any time and any number of times during their employment (this includes while on parental leave). A request must be writing.
2. An employer needs to respond to a request in writing within one month, and if they refuse must give a reason in writing.
3. An employer may refuse a request for flexible work practices on the following grounds only:
  - a. If it conflicts with the collective agreement in place
  - b. If there are recognised business reasons
    - i. Inability to reorganise work among existing staff
    - ii. Inability to recruit additional staff
    - iii. Detrimental impact on quality or performance
    - iv. Planned structural changes
    - v. Burden of additional costs
    - vi. Detrimental effect on ability to meet customer demand
4. Both parties need to act in good faith.

### Flexible working can be a formal or an informal arrangement:

- **Formal Arrangements:** will require a request and response in writing and will require a change to an employee's employment agreement e.g change to pay or a permanent change to working days (e.g. 9 day fortnight).
- **Informal Arrangements:** Generally appropriate for flexibility that doesn't involve changes to pay or employment agreements. This may include ad hoc or temporary arrangements and can be agreed verbally between managers and employees. Where a regular arrangement is agreed and does not require a change to the employee's employment agreement a record in writing will be required e.g. exchange of emails including regular review periods to provide more certainty and clarity for both parties.

It is the responsibility of the employee to initiate an application for flexible work. It is the responsibility of the manager to provide a process for the employee to follow in applying for a

flexible work arrangement. Refer to the Ministry's Flexible-work-by-default step-by-step guide for managers and employees.

## Monitoring

The Senior Leadership team will receive reports about flexible working arrangements to enable them to review, comment and provide strategic advice and direction on the Ministry's risks, if any. Access to confidential/personal information will be restricted as per Privacy laws and Ministry of Transport policies. Any data provided will be at a level that cannot identify any individual employee and the data will only be used for the intention of monitoring strategy actions. HR will provide guidance on what can and cannot be shared to ensure any shared data is not in breach of individual privacy rights.

## Associated Guidance and Policies

The following Ministry policies and guidelines should be read in association with this policy:

- a) Ministry's flexible-work-by-default step-by-step guide for managers and employees (under development).

Relevant legislation:

- b) Employment Relations Act 2000
- c) The Human Rights Act 1993

Other information:

- d) Public Service Commission – Flexible-Work-by-Default Guidance and Resources
- e) Eliminating the Public Service Gender Pay Gap 2018-2020 Action Plan

## Ownership and Review

Owner	Approved by	Date Approved	Next Review Date
Human Resources	Robyn Smith, Deputy Chief Executive Te Kāhui Tangata   Corporate Services	2 October 2020	October 2022

# Flexible working arrangements policy

## Purpose

Te Manatū Waka | the Ministry is committed to supporting the health and wellbeing of its workforce alongside its commitment to the reduction of emissions, through flexible working opportunities.

The aim of this policy is to outline a fair and transparent approach of how Te Manatū Waka considers the offer of flexible opportunities, manages existing arrangements and to meet our Wellbeing, Health, Safety, and data reporting obligations.

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## Scope

This policy applies to all prospective and current employees of Te Manatū Waka, inclusive of contractors.

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## Policy statement

Te Manatū Waka values flexibility within its workforce and recognises the benefits it has to the development of a positive and inclusive environment. Flexibility can make it easier for employees to balance their work, personal life and other commitments and manage their career as they move through different phases of their life.

Flexible work practices also help Te Manatū Waka to attract and retain diverse talent, aid in the reduction of the gender and ethnic pay gap, build workplace resilience, maintain business continuity, support wellbeing, and reduce emissions.

Overall, flexible work practices provide an opportunity to consider a range of working arrangements that work for the organisation, team, and individuals.

However, not all types of flexibility will be possible for every role. Different types of flexibility may suit different types of roles.

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## Principles

“If not, why not”, Te Manatū Waka recognises all roles will be suitable for some form of flexible working unless there is a genuine business reason for a role not to be. Our roles will be suitable for some form of flexibility but not every type of flexibility will work for every role. It needs to be mutually beneficial for individuals, our organisation, and teams.

Flexibility requires partnership and give and take between individual, manager, and team. It also places collective obligations on individuals, managers, and teams to be open and adaptable so that it works for everyone.

Enabling flexibility within Te Manatū Waka will allow the normalisation of flexibility in a way that does not undermine career progression or pay and is equally available to all employees irrespective of the reason for wanting it.

Leaders will actively support, champion and role model flexible working practices for themselves and teams.

Te Manatū Waka will give genuine consideration to all requests for flexible working on their own merits, and genuinely think about how the arrangement may work for the organisation, individual and team.

## Associated Guidance and Policies

This policy is intended to be read in conjunction with guidance in relation to flexible working opportunities and broader Ministry Human Resources (HR) advice regarding a healthy work and life balance.

- a) Te Manatū Waka's flexible working guidance
- b) Health, Safety and Wellbeing Policy and guidance
- c) Reasonable Accommodation Policy
- d) Parental Leave Policy
- e) Dress for your day guidance
- f) ICT remote guidance
- g) Digital Services Policy
- h) [Security Information Policy](#)
- i) Security Hub

Relevant legislation:

- j) Employment Relations Act 2000
- k) Human Rights Act 1993
- l) Public Service Act 2020
- m) Health and Safety at Work Act 2015
- n) Holidays Act 2003
- o) Privacy Act 2020

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## Definitions

**Flexible working** is a broad term relating to any type of work arrangement that allows employees flexibility in how they work. This generally refers to hours of work, place of work and days of work. Flexible working arrangements may be permanent or temporary via agreement.

**Arrangement** is a term that in this context, is an agreement between parties about how something happens or will happen.

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## Te Manatū Waka flexible working arrangements and process

Te Manatū Waka may consider the following types of flexible working arrangements on an individual case by case basis:

**Hybrid Working:** a flexible work arrangement that allows individuals to split their work time between working remotely and working in the office. In view of our limited office capacity, we acknowledge that this will likely be an arrangement that is one of our default ways of working.

**Flexi Time:** individuals agree their core hours and then schedule their day around these to how it best suits i.e. take a longer lunch to get to the gym or drop the kids off.

**Part Time:** working less than full time hours. This could be a temporary flexible working arrangement/contractual change or a permanent contractual arrangement.

**Flexi Career:** individual is able to (gradually) move in/out of workforce; sabbaticals and career breaks.

These flexible arrangements are examples of arrangements that may accommodate both organisational and employees needs.

Other flexible arrangements will be considered on an individual case by case basis.

Requests for formal flexible working arrangements should follow the process as outlined in Te Manatū Waka – Flexible Working Guidance (**Appendix A**). Employees may choose to initially discuss their request for a flexible working arrangement with their manager before submitting a written request (a written request is elaborated on in the guidance). However, this is not essential, and you can submit a written request at any time. All requests will need to be approved in advance of commencing a flexible working arrangement.

We expect all managers to follow the guidelines (**Appendix F**) when considering flexible working requests and to be fair and consistent in their approach. We encourage managers to actively manage informal flexible ways of working how they see best.

We expect all employees with a flexible work arrangement to adhere to Te Manatū Waka – Flexible Working Guidance (**Appendix A**) and the expectations of their manager. It is important to read and understand our policy and guidance as with any policies, breaches may result in disciplinary action.

Te Manatū Waka may consider financial support to those requesting hybrid or remote working arrangements; however, this would typically only be considered in exceptional individual circumstances and will be agreed at Te Manatū Waka discretion and as such is not guaranteed.

Employees affected by domestic violence will have different considerations for flexible working arrangements and supported by Te Manatū Waka. Employees will be able to find more guidance on this in our [Domestic Violence Policy](#) and [Leave Policy](#).

## Monitoring and review

The Senior Leadership Team (SLT) may request reports about flexible arrangements across the Ministry to enable them to review, comment and provide strategic advice including risks.

Te Manatū Waka has the right to review flexible working arrangements if it is on one or more of the following business grounds and/or conflicts with the collective agreement.

### Recognised business grounds or non-accommodation grounds

- Cannot reorganise work among existing staff
- Cannot recruit additional staff
- Negative impact on quality
- Negative impact on performance
- Not enough work during the periods the employee proposes to work
- Planned structural changes
- Burden of additional costs
- Negative effect on ability to meet customer demand.

This will be done in consultation with the employee and Te Manatū Waka will review any arrangement on an individual case-by-case basis in a fair consistent manner and in good faith.

Owner	Approved by	Date Approved	Next Review Date
Manager Human Resources	Deputy Chief Executive Corporate Services	TBC – once policy is agreed to	TBC – once implementation is completed

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# Appendix A: Te Manatū Waka – Flexible Working Guidance

Te Manatū Waka values flexibility within its workforce and recognises the benefits it has to the development of a positive and inclusive environment. Flexibility can make it easier for you to balance work, personal life and other commitments and manage your career as you move through different phases of your life.

This guidance accompanies our Flexible Working Policy and outlines:

- Types of flexible working
- Process
- Employee, organisation, and manager responsibilities
- Your at home set up
- Wellbeing, Health & Safety
- Etiquette

## Types of flexible working

There are many options of flexible work that may enable you to live a healthy work life balance. Usually, flexible working includes changes in where, how, or when you would work.

These options can be a short-term or long-term arrangements.

Flexi Place	Flexi Time	Flexi Career
<p>Options that allow employees to work from home or another location outside of the office on full, part-time, or casual basis.</p> <p><b>Working from home/Hybrid working</b> allows individuals to split their work time between working remotely and working in the office or location of work. This arrangement allows balance in interaction time with colleagues at the office and time working away from the office.</p> <p><b>Working from another office</b> We currently have two office spaces in Te Whanganui-a-Tara/Wellington and Tāmaki Makaurau/Auckland. Our Auckland office is limited by capacity.</p>	<p>Options that allow employees to vary their work hours or days on a regular basis or from time to time</p> <p><b>Flexi Time</b> individuals agree core hours and then schedule their day around these to how it best suits i.e. take a longer lunch to get to the gym or drop the kids off.</p> <p><b>Part-time</b> an arrangement where an individual is contracted to work less than full-time hours. This may be working fewer than 5 days per week and/or working less hours per day (hard to explain without saying what a standard day is).</p>	<p>Options that allow employees to manage their roles and careers flexibly</p> <p><b>Study</b> to support you to pursue study while working.</p> <p><b>Career break</b> extended period of leave that is normally unpaid.</p> <p><b>Work transition</b> provides opportunities to make changes in your work hours, location, or job responsibilities. For example, moving to a less demanding job to enable care of an elderly relative.</p> <p><b>Phased retirement</b> hours of work are progressively reduced until full retirement is reached at a specified date</p> <p><b>Phased return</b> hours of work are progressively increased until a full complement to full- or part-time</p>

		hours is reached at a specified date. Often used when returning from parental leave.
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## Process

Before requesting a flexible working arrangement, consider what arrangement would best support your wellbeing, role requirements and work life balance.

You will need to read the [step-by-step guide](#) to understand if the arrangement you want is formal or informal and the process for either option.

You may also consider having a discussion with your manager to discuss your proposed arrangement.

### Informal arrangements:

- Usually occurs when managers agree that employees have flexibility over when and where they carry out their work, subject to meeting position responsibilities and deliverables. This can mean that the exact arrangements (times or place of work) vary and are agreed between managers and employees as and when needed.
- Do not require changes to pay or terms and conditions in employment contracts.
- Can be agreed to verbally but can be helpful to have an email that clarifies understanding.

### Formal arrangements:

- Occurs when a recurring work arrangement impacts on pay or involves changes to employment terms and conditions such as working hours, patterns and location. It may take place for an agreed period or on an ongoing basis with regular review.
  - i.e. it is agreed that remote work is regular
- Are required to be in writing as per the Employment Relations Act 2000.
- Enables us to meet our legal obligations under the Employment Relations Act 2000 and Health and Safety at Work Act 2015.

*Example table of arrangements, not comprehensive*

Arrangement	Description	Formal/informal (as a guide)
Arrival/departure times	Change the time you start, and finish work i.e. 7.30 – 3.30 rather than 8 – 4	Informal
Variable work schedule	Completing contracted hours with some hours outside of core standard operating hours i.e. making up for two-hour break after hours	Informal (usually short term)
Appointments	Time during working hours to attend appointments	Informal
Flexibility in work location	Occasionally or regularly working from another location, or from home	Informal or formal dependant on regularity.

		<p>Informal is when someone may work in the office but every so often asks their manager to work remote.</p> <p>Formal is when there is an agreement that someone will work regularly remotely (i.e. you work three days each week remote)</p>
Phased retirement	Agreed plan between employee and employer to gradually reduce hours of work prior to retirement	Formal

If you think your arrangement is formal, you will need to request formal approval (particularly where work is performed remotely and a regular and systematic basis) in writing either by email, letter or if you need some supported guidance, you could use the Flexible Working Arrangement form (**Appendix B**). Whatever form of written submission you choose, it must reference 'Part 6AA of the *Employment Relations Act 2000*', as per legislative requirements.

After your request has been submitted, your manager will respond to you as soon as possible and no later than one month. Genuine consideration in a fair and consistent way, will be given to all requests and managers must follow guidance on how to consider, deal and respond to requests (**Appendix F**).

If approved, your arrangement will be confirmed in writing by your manager and if required, in consultation with Human Resources (HR). All other terms and conditions of your employment will remain the same.

If your request is declined, your manager is responsible, in consultation with Human Resources, to set out on which of the recognised business grounds or non-accommodation grounds that it is being refused. We will work with you to consider an alternative flexible arrangement.

You can only make a formal complaint if you believe the process has not been followed for notifying you of a decision. This is the only ground that you have for taking an action. Action cannot be taken because your manager refused your request, or because you disagree with the ground given. Please engage with your Human Resources Adviser to go through the complaints process or alternatively, you can seek guidance from MBIE.

### Organisation Responsibilities

- Te Manatū Waka has a duty to genuinely consider all requests in a fair and consistent manner and in good faith.
- Provide employees with the highest level of protection from workplace health, and safety risks, so far as reasonably practicable. This includes risks to both physical and mental health.
- Te Manatū Waka is to provide all employees with one standard technology kit that assists and enables them to work in the office and remotely. This currently includes a laptop, mobile device, screen, keyboard and mouse. This is provided at the Ministry's discretion and may be subject to review and change.

### Manager Responsibilities

- Managers at Te Manatū Waka have a duty to genuinely consider all requests in a fair and consistent manner and in good faith.
- They must reply to a request in writing as soon as practicable, but no later than one month.
- Each request is assessed on a case-by-case basis but should be considered with organisation, team and individual in mind.
- Must follow guidance on how to consider, deal and respond to requests (**Appendix F**).
- Must consult with HR about flexible working requests if they are unable to be agreed between individual and manager.
- Managers are responsible for maintaining and monitoring performance, health and safety and wellbeing of employees as they usually would, irrespective of location.
- Must jointly work through the working remote checklist (**Appendix C**)

### Employee Responsibilities

- Employees must comply with the Flexible Working Policy and the guidelines contained in this document as well as all other organisational policies and procedures.
- Be consistent in keeping in regular contact with manager, team, and customers and stakeholders.
- Comply with all health and safety requirements as per the Health and Safety at Work Act 2015.

### Wellbeing, Health, and Safety

No matter when or where you work, health and safety is a shared responsibility between Te Manatū Waka and yourself. When working remotely, you are responsible for organising a work area that is appropriately set up to ensure that you can work comfortably, ergonomically, and safely.

Regardless of your work location, Te Manatū Waka is committed to eliminating or minimising the risks that may arise in your at home workplace environment so far as is reasonably practicable. This includes the risks to your mental health.

Working from home can support positive wellbeing but it can also introduce health risks. You can manage the risks of working from home by setting up a healthy workstation and making sure that you work in a suitable environment.

Together, we will enable you to identify risks and hazards, report accidents and near misses, continue to take regular breaks, and not work unrequired additional hours. Government Health and Safety Lead New Zealand have supporting guidance that we will use to Act, Plan, Check and Do (**Appendix D**).

Working remotely regularly can have a risk of social isolation (Worksafe NZ). Your manager will make sure that you have plenty of opportunities to stay connected– either alternating days working at home and in the office or having regular ‘virtual catchups’ through phone, email, or video conferencing. It will be your responsibility and requires your commitment to engage in these opportunities and stay connected.

You will refer to the Ministry guidance documents available on Discover for information about maintaining wellbeing, health and safety when working from home or remotely, specifically:

- [Health and Safety New Zealand – Guide to manage risks for workers at home](#)
- Worksafe New Zealand – [Working from home guidance](#)

## Your at home set up

It is required that you work from a location that is safe and suitable for working remotely. We are different shapes and sizes and work in different ways, so there is no single workstation set up that would suit everyone. You need to set up your workstation to suit you.

Workstations that do not suit your body or your work tasks may cause fatigue, discomfort, or pain. We have provided Worksafe New Zealand's best practice guidance for Setting up a Healthy Workstation and Staying Mentally Healthy (**Appendix E**). This is also available in Discover under Wellbeing@work. Additionally, you can speak to any of our Wellbeing, Health, and Safety Representatives for further support.

With your manager, you will work through our working from home check list (**Appendix C**). While not a requirement, we encourage you to share a photo with your manager or a representative of the Health and Safety Committee, of your workstation set up to help assist you in having a set up that supports your wellbeing, health, and safety and if necessary, an assessment of the workstation may be arranged.

Te Manatū Waka provides you with one standard technology kit that should assist enable you to work in the office and remotely. This currently includes a laptop, mobile device, screen, keyboard and mouse. This is provided at the Ministry's discretion and may be subject to review and change.

As outlined in the Flexible Working Policy, Te Manatū Waka may consider financial support to those requesting hybrid or remote working arrangements; however, this would typically only be considered in exceptional individual circumstances and will be agreed at Te Manatū Waka discretion and as such is not guaranteed.

You are to keep all work information secure and are encouraged to refresh yourself on our:

- Digital Services Policy
- [Security Information Policy](#)
- Working Remotely Hub ([Discover](#))
- Security Hub ([Discover](#))

## Etiquette

We acknowledge that at times it is more productive to work remote. This can be an opportunity for you to be in a controlled environment that best suits you and your workload. We encourage everyone to follow the great practices and habits already in place at work, when working remote.

Wherever you base yourself for your workday it is always good to communicate with your manager, team, or clients your location. This could be done by using teams, email, an excel spreadsheet, whatever your team has agreed best works and just like when you're in the office, it is useful to let your team/manager know if you will be away for an extended time.

Where practical, it is required that your camera will be on for all meetings, acknowledging that at times for larger meetings it may benefit the connection to have your camera off. Certain meetings do require that your camera is on, as an example, meeting with our CE. You will be in an appropriate workspace where you may choose to blur or replace your background for additional privacy.

As usual practice do not hold in-person meetings with external stakeholders at your home and be mindful of the conversations you are having if you meet in a public setting.

If you have other members of your household at home, take care to ensure that they are not able to hear meetings or conversations or disrupt you.

When working from home, it is expected that you are primarily engaged in your work.

Be mindful of our “Dress for your day” guidelines and other related policies.

## Appendix B: Flexible work application form

**Kia ora!** Please fill in this application or use as a guide, then give to your manager who will consult with Human Resources and if approved, will get the appropriate documentation prepared.

Full Name		Date	
Role			
Manager Name			

Under Part 6AA of the Employment Relations Act 2000 I would like to request a variation to my current working arrangements which are:

Place(s) of work	
Days and hours of work	

My proposed working arrangement is:

Place(s) of work	
Days and hours of work <i>specify days and hours both at office and remote</i>	

I would like this arrangement to be:

☐ permanent ☐ temporary and effective from [Click or tap to enter a date.](#) and if applicable, end by [Click or tap to enter a date.](#)

<b>Benefits</b> I believe my new arrangement would benefit myself, Te Manatū Waka, my team, and customers by	
<b>Potential Impact</b> I believe my new arrangement may have the following impacts on myself, Te Manatū Waka, my team, and customers by	
<b>Mitigation</b> Any impacts can be mitigated or fixed by	

If my request for a flexible working arrangement is approved by Te Manatū Waka, I acknowledge that I will:

- ☐ Read, agree, and comply with the Flexible Work Policy, Flexible Work Guidelines as well as all other related Ministry policies and procedures as outlined
- ☐ Only work from a location that is safe and suitable for working from home and/or remotely
- ☐ Read and comply with all wellbeing, health, and safety requirements
- ☐ Take reasonable steps to keep the organisation’s technology, equipment, and information safe and in working order

Signature		Date	
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## Appendix C – Working remotely: *How we set up, plan, and check your health, safety, and wellbeing*

Name		Date	
<b>Work Environment</b> <i>You have assessed your workspace as follows</i>		<b>Creating a routine</b>	
<input type="checkbox"/> A safe (physical and psychosocial) space to work <input type="checkbox"/> Electrical sockets and plugs in good condition, not overloaded and surge protected <input type="checkbox"/> Electrical leads in good condition and not causing a trip hazard <input type="checkbox"/> Lighting suitable and no glare on screen <input type="checkbox"/> Noise levels acceptable <input type="checkbox"/> Photo or video conference of space given, if consented and agreed to <input type="checkbox"/> Temperature is suitable and comfortable		<input type="checkbox"/> Method of preferred contact is <input type="checkbox"/> phone <input type="checkbox"/> teams *it is expected you will be contactable on both but will use your preferred first initially <input type="checkbox"/> Contact phone number is confirmed and up to date <input type="checkbox"/> Discussed safe computer use including micropauses, stretching and regular breaks <input type="checkbox"/> Read Worksafe guidance section on routine (Appendix E)	
<b>Wellbeing</b>		<b>Team, connection &amp; communication</b>	
<input type="checkbox"/> Discussed wellbeing and a plan to check in on wellbeing regularly <input type="checkbox"/> Discussed impact of isolation on wellbeing <input type="checkbox"/> Discussed important signs of physical problems (Worksafe guidance Appendix E)		<input type="checkbox"/> Plan in place for regular team meetings to enable connection (both in person and virtual) <input type="checkbox"/> Discuss what success looks like when working from home	
<b>Workstation set up</b>		<b>Expectations</b>	
<input type="checkbox"/> Has an appropriate desk or an equivalent that is supportive to you <input type="checkbox"/> Has an adjustable chair with back support or an equivalent that is supportive to you <input type="checkbox"/> Has a second monitor, if not can be provided by IT <input type="checkbox"/> Has a keyboard and mouse, if not can be provided by IT <input type="checkbox"/> Has read the Worksafe guidance section on workstation set up (Appendix E)		<input type="checkbox"/> Understanding of expectations for meeting attendance <input type="checkbox"/> Understanding of policy, guidance, and appendices <input type="checkbox"/> Understanding of etiquette outlined in guidance	
<b>Emergencies</b>		<b>Privacy and Security</b>	
<input type="checkbox"/> Emergency contact details are up to date <input type="checkbox"/> If able, has appropriate first aid supportive to you <input type="checkbox"/> Knows closest civil defence centre <input type="checkbox"/> Has manager and one other team members contact details if needed		<input type="checkbox"/> Workspace allows for privacy <input type="checkbox"/> Has read all related privacy and security documentation outlined in the flexible working policy's associated documents section	
Signature		Manager Signature	



## Appendix F – Manager guidance: Consider, deal, and respond

This guidance has been created to help managers approach flexible working transparently, fairly and in good faith. If in doubt, speak to a HR Adviser.

### Consider

Consider the request carefully and fairly. You must consider all requests for flexible working arrangements in a fair way and in good faith. There are only a few business-related grounds to say no to a request and you shouldn't try to assess whether one person's need for flexible working arrangements is greater than another's.

### Acknowledge

It's important to acknowledge that you have received the request.

You must deal with a request as soon as possible, but no later than one month after you receive it. The one-month time limit for dealing with a request should provide plenty of time for you to weigh up the impact on your business and decide. You must respond in writing.

### Meet

The best way for both parties to understand each other's position and find a solution that meets all their needs is to discuss the request face-to-face. This is a chance to talk about the requested working arrangement in depth, and consider how these could fit with the TMW, employee, yourself, and other workers. It will help if both you and the employee are prepared to be flexible. If the requested working arrangement can't be agreed to, the discussion may help identify alternatives or perhaps a flexible working arrangements trial.

### Approve

Remember that the agreed new working arrangement will be a permanent change to the employee's terms and conditions of employment, unless agreed otherwise. Where a flexible working arrangements trial or time-limited period has been agreed this should also be described.

Once you have made your decision and advised the employee you also need to think about:

- informing others in your organisation of the new working arrangement, such as other employees and human resources
- whether the new working arrangement means that you need to change your employee's pay and what the impacts might be on holidays and leave
- whether health and safety requirements are still satisfied. This might be relevant if the employee is going to be working from another location or alone out of core business hours.

### Decline

In some cases, you may not be able to approve the requested flexible working arrangement. However, it's important that you give all requests your full consideration. You may want to explore alternatives to find an arrangement that works for you and your employee.

**When declining a request, you must work with an HR Adviser to state the ground/s for your refusal, and explain the reasons for these ground/s.**

**How to decline a request** There will always be circumstances where, due to the needs of the business, the employer feels they can't accept a request. Employers can refuse a request on one or more of the following recognised business grounds:

*if it conflicts with a collective agreement, recognised business grounds or non-accommodation grounds, cannot reorganise work among existing staff, cannot recruit additional staff, Negative impact on quality, Negative impact on performance, Not enough work during the periods the employee proposes to work, Planned structural changes, Burden of additional costs, Negative effect on ability to meet customer demand.*

**Conflicts with a collective employment agreement** You must refuse a request if the proposed new working arrangement conflicts with the provisions of an employee's collective employment agreement. However, there are also likely to be times where a compromise can be reached between the employer, the employee making the request, and other employees in the workplace. It is encouraged to discuss these issues with a view to developing procedures for dealing with such conflicts before they come up.

**Notify employee** You are required to notify the employee of their decision in writing, and if the request is refused, to give reasons for the refusal.

**If in doubt, contact HR!**



## What is Flexible-by-default?

- All roles will be considered flexible unless there is a genuine business reason for any role not to be.
- Flexible-by-default means shifting from asking “Why should a role be flexible?” to “Why not?”. It means treating all roles as suitable for flexible working and exploring how flexibility could work, unless there is a genuine business reason for any role not to be flexible. It provides an opportunity to consider a range of working arrangements that work for the agency, team and employee.
- It does not mean that all types of flexibility will be possible for every role. Not every type of flexibility will work for every role type, but some forms of flexibility should be workable for all roles. The context and the demands of the role need to be considered. Different types of flexibility may suit different types of roles. For example, the demands of frontline roles may preclude an employee working from home (one type of flexibility), but other types of flexibility (e.g. varied start and finish times) may be workable.
- Flexible working is varied and means more than working part time or working remotely. It also includes flexible hours and/or days, flexible leave arrangements, job sharing, working compressed week or fortnight hours, having a phased return to work or phased retirement. Flexible work is not just for employees with family-caring responsibilities – there are many reasons why employees may want to work flexibly.
- Flexible working is not new. A lot of forms are already common, especially informal arrangements, like earlier or later start and finish times. Where flexible working is already common, making the shift to a flexible-by-default approach will be an evolution rather than a revolution.
- Flexible working needs to work for the organisation, for managers, employees and teams. It requires give and take on all sides and there is a shared responsibility between the organisation and employees for making it work.
- It should be fair for everyone – employees, team members and managers – and approached with openness and flexibility on all sides.
- Flexible working will help close the gender pay gap, help increase diversity and inclusion, make the agency a better place to work, drive productivity and employee engagement. As a result, flexible-by-default will help the agency to achieve its objectives.
- Support is available to help managers, teams and employees get the best from flexible working.
- We welcome ideas and approaches to help make this work for everyone.

## The impact of the covid-19 response

By working from home during the COVID-19 response, Public Service employees did their bit to prevent community transmission. Many agencies will be reflecting on the lessons learnt from working remotely during the COVID-19 response. Indications are that this experience will increase demand for flexibility in where and how people work. We know we will be returning to an operating environment that is different from the one before COVID-19.

It is also important to remember that:

- demand for flexible working has been building for decades, and regardless of its scale, the impact of the COVID-19 response is part of a longer-term trend
- the main elements of a successful shift to flexible-by-default remain the same as they were before the COVID-19 response
- flexible-by-default encompasses all forms of flexible working and the full range of benefits for employees, teams and agencies
- because the experience of remote working during the COVID-19 response was coupled with heightened stress and additional caring responsibilities it is not representative of remote working in general.
- On the other hand, we do not want to return to the pre-COVID-19 state of ad hoc and reactive approaches to flexible working, in which employees working non-traditional hours and/or remotely may be perceived as less committed to their work, their team or the Ministry.

## Why have a flexible-by-default approach?

A flexible-by-default approach seeks to normalise flexible working so that it does not undermine career progression or pay and is equally available to all regardless of gender, ethnicity, disability and other dimensions of diversity. Shifting to a flexible-by-default approach will help us to build more diverse and inclusive workplaces, attract and retain diverse talent, strengthen their ability to maintain business continuity.

## Implementing flexible-by-default

The following diagram outlines the principles which underpin a flexible-by-default approach and the process which we should work through to embed flexible-by-default in here at the Ministry of Transport. The diagram sets out the six Flexible-by-default Principles which underpin Public Service Commission guidance and resources.

*Guiding Principle*  
**If not, why not?**

All roles are treated as flexible unless there is a genuine business reason for the role not to be. Flexibility is equally available to women, men and gender diverse employees, irrespective of the reason for wanting it. Working flexibly does not undermine career progression or pay.

*Guiding Principle*  
**Works for the role**

Every role should be suitable for some form of flexibility but not every type of flexibility will work for every role. Genuine business reasons may mean that some types of flexibility cannot be implemented for some roles.

*Guiding Principle*  
**Works for agencies and teams**

Flexible working should not be viewed as something which is just agreed between an employee and manager. This means that the impact of flexible arrangements should be considered on teams and the agency as a whole.

**Stage 1**  
**Engage & Analyse**

Where are we now and where do we want to be?

- Assess current state

**ACTION**

**ACTION**

**Stage 4**  
**Review**

How are we travelling?

- Monitor progress

**Outcome**  
**Flexible by default imbedded**

Flexibility is strategic in mindsets, systems and culture. Flexible working is normalised and equitably accessible.

**Stage 2**  
**Design**

How do we get there?

- Develop a vision and goals
- Develop an implementation plan

**Stage 3**  
**Implement**

How do we start, or keep, moving?

- Communication
- Engagement
- Build culture and capability
- Develop policies, processes and systems

**ACTION**

**ACTION**

*Guiding Principle*  
**Actively championed by leaders**

Leaders support, champion and role model flexible working for their teams and themselves.

*Guiding Principle*  
**Mutually beneficial**

Flexible working needs to work for agencies, teams and employees. Key consideration should be given to how flexible work arrangements can maintain or enhance service delivery and performance of agencies, teams and employees. It should not result in increased workloads for employees working flexibly, or for other team members who are not.

*Guiding Principle*  
**Requires give and take**

Flexibility requires give and take between the employee, manager and team. It also places collective obligations on employees, managers and teams to be open and adaptable so that it works for everyone.