

[05/10/2023]

File Ref: OIA 47787

Tēnā koe [REDACTED]

Official Information Act request

Thank you for your information request dated 11 September 2023. Your request has been considered in accordance with the Official Information Act 1982 (the Act).

The four parts of your request and my responses are as follows:

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

Two documents have been identified in scope of this request and are released in full as document one, *Kaupapa Mahi Whakaritenga Ngāwari - Flexible Working Arrangements Policy* dated 11 April 2018 and document two, *Kaupapa Whakaritenga Mahi ki Pāmamao - Remote Working Arrangements Policy* dated 18 June 2018.

2. *Policies, guidelines, and/or general information provided to Te Puni Kōkiri 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."*

One document has been identified in scope of this request and is released in full as document three, *Kaupapa Mahi Whakaritenga Ngāwari - Flexible Working Arrangements Policy* dated 19 May 2022.

3. *Policies, guidelines, and/or general information regarding reasonable accommodations for disabled employees at Te Puni Kōkiri that were in effect before 21 March 2020."*

No official "reasonable accommodations" policies or guidelines for disabled employees were in effect before 21 March 2020. However, an employee could raise a reasonable accommodation request with their manager at any time during their employment with Te Puni Kōkiri. Requests were considered on a case-by-case basis to meet an employee's needs in accordance with the Employment Relations Act 2000.

4. *Policies, guidelines, and/or general information regarding reasonable accommodations for disabled employees at Te Puni Kōkiri that have been put in place or changed on or after 21 March 2020."*

No official “reasonable accommodations” policies or guidelines for disabled employees were put in place or changed after 21 March 2020. However, as was the practice prior to 21 March 2020, an employee may raise a reasonable accommodation request with their manager at any time during their employment with Te Puni Kōkiri. Requests are considered on a case-by-case basis to meet an employee’s needs in accordance with the Employment Relations Act 2000.

I trust my response satisfies your request.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that Te Puni Kōkiri publishes some of its OIA responses on its website, after the response is sent to the requester. The responses published are those that are considered to have a high level of public interest. We will not publish your name, address, or contact details.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact us at uia@tpk.govt.nz.

Ngā mihi

A handwritten signature in black ink, appearing to read 'Terina Cowan'.

Terina Cowan
Hautū, Te Puni Tautoko Whakahaere | Deputy Secretary, Organisational Support

Kaupapa Mahi Whakaritenga Ngāwari

Flexible Working Arrangements Policy



Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

Why we have this policy | Ko Te Pūtake o tēnei Kaupapa Here

This document provides guidelines and establishes procedures to ensure all employees have a clear and consistent understanding of their ability to seek a change in their working arrangements (hours and/or location), so as to better meet their responsibilities at home.

The objectives of this policy are to ensure all employees and managers are aware of their entitlements and responsibilities with regard to requesting and approving Flexible Working Arrangements.

Policy | Kaupapa Here

1. Employees of Te Puni Kōkiri may request flexible working arrangements so that they may better meet the needs of a person in their care, or to prepare for their retirement.
2. The request must:
 - Include specific information about the length of time the variation will be in effect, or if it is to be permanent;
 - Include an explanation of how the flexible working arrangements will allow the employee to better care for the person concerned or prepare for their retirement; and
 - Specify what condition(s) of employment (hours/days/location) are to be varied.
3. An employee is not entitled to make another request within 12 months of having made a request.
4. The employee's Manager must consider the request for a flexible working arrangement as soon as it is practical to do so, and must confirm a decision within three months of first receiving the request.
5. Te Puni Kōkiri may decline any request that complies with the Act on any of the following grounds:
 - i. Inability to reorganise work amongst existing employees;
 - ii. Inability to recruit additional employees;
 - iii. Detrimental impact on quality;
 - iv. Detrimental impact on performance;
 - v. Insufficient work during the periods the employee proposes to work (e.g.: receptionist requesting to start work at 5am);
 - vi. Planned structural changes;
 - vii. Burden of additional costs; or
 - viii. Detrimental effect on ability to meet customer demand.
6. Any additional considerations that lead the Manager to decline a request should be discussed and documented.
7. Te Puni Kōkiri must decline a request if refuse a request if the proposed new working arrangement conflicts with the provisions of an employee's collective employment agreement.

Background | He Kupu Whakamārama

The Employment Relations (Flexible Working Arrangements) Amendment Act 2007 gives employees an entitlement to request flexible working arrangements takes effect from 1 July 2008. Flexible working arrangements refer to one or more of the following; hours of work, days of work.

This legislation provides for employees of Te Puni Kōkiri to request flexible working arrangements so that they may better meet the needs of a person dependant on them or plan for their retirement. The legislation requires the employee to include in their application an explanation of how the flexible working arrangements will allow them to better care for the person concerned.

At Te Puni Kōkiri there is an established practice of giving due consideration to a request from an employee for a flexible working arrangement, for example, workers who wish to reduce work hours for family reasons, or to prepare for retirement.

Responsibility and Enforcement | Ko Ngā Haepapa me Ngā Uruhi

All employees and managers either making or considering a request for flexible working arrangements are expected to comply with this Policy.

Managers approving flexible working arrangements under this Policy are responsible for ensuring they have the required delegation.

Managers should consult with the Manager, Human Resources and Capability for advice on any aspects of this Policy.

Any breach of this Policy may constitute misconduct and will be dealt with in accordance with Te Puni Kōkiri's [Misconduct and Poor Performance Policy](#).

Policy Approval | Ko Te Whakaaetanga o te Kaupapa

This Policy is owned and updated by:	It was approved by:	On the date of:	It is due for revision by:
Human Resources and Capability	Acting Deputy chief Executive, Organisational Support	11 April 2018	April 2020

This policy replaces the previous policy titled Flexible Working Arrangements Policy dated 31 March 2016.

Related Documents | Ko Ētahi atu Kaupapa Here

- [Remote Working Arrangements Policy](#)
- [The Employment Relations \(Flexible Working Arrangements\) Amendment Act 2007](#)

Contact | Whakapā Mai

Please see your Human Resources and Capability representative for assistance.

Kaupapa Whakaritenga Mahi ki Pāmamao

Remote Working Arrangements Policy



Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

Why we have this policy | Ko Te Pūtake o tēnei Kaupapa Here

This document provides guidelines and establishes procedures to ensure all employees have a clear and consistent understanding of Remote Working Arrangements away from a Te Puni Kōkiri workspace.

Short-term arrangements can be put in place in response to defined requirements such as to accommodate personal circumstances; to complete work from home intermittently without requiring a long-term arrangement; or while travelling on business.

All long-term remote working arrangements for periods of three months or more will be considered on a case-by-case basis against criteria set out in this policy.

In cases where issues are unclear consult the Human Resources and Capability Business Partner.

The objectives of this policy are to promote effective practices to ensure that employees have clarification and guidance on the issues to be considered when working away from a Te Puni Kōkiri workspace.

Policy | Kaupapa Here

1. Unless specifically stated in an employment agreement, letter of appointment or contract, any remote working arrangement is at the discretion of Te Puni Kōkiri, and should not be viewed as an employee's right or obligation.
2. All remote working arrangements are discretionary and additional to, the terms and conditions of the employee's. The arrangements may be cancelled by either party at any time, with one week's notice.
3. All long-term requests to work remotely from home, or any other work site that is not a normal place of work for Te Puni Kōkiri business, whether for part of the week, or full-time will be considered on a case-by-case basis by the immediate manager against the following criteria:
 - The employee and manager agree on the work to be performed and results to be produced; and
 - The nature of the work lends itself to a remote environment; and
 - Work is not being 'created' for this purpose; and
 - The employee has a good work performance record; and
 - Any arrangement will not place undue additional work on other employees in the workplace; and
 - The Manager, Information Services is satisfied that the arrangements will not make unreasonable demands on Te Puni Kōkiri IT hardware, software or security resources; and
 - There is consultation, co-ordination and co-operation to ensure that the employee is safe while undertaking the work and understand the risk associated with that work.
4. In the event of Business Continuity Management situation, approval of any remote working arrangements may also depend on:
 - The actual situation the employee is working in and the risks that situation may pose; and
 - Te Puni Kōkiri business needs; and
 - The needs of individual employees in terms of their whānau responsibilities.
5. Any short-term remote working arrangements over periods of less than three months require the agreement of employee and the immediate manager. Should arrangements be extended beyond this period, this may be considered the trial for a long-term remote working arrangement.
6. All long-term remote working arrangements over periods of three months or more require an initial trial period, after which the immediate manager will evaluate the situation and discuss with the relevant Deputy Chief Executive.

7. Any long-term remote working arrangement will also be conditional on the employee:
 - Reporting on health and safety matters by completing the [Remote Working Agreement Form](#); and
 - Providing work facilities and furniture for remote working arrangements. Both Te Puni Kōkiri and the employee or other worker must be satisfied that the proposed long-term remote working environment meets the requirements of the Act.
8. All approved agreements must be forwarded to Human Resources and Capability to record and file on the employee's personal file.
9. All long-term Remote Working Agreements should be reviewed annually by the manager and employee, effective 1 July.
10. Remote working arrangements are not intended to be used as an alternative to leave. An employee working remotely is expected to contact their manager and apply for leave as applicable.

Background | He Kupu Whakamārama

The Health & Safety at Work Act 2015 (the Act) , requires Te Puni Kōkiri to take “all reasonably practicable steps” to ensure that all employees have a safe work environment at all times, regardless of where they work, or how often they work in that environment.

Amongst other things, the Act recognises that “successful management of health and safety issues is best achieved through good faith co-operation, co-ordination and consultation in the place of work and, in particular, through the participation of the persons doing the work”.

There is, therefore a requirement on employers, employee's and any other worker impacted by Te Puni Kōkiri activities to take responsibility in a workplace for their safety and the safety of others who work with and around them. For this reason, Te Puni Kōkiri requires all employees seeking approval to work remotely over a period of three months or longer to satisfactorily complete the health and safety section of the [Remote Working Agreement Form](#).

Working remotely may not necessarily be appropriate for some positions, tasks, and employees, especially if working remotely may pose an unacceptable health and safety risk.

Responsibility and Enforcement | Ko Ngā Haepapa me Ngā Uruhi

All Kōkiri employees who agree to a **long-term remote working arrangement** are expected to:

- Comply with this Policy, and the Health and Safety at Work Act, by satisfactorily completing the [Remote Working Agreement Form](#); and
- Comply with all relevant legislation and Te Puni Kōkiri policies; and
- Notify their manager if they change the location of the long-term remote workplace; and
- Notify their manager of any damage to, or theft of, Te Puni Kōkiri provided equipment, and return all equipment at the end of the arrangement; and
- Be personally responsible for all overhead costs of the remote workplace (power, rates/rent, private phone line). These costs will not be reimbursed by Te Puni Kōkiri; and
- Ensure that they are able to be contacted at the remote location; and
- Be available to attend any meetings as required by their manager.

The manager of any employee with a **long-term remote working arrangement** is expected to:

- Ensure that any arrangement is discussed with the relevant Deputy Chief Executive before the arrangement commences; and
- Ensure that the arrangement meets the requirements of the Health and Safety at Work Act 2015; and
- Monitor from a business and health and safety risk perspective; and
- Ensure that all Health & Safety reports and forms are completed and sent to Human Resource and Capability for filing; and
- Remind the employee of his/her health and safety obligations while working remotely; and

- Arrange appropriate access to the internet, email and business phone calls.

Managers should consult with the Human Resources and Capability Business Partner for advice on any aspects of this Policy.

Any breach of this Policy may constitute misconduct and will be dealt with in accordance with the [Te Puni Kōkiri Misconduct and Poor Performance Policy](#)

Policy Approval | Ko Te Whakaaetanga o te Kaupapa

This Policy is owned and updated by:	It was approved by:	On the date of:	It is due for revision by:
Human Resources & Capability	The Deputy Chief Executive, Organisational Support	18 June 2018	June 2020

This policy replaces the previous policy titled Remote Working Arrangements dated 1 April 2016.

Related Documents | Ko Ētahi atu Kaupapa Here

[Remote Working Agreement Form](#)

[Health and Safety at Work Act 2015](#)

Contact | Whakapā Mai

If you have any questions please contact your Human Resources Advisor.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Kaupapa Mahi Whakaritenga Ngāwari

Flexible Working Arrangements Policy



Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

Why we have this policy | Ko Te Pūtake o tēnei Kaupapa Here

The purpose of this policy is to provide guidance on the application of flexible working arrangements to ensure all kaimahi are aware and have a consistent understanding of their ability to request a change in their working arrangements (hours and/or location). This policy is separate to any Business Continuity Planning which may include the requirement to work flexibly.

Background | He Kupu Whakamārama

The Employment Relations (Flexible Working Arrangements) Amendment Act 2007 took effect from 1 July 2008. This gave employees providing care for another person an entitlement to request flexible working arrangements. This right was extended to all employees by the Employment Relations Amendment Act 2014.

Since 2019, employees affected by family violence have had statutory rights to request a short-term (2-month or shorter) variation of their working arrangements to assist them deal with the effects of family violence.

All these matters have been incorporated into the Employment Relations Act 2000.

Additionally, in 2020 Te Kawa Mataaho (the Public Service Commission) provided guidance and resources to support agencies to introduce flexibility practices. Flexible Working Arrangements are an acknowledged mechanism to create more diverse and inclusive workplaces.

For the purpose of clarity, flexible working arrangements refer to one or more of the following: hours of work, days of work, place of work. Examples of flexibility are outlined in the table below:

Flexi-time	Flexi-place	Flexi-role/career
Options that allow kaimahi to vary their work hours or from time to time	Options that allow kaimahi to work from locations other than their designated workplace	Options that allow kaimahi to manage their roles and careers more flexibly
<ul style="list-style-type: none"> Flexible start and finish times - variable start and/or finish times are worked on a regular or needed basis Swapping workdays or hours with non-work hours or days (useful for part-time kaimahi) Part-time hours 	<ul style="list-style-type: none"> Remote working - working from another office or from home, regularly or from time to-time (this requires confirmation of a suitable workstation and suitable availability of technology including connectivity) 	<ul style="list-style-type: none"> Phased return to work i.e. kaimahi gradually increase their hours on returning from long-term leave Phased retirement i.e. kaimahi gradually reduce their hours as they approach retirement Job sharing - splitting a role with another kaimahi

At Te Puni Kōkiri there is an established practice of enabling kaimahi to work flexibly; this policy outlines how the intent to allow flexible working is to be applied.

Policy | Kaupapa Here

Kaimahi of Te Puni Kōkiri can engage with their manager at any time about flexible working arrangements.

This Policy applies to all flexible arrangements, regardless of whether it is a permanent/long term or temporary arrangement.

There are two ways of accessing a flexible working agreement:

1. Application for a formal flexible working arrangement (making a request under the Employment Relations Act 2000 ("the Act"))
2. Application for an informal flexible working arrangement

An arrangement agreed under the Act provides a high degree of certainty for both kaimahi and the employer and should be considered when requiring an ongoing, regular change to your normal pattern of work. A formal arrangement allows kaimahi to, for example, commit to care arrangements for an elderly parent with the certainty of knowing that the flexible arrangement is fixed (longer than 3 months) and not subject to change.

An informal arrangement is more appropriate when the changes required are for a short time (less than 3 months), or when there might be frequent changes to the arrangement. They are also appropriate when trialling or testing how an arrangement might work or utilising the flexi-time arrangement.

Kaimahi should review the information below, to determine which situation suits their needs best and discuss with their manager.

Managers should work with their Human Resources Business Partner when considering an application and before making a decision.

Requests under the Employment Relations Act 2000

All kaimahi have a statutory right to make a written request to vary the terms and conditions of employment relating to their *working arrangements*.

***Working arrangements*, in relation to an employee, means one or more of the following:**

- (a) hours of work
- (b) days of work
- (c) place of work (for example, at home)
- (d) if the employee is affected by domestic violence, additional terms that need variation

The written request to their manager must state the following:

- employee's name
- the date on which the request is made
- that the request is made under Part 6AA (the general flexible working) or Part 6AB (family violence short-term flexible arrangements) of the Act
- specify the variation of the working arrangements requested
- whether the variation is permanent or for a period of time
- the date on which the employee proposes that the variation take effect

- if the variation is for a period of time, the date on which the variation is to end
- explain, in the view of the employee, what changes, if any, Te Puni Kōkiri may need to make to business arrangements if the request is approved

Once an application is received the manager must notify the kaimahi of the decision as soon as possible. The recommended timeframe to respond would be one week but no later than two.

Refusal of a request to access a flexible working arrangement

A request can be refused if the manager determines that the employee is not eligible to make a request and/or the request cannot be accommodated on one or more of the grounds specified below. In refusing the request, the manager must notify the employee of the ground for refusal and provide an explanation of the reasons for that ground:

- (a) inability to reorganise and reallocate work among existing kaimahi
- (b) inability to recruit additional kaimahi
- (c) detrimental impact on quality of work
- (d) detrimental impact on work performance
- (e) Detrimental impact on the wider team
- (f) lack of work during the periods the employee proposes to work
- (g) planned structural changes
- (h) burden of additional costs
- (i) detrimental effect on the ability to meet the demand needs of customers.

A manager must refuse a request if the proposed new working arrangement is inconsistent with the provisions of the employee's collective agreement if the request were approved.

Requesting an informal flexible working arrangement

Kaimahi may request an informal flexible working arrangement by approaching their manager.

To prepare for a discussion with a manager, kaimahi should be able to answer the following questions:

- Why is the request being made?
- What length of time will the arrangement be in effect? e.g. is it a one-off instance or for a few weeks?
- What specific changes are being requested? e.g. starting or finishing work at different times, changing the location of where your work is performed.
- What impact, if any, might your arrangement have on your work? your team? your wider colleagues? your customers?

The manager will consider the request, considering, amongst other things, the reason for the request, the workload of the team, customer and colleague interaction, health and safety considerations and equipment requirements.

The decision as to whether or not to approve the informal request remains with the manager. If the request is declined the manager will provide an explanation and the opportunity for the employee to submit any further requests that take into account, the feedback.

Managers should genuinely consider the request and its impacts and should aim to respond to the informal flexible working arrangement within one week.

Informal arrangements can be reviewed at any time in response to changing circumstances, work demands etc

Responsibility and Enforcement | Ko Ngā Haepapa me Ngā Uruhi

All kaimahi and managers either making or considering a request for flexible working arrangements are expected to comply with this Policy.

Managers approving flexible working arrangements under this Policy are responsible for ensuring they have the required delegation.

Managers should consult with their People and Capability Business Partner for advice on any aspects of this Policy. Any breach of this Policy may constitute misconduct and will be dealt with in accordance with Te Puni Kōkiri's [Misconduct and Poor Performance Policy](#).

Informal arrangements can be reviewed at any time.

Policy Approval | Ko Te Whakaaetanga o te Kaupapa

This Policy is owned and updated by:	It was approved by:	On the date of:	It is due for revision by:
People & Capability	Deputy Secretary Organisational Support	19 May 2022	May 2024

This policy replaces the previous policy titled Flexible Working Arrangements Policy approved by the Deputy Secretary, Organisational Support on 11 April 2018.

Related Documents | Ko Ētahi atu Kaupapa Here

- [Te Kawa Mataaho Flexible-Work-by-Default Guidance and Resources](#)

Relevant Legislation

- [Employment Relations Act 2000](#)

Contact | Whakapā Mai

Please see your Human Resources Business Partner for assistance.