

OC210896

12 November 2021

[REDACTED] Withheld to protect personal privacy

Tēnā koe [REDACTED] Withheld to protect personal privacy

I refer to your request dated 8th October 2021, pursuant to the Official Information Act 1982, seeking:

1. *A copy of your flexible working policy;*
2. *A copy of any policy/processes specifically regarding applications for remote working;*
3. *The number of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 received by this agency between 1 January 2019 and 8 October 2021, the type of flexibility sought in these applications eg compressed hours, remote working, reduced hours etc., and whether each applicant was a manager or a non-manager;*
4. *The number of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 approved by this agency between 1 January 2019 and 8 October 2021, the type of flexibility sought in these applications eg compressed hours, remote working, reduced hours etc., and whether each applicant was a manager or a non-manager;*
5. *The percentage of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 approved by this agency between 1 January 2019 and 8 October 2021;*
6. *The number of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 refused by this agency between 1 January 2019 and 8 October 2021, the type of flexibility sought in these applications eg compressed hours, remote working, reduced hours etc., the recorded reason for the refusal, and whether each applicant was a manager or a non-manager;*
7. *The percentage of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 refused by this agency between 1 January 2019 and 8 October 2021;*
8. *The number of people working in your agency as at 8 October 2021, and a breakdown of your employees by gender.*

Our responses to your eight questions are outlined below.

1. Please see appendix one: Flexible work by default policy October 2020
2. Please see appendix two: Working from home or remotely agreement

3. Te Manatū Waka Ministry of Transport has received 28 flexible work applications between 1 January 2019 and 8 October 2021. The type of flexibility sought in these applications have been remote work, reduced hours and flexible hours (i.e. working outside of the standard 8am – 5pm work day). Of these 28 applications, 2 were managers and 26 were non-managers.
4. 28 applications for flexible working have been approved by Te Manatū Waka between 1 January 2019 and 8 October 2021. Refer to question 1 for further details.
5. 100% of applications received were approved in this timeframe.
6. No applications received have been refused
7. 0% of applications.
8. Te Manatū Waka employee Numbers (as of 8th Oct. 2021)
**permanent full-time and part-time employees*

Male Employee Total	Female Employee Total	Total Employee Number
84	114	198

Te Manatū Waka Contractor Numbers (as of 8th Oct. 2021)

Male Contractor Total	Female Contractor Total	Total Contractor Number
7	9	16

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.

You have the right under section 28(3) of the Act to contact the Ombudsman regarding this response, who can be contacted at: info@ombudsman.parliament.nz

Nāku noa, nā

S Williams

Suzanne Williams
Kaiwhakahaere | Manager,
Te Rōpū Pūmanawa Tangata | Human Resources

Flexible-Work-by-Default Policy

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

Working from home (or remotely) Agreement

Making the arrangements

Before filling in this form you will have agreed and documented with your manager a flexible work arrangement which includes either working from home or remotely. This should specify:

- The arrangement that will apply (how often you will work from home or remotely, the duration of the arrangement, hours of work etc.)
- The technology and other equipment you will need
- How to ensure health, safety, wellbeing and security while working from home or remotely

It's important to note that 'working from home' is not the same as 'remote working'. Please refer to the ['flexible work arrangement options'](#) for definitions.

Putting working from home or remote working into practice

If things change e.g. arrangement is negatively impacting the employee's work output, or team/s e.g. the team's ability to perform work or collaborate, there may be a need for the employee and manager to review the arrangement and it may be necessary to change the agreement.

If the employee is progressed, promoted, redeployed or seconded in to a new role within the Ministry, there is no guarantee that the employee will be able to continue to work from home or remotely in the new role.

Health and Safety

No matter when or where an employee works, ensuring their health and safety is a shared responsibility between the Ministry and its employees. When working from home or remotely:

The employee is responsible for and agrees to:

- ensure that their home workspace is arranged so that it is comfortable, ergonomically sound and allows them to work safely.
- take regular breaks
- ensure that the workspace is kept clear and free from obstacles or tripping hazards and well lit
- ensure that all work-related information and data is kept secure

The employee and manager will agree to arrangements which ensure:

- regular breaks are taken
- regular communication and proactive discussion of any problems that arise from working from home
- proactive discussion of any risks to the employee's physical and/or mental health and safety arises about ways this harm can be eliminated or minimised.

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

- How to complete an assessment of the home workspace to ensure its suitability from a health and safety perspective
- Workplace hazards when working remotely and how any risks presented by these hazards will be mitigated

- process for how the Ministry and employees will communicate frequently about the working from home / remote working arrangements and how to raise any issues or concerns.

ICT requirements for remote working

The Ministry will provide employees with a standard technology kit to assist them to work remotely or from home. This will include 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

Security of information and equipment

It is important that reasonable care is taken of Ministry information and equipment. All policies that apply to employees who are working in the office, also apply when employees are working from home or remotely. It is the employee's responsibility to keep all work information secure, especially sensitive material. Prior to signing this agreement, employees will refer to:

- [Digital Services Policy](#)
- [ICT Acceptable Use Policy](#)
- [Mobile and Tablet Policy](#)

Work related phone calls

All employees are provided with a mobile phone. The Ministry's plan provides you with unlimited minutes for calls within NZ and to Australia.

The Ministry's mobile plan has a pool of data for the entire Ministry - you do not have an individual cap. You will receive a text when you approach 750MB within any given month however, to make sure that your usage is remaining reasonable.

Expenses

It may be the case that the new arrangement creates additional costs for the Ministry, in which case the decision to invest in this equipment is at the Ministry's discretion.

To assist with reasonable set up costs, the Ministry will consider requests on a case by case basis. This arrangement will be at the Ministry's discretion and as such is not guaranteed.

The cost of general utilities such as electricity, gas, internet, water and smoke detectors are the responsibility of the employee.

Working from home (or remotely) Agreement

Employee Declaration

In the event my request for a working from home/remotely arrangement be approved by the

Ministry of Transport I, _____, acknowledge that when
Employee name

working remotely, I will:

- Comply with the guidelines contained in this document as well as all other Ministry policies and procedures
- Only work from a location that is safe and suitable for working from home or remotely
- Comply with all health and safety requirements
- Not work during annual leave or sick leave
- Make necessary childcare arrangements and don't treat working from home as a substitute for childcare
- Take reasonable steps to keep the organisation's technology, equipment and information safe and in working order.

Employee Signature

Date

Approved by (Manager Name and Signature)

Date