

1 July 2025

s9(2)(a)

Tālofa lava

s9(2)(a)

RESPONSE TO AN OFFICIAL INFORMATION ACT REQUEST (REF: DOIA050-2024/25)

On 30 May 2025, you contacted the Ministry for Pacific Peoples (the Ministry) requesting under the Official Information Act 1982 (OIA) information on the Ministry's working from home policy. I have outlined your specific request and my response below.

Under the Official Information Act 1982, I am making a request for the following information held on record since 1 January 2023:

- 1. A copy of the agency's current work from home policy, including the date it was last updated and any accompanying documentation outlining the rationale for the most recent changes.*

I have appended to this letter a copy of the Ministry's current Flexible Working Policy (refer to **Appendix 1**). The Ministry's current Flexible Working Policy was last updated in February 2025 to reflect the Government's expectations for public servants working from home arrangements.

The Ministry's latest updates to its Flexible Working Policy were made in alignment with the Government's guidance on flexible working. For context, I have appended to this letter a copy of the Public Service Commission's (PSC) email (refer to **Appendix 1**) with the proposed new Flexible Working Guidance for consultation sent to the Ministry's Chief Executive and Human resources team.

The final version of the PSC's guidance is available on their website via the link provided, [Guidance-Flexible-Working-Work-from-Home.pdf](#). This guidance informed the rationale and direction of the policy changes.

- 2. Copies of any previous versions of the work from home policy within the specified timeframe, including the dates each version was in effect (to and from) and any documentation explaining the reasons for changes made.*

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Christchurch

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120 Hereford St
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Christchurch 8011

I have appended to this letter a copy of the Ministry's previous Flexible Working Policy (refer to **Appendix 1**). This version of policy was in effect from June 2020 until February 2025 which includes the specified timeframe from 1 January 2023. As beforementioned in response to question one, the rationale for policy change was informed by the guidance provided PSC in relation to flexible working policy.

3. *Copies of all documents (including but not limited to briefings, memos, internal advice, and reports) provided to or from the Chief Executive or Executive Leadership Team relating to proposed or actual changes to the work from home policy.*

Please provide this information in an accessible, searchable format. If you refuse to release a document, I request the name of the document and the reason it was refused.

I have appended to this letter a copy of an internal memo to the Ministry's Executive Leadership Team (ELT) that provides context for the update to the Ministry's Flexible Working Policy (refer to **Appendix 1**). This ELT memo was submitted in February 2025, following the guidance provided by the PSC in relation to the latest flexible working updates.

In line with standard OIA practice, the Ministry proactively publishes some of its responses to OIA requests. As such, this letter may be published on the Ministry for Pacific Peoples' website. Your personal details will be removed, and the Ministry will not publish any information that would identify you or your organisation.

Should you wish to discuss this response with us, please feel free to contact the Ministry at: ia_requests@mpp.govt.nz.

If you are dissatisfied with this response, you have the right, under section 28(3) of the OIA, to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

la manuia



Danilo Coelho de Almeida
Deputy Secretary
Corporate & Support Services

Appendix 1

#	Date	Document Title	Decision on release
1	February 2025	MPP Flexible Working Policy	Released in full.
2	November 2024	Draft Flexible Working Guidance email	Some information withheld: <ul style="list-style-type: none"> • Section 9(2)(a)
3	June 2020	MPP Flexible Working Policy	Released in full
4	February 2025	ELT Memo: Flexible Working Policy	Released in full

Please note: The draft copy of the flexible working guidelines (refer to **#2 of Appendix 1**) sent from PSC have been superseded by the final version on their website. Therefore, the version circulated by email is now redundant, and the Ministry will not be releasing the document as an attachment.



Ministry for Pacific Peoples

Flexible Working

Corporate Policy

Deputy Secretary, Corporate & Support Services

February 2025

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Document

This document contains policy relating to Flexible Working in the Ministry for Pacific Peoples (the Ministry).

Version History

VERSION	DATE	AUTHOR	KEY CHANGES
1.0	July 2016	GM Capability Development	New Policy
2.0	May 2019	GM Business Services People & Culture	Updated to include Domestic violence legislative requirements
3.0	February 2020	Director, Services People & Culture	Updated to include legislative & government guidance requirements
4.0	June 2020	Principal Advisor, People & Culture	Updated to include SSC guidance on flexible working during and post covid.
5.0	February 2025	Director, People & Capability	Updated to reflect Government and PSC guidance

Note: Do not make unauthorised electronic copies or new versions (drafts) of this corporate policy. Contact the Director, People and Capability to have new drafts initiated and recorded in the appropriate manner.

Status

CONTACT	Director, People & Capability, Corporate & Support Services
STATUS	In effect from February 2025
APPROVED DATE	February 2025
POLICY OWNER	Ministry for Pacific Peoples
BUSINESS OWNER	Deputy Secretary Corporate & Support Services
REVISION CYCLE	Every two years or as needed
NEXT REVIEW	February 2027

Signoff

NAME	ROLE	SIGNATURE	DATE
Danilo Coelho de Almedia	Deputy Secretary, Corporate & Support Services		21/02/25

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RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

1. Purpose

The Ministry for Pacific Peoples is committed to fostering a work culture where individuals can maintain a balance with their personal life and achieve professional success. This policy provides employees with the option of flexibility and resources so that everyone working at the Ministry, including managers and their teams, has access to healthy working standards

2. Scope

All permanent, part-time, fixed term employees and secondees of the Ministry.

Under the Health and Safety Act 2015, the Ministry has an obligation to all workers, therefore this policy and the flexible or hybrid working framework also applies to self-employed contractors and subcontractors engaged by the Ministry (where necessary).

3. Principles

- The policy aligns with Guidance provided by the Public Services Commission.
- The Ministry supports the option of flexible working for its employees in line with part 6AA of the Employment Relations Act 2000.
- All employees and roles can request flexible working arrangements unless there is a genuine business reason that may mean some types of flexibility cannot be accommodated.
- All flexible working arrangements, including working from home arrangements, must be by written agreement between the Ministry and employee, and consistently managed in order to support a high performance culture.
- All flexible working arrangement requests will be received in writing. Requests will be carefully assessed, taking into consideration the impact on performance in its widest sense, engagement, team culture, and the deliverables for the team and Ministry.
- It is expected employees will work from their respective offices unless an agreed flexible working from home arrangement is in place.
- A flexible working arrangement is not a permanent change to an employee's terms and conditions of employment. However, an employee can request a permanent change to their terms and conditions of employment. Any such request will be carefully considered and at the discretion of the employee's manager (or the Chief Executive if required) considering the needs of the Ministry and the direct team.
- Flexible working will be structured in a way so as not to compromise the performance or engagement of any individuals, teams, or the Ministry.
- All flexible working arrangements must satisfy legislative requirements and the Ministry's broader policies (such as Domestic Violence, Health & Safety).
- Managers, employees and teams will talk regularly about agreed flexible arrangements, how the arrangements are working, and how any associated challenges will be addressed.

- Employees on agreed flexible working arrangements must uphold team obligations, perform their duties to the expected standard, and be available for work-related matters, such as attending meetings, events and participating in collaborative projects.
- When considering work from home requests, the Ministry will consider and assess the risks employees may be exposed to in that environment and any practicable mitigation measures.

4. Definitions

TERM	DEFINITION
Flexible working	An agreed upon written variation to the standard terms and conditions of an employment agreement, relating to changes in the times or days of work, location of work (including working from home), start/finish times, or how the work is done (e.g. job sharing) that will be reviewed on a regular basis to ensure it still works for both parties.

5. Roles and Responsibilities

ROLE	RESPONSIBILITY
Secretary	The Secretary approves the policy and any special exemptions that surpass a manager's pre-defined delegations.
People and Capability	<p>The People and Capability team will ensure the policy meets legislative requirements and aligns with Guidance from the Public Services Commission.</p> <p>The team will support managers to understand the policy and guidelines, its application, and regular review and monitoring of flexible working arrangements to ensure their ongoing suitability. They will review all flexible working requests to ensure compliance with Ministry policy and guidelines.</p> <p>The team will oversee the monitoring, review, and reporting of work from home arrangements.</p>
All Managers	<p>Managers will balance the operational requirements, impacts to performance in its widest sense, and of the Ministry and team with an employee's wellbeing when assessing flexible working requests. They will liaise with the People & Capability team to ensure the request, and any approvals are in alignment with Ministry policy and guidelines.</p> <p>All managers must regularly review all agreed work from home arrangements of their team members to assess the ongoing suitability and impact of the agreement on the team and organisations performance in the widest sense (including impacts on learning, development, productivity, team culture and engagement)</p>

ROLE	RESPONSIBILITY
All employees	Employees (and contractors where applicable) are required to ensure that they act in accordance with and follow this policy and corresponding guidelines are followed as an essential part of their role whether onsite or working remotely.

6. Legislation

- Domestic Violence – Victims’ Protection Act 2018
- Employment Relations Act 2000
- Health and Safety at Work Act 2015

7. Policies and Guidelines

- Code of Conduct
- Flexible Working
- Domestic Violence
- Health and Safety
- Leave Policy
- ICT Acceptable Use
- Information Management
- Privacy
- HR People Delegations
- Parental Leave
- State Services - Standards of Integrity and Conduct

From: [Gerardine Clifford-Lidstone](#)
To: [Danilo Coelho de Almeida](#); [Kirsty Dickson](#)
Subject: IN-CONFIDENCE:FW: Proposed Flexible Working Guidance for consultation
Date: Tuesday, 12 November 2024 3:17:00 pm
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[DRAFT Flexible Working Guidance.pdf](#)
[image006.jpg](#)
[image007.jpg](#)

IN-CONFIDENCE

Hi there

Please see the attached proposed flexible working guidance from PSC, for consultation.

Fa'afetai

Gerardine

Gerardine Clifford-Lidstone
Secretary for Pacific Peoples, Chief Executive, Ministry for Pacific Peoples
Te Tumu Whakarae, Te Manatū mō ngā Iwi o Te Moana-nui-ā-Kiwa



IN-CONFIDENCE

From: Heather Baggott <Heather.Baggott@publicservice.govt.nz>
Sent: Tuesday, 12 November 2024 8:01 am
To: Andrew Bridgman <andrew.bridgman@ot.govt.nz>; Andrew Clark <andrew.clark@gcsb.govt.nz>; Andrew Coster <andrew.coster@sia.govt.nz>; Andrew Crisp <andrew.crisp@hud.govt.nz>; Andrew Hampton <Andrew.Hampton@nzsis.govt.nz>; Andrew Kibblewhite <andrew.kibblewhite@justice.govt.nz>; Andy Jackson <andy.jackson@education.govt.nz>; Audrey Sonerson <a.sonerson@transport.govt.nz>; CORRY, Bede (CEO) <bede.corry@mfat.govt.nz>; Ben King <ben.king@dpmc.govt.nz>; Brian Roche <Brian.Roche@publicservice.govt.nz>; Barrington, Brook <brook.barrington@defence.govt.nz>; Carolyn remain <carolyn.tremain@mbie.govt.nz>; Christine Stevenson <christine.stevenson@customs.govt.nz>; Dave Gawn <dave.gawn@nema.govt.nz>; Dave Samuels <samud@tpk.govt.nz>; Debbie Power <debbie.power006@msd.govt.nz>; Diana Sarfati <diana.sarfati@health.govt.nz>; Ellen MacGregor-Reid <ellen.macgregor-reid@education.govt.nz>; Gaye Searancke <gsearancke@linz.govt.nz>; Gerardine Clifford-Lidstone <gerardine.clifford-lidstone@mpp.govt.nz>; Grainne Moss <grainne.moss@regulation.govt.nz>; Heather Baggott <Heather.Baggott@publicservice.govt.nz>; James Palmer <james.palmer@mfe.govt.nz>; LIGHTFOOT, Jeremy (PONEKE) <jeremy.lightfoot@corrections.govt.nz>; Karen Chang <karen.chang@sfo.govt.nz>; Katrina Casey <katrina.casey@dpmc.govt.nz>; Kellie Coombes <kellie.coombes@women.govt.nz>; Anderson, Lillian <lil.anderson@tearawhiti.govt.nz>; Mac Leauanae <mac.leauanae@mch.govt.nz>; Mark Sowden <mark.sowden@stats.govt.nz>; mary.craig <mary.craig@ird.govt.nz>; Mervin Singham <mervin.singham@ethniccommunities.govt.nz>; Nicholas Pole <Nicholas.Pole@ero.govt.nz>; Paul James

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Subject: Proposed Flexible Working Guidance for consultation

Tēnā koutou

I wrote to each of you on 23 September regarding the Government's expectations for public servants working from home arrangements.

This email provides you with the proposed new Flexible Working Guidance for consultation. It is also being provided to your Head of HR and to relevant Unions.

What's changed?

This Guidance replaces the Hybrid Working and Flexible-By-Default Guidance.

Government expectations do not mean public servants cannot work from home or that public servants must work in the office on a set number of days each week. This Guidance helps agencies ensure there is sufficient rigour and transparency in managing flexible work arrangements in support of a high-performance culture.

Alignment will look differently for each agency, and this is expected and supported. The proposed Guidance sets out what agencies should do as a minimum.

Data collection

Departments and Departmental Agencies are currently collecting data on working from home arrangements. The deadline for data to be submitted to the Commission is 22 November.

This is a baseline data collection. Agencies are not expected to have adjusted their current arrangements following the Government's September announcement for this data collection.

We will seek an update on agency data early in 2025. This data will be publicly released.

At this stage our intention is to collect work from home data twice yearly (in March and September) as part of other regular collections, but we will keep this under review.

Guidance Consultation Process

You are welcome to seek advice from anyone within your agency that would have an interest in this Guidance.

Please send your feedback direct to Paula Davis, Manager Workforce and Capability at paula.davis@publicservice.govt.nz by Friday 22 November at 5.00pm.

Thank you for your constructive engagement with the data collection process and I look forward to receiving your feedback on the proposed Guidance.

Ngā mihi
Heather

Heather Baggott (she/her)

Te Pou Turuki mō Te Kawa Mataaho | Deputy Public Service Commissioner
waea pūkoro: s9(2)(a) | imēra: heather.baggott@publicservice.govt.nz



Te Kawa Mataaho Public Service Commission
publicservice.govt.nz | www.govt.nz



.....
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RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Ministry for Pacific Peoples

Flexible Working Policy

Corporate Policy

DCE - Business Services, People & Culture

June 2020

Document

This document contains policy relating to Flexible Working Arrangements in the Ministry for Pacific Peoples (the Ministry).

Version history

Version	Date	Author	Key changes
2.0	July 2016	GM Capability Development	
3.0	May 2019	GM Business Services People and Culture	Includes Domestic Violence. Updated form to reflect Domestic Violence legislative requirements.
4.0	February 2020	Director, Services People and Culture	Includes Domestic Violence - Victims Protection Act 2018 updates. Amendments to meet legislative and government guidance requirements.
5.0	June 2020	Principal Advisor, People and Culture	Incorporates SSC guidance on Flexible Work and experience during and post Covid 19 period
6.0	January 2022	Director, People & Culture	

Note: Do not make unauthorised electronic copies or new versions (drafts) of this corporate policy. Contact the Director, People and Culture to have new drafts initiated and recorded in the appropriate manner.

Status

Contact	Director, People and Culture
Status	In effect from July 2016
Approved date	June 2020
Policy owner	The Ministry
Business owner	DCE, Business Services, People & Culture
Revision cycle	Every two years or as needed
Next review	June 2022

Signoff

Name & Role	Signature	Date
Laulu Mac Leauanae Chief Executive		

1. Introduction

1.1 Purpose

The Ministry recognises that work life balance is about creating a productive work culture where the potential for tensions between work and other parts of people's lives is minimised. The purpose of this policy is to normalise flexible work for everyone in the Ministry in a way that works for individuals, Managers, teams, and the Ministry.

1.2 Scope

This policy covers all employees, including fixed term employees.

It:

- provides options for how you can manage your work and non-work commitments and how you can balance flexible working with the need to deliver our work
- provides the process for considering requests for flexible working options
- outlines the obligations on all parties when considering and working under Flexible Working Arrangements.

1.3 Relevant legislation

1.3.1 Employment Relations Act 2000 (ERA)

Part 6AA of the ERA provides employees with the 'right to request' Flexible Working Arrangements at any time. Employers may only decline the request if Grounds for Refusal are satisfied.

1.3.2 Domestic Violence – Victims Protection Act 2018

Domestic Violence - Victims Protection Act 2018. Where an employee is asking for Flexible Working Arrangements when they are affected by family violence, the legislative requirements as set out in the Domestic Violence - Victims Protection Act 2018 will apply.

Please refer to the Domestic Violence Policy for relevant and detailed information about the support available and the process for accessing that support.

1.4 Definitions

Term	
Individual Employment Agreement	An Individual Employment Agreement is a written contract between an employee and their employer setting out the agreed terms and conditions of their employment.

Term	
Flexible by Default	<p>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. It provides an opportunity to consider a range of working arrangements that work for the agency, teams, Managers, and individual employees.</p> <p>It does not mean that all types of flexibility will be possible for every role. 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.</p>
Flexible Working Arrangements	<p>Flexible Working Arrangements cover a wide range of arrangements outside of traditional working arrangements. Examples include:</p> <ul style="list-style-type: none"> • working flexible hours • varying total hours • occasional flexibility • working remotely (usually from home or another Ministry office) • job sharing • taking additional unpaid leave • condensed hours • flexi-role: allowing employees to manage their role more flexibly. E.g. phased return to work from long-term absence or phased retirement by reducing hours gradually as they approach retirement <p>In the case of an employee affected by family violence, additional flexible working arrangements that meet individual circumstances can be considered.</p>
Flexible Hours	<p>Start and finish times are set out in Employment Agreements. At the Ministry these are generally 8am to 5pm, with a one-hour lunch break.</p> <p>“Flexible Hours” is working the total number of hours set out in an Employment Agreement (usually 40 hours) but starting and finishing work either earlier or later than the time provided in the Employment Agreement.</p>
Varying Total Hours	<p>Hours of work are set out in Employment Agreements (usually 40 hours).</p> <p>“Varying Total Hours” is working either fewer or more hours than set out in your Employment Agreement. Varying Total Hours requires formal agreement with your manager and will generally be accompanied by a change in salary to reflect the change in total hours worked.</p>
Long-term Flexibility	<p>Arrangements that are intended to last for a longer period (e.g. working from 7am to 4pm daily or working from home two days a week).</p>
Occasional Flexibility	<p>Usually arises on an ad hoc basis and is sporadic and or for short periods - usually a day or part day (e.g. working from home due to a sick child or starting work late due to a Doctor’s appointment and working late to compensate).</p>

Term	
Grounds for Refusal	<p>Under section 69AAF of the Employment Relations Act, 2000 , employers may refuse a request for Flexible Working Arrangements only if they determine that the request cannot be accommodated on one or more of the following grounds:</p> <ul style="list-style-type: none"> ● inability to reorganise work among existing staff ● inability to recruit additional staff ● detrimental impact on quality ● detrimental impact on performance ● insufficiency of work during the periods the employee proposes to work ● planned structural changes ● burden of additional costs ● detrimental effect on ability to meet customer demand ● if the request is from an employee who is bound by a collective agreement, which applies and is inconsistent with the collective agreement.
Informal Flexible Working	<p>Informal Flexible Working (on a regular or ad hoc basis) 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. It can also involve agreements to more regular arrangements, such as regular changes to start and finish times, or working from home regularly, as long as arrangements don't require changes to pay or employment terms and conditions.</p>
Formal Flexible Working	<p>Formal Flexible Working occurs when a recurring work arrangement impacts on pay or involves changes to employment terms and conditions. It may take place for an agreed period or on an ongoing basis with regular review. Examples could include regular part-time hours, job sharing, or working remotely on a regular basis.</p>
Leave Without Pay (LWOP)	<p>Leave Without Pay (LWOP) is when an employer allows an employee time off work when they would otherwise be working but doesn't pay them for this time. LWOP doesn't end an employee's employment, and usually the employee returns to their same position and terms and conditions after LWOP (unless the employee and employer agree otherwise). LWOP can affect the employee's annual holidays payment and entitlement in some situations.</p>

1.5 Guiding Principles

The Public Service Commission have published the following Guiding Principles for agencies including the Ministry to consider when implementing a Flexible-By-Default working approach.

1.5.1 If not, why not?

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

1.5.2 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.

1.5.3 Championed by leaders

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

1.5.4 Mutually beneficial

Flexible working needs to work for employees, teams and MPP. It 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.

Key considerations will be given to how flexible work arrangements can maintain or enhance the performance and delivery of the Ministry's work commitments. Another key consideration is that any arrangement should not result in increased workloads for employees working flexibly or for other team members who are not, or for managers leading teams with some staff working flexibly.

1.5.5 Requires give and take

Flexibility requires some give and take between the employee, manager and team. It also places obligations on employees, managers, and teams to be open and adaptable so that it works for everyone. Arrangements that do not work for all parties will not be sustainable in the long term.

1.5.6 Safety and security

All flexible working options must satisfy the Ministry's security and Health and Safety requirements.

1.6 Procedures

1.6.1 Nature of arrangements

Flexible work arrangements can be formal or informal, ad hoc or regular, temporary or permanent.

1.6.2 Making a request

Before making a request for flexible work arrangements employees should familiarise themselves with the principles of flexible-by-default and the options that may work in their type of role.

The employee should discuss flexible options with their manager and be open to finding a solution that works for themselves, the whole team, their manager, and the Ministry. They should take account of the options available, in the context of their role and their team's responsibilities and deliverables and the impact their flexible work arrangement will have on others.

The employee does not have to provide a reason for their request, but they do need to discuss things like:

- the type of flexibility required
- whether or not it is a long-term arrangement
- what might be the impact of the new working arrangement – on team members, Manager, work deliverables
- how they think the new arrangement can be accommodated.

1.6.3 Ad hoc arrangements and unexpected events

Ad hoc flexibility may be planned ahead and simply needs to be agreed with the employee's manager.

Alternatively, ad hoc flexibility may be needed in response to an unexpected event. This may mean it is not possible for an employee to seek agreement from their manager in advance. Where this occurs, the employee should talk to their manager at the earliest opportunity.

1.6.4 Responding to requests

Managers will respond to a flexible work arrangement request as soon as possible. Where a request is made in writing they will respond no later than one month after receiving it. In deciding about a flexible work arrangement, the Manager may seek advice from HR or their DCE.

Where agreement in principle is reached between an employee and their Manager, they will discuss the agreement with the team and as a group they will decide on mutual expectations and norms of behaviour.

If a request is granted, the arrangements agreed and any applicable conditions will be recorded in writing, by email or using the form attached to this policy. Manager sign-off is required for any agreed long-term flexible working arrangement.

If the Manager objects to the proposal they will explain why it is not workable and will work with HR and the employee to find a workable solution and to ensure all options have been considered.

Where a formal request is made in writing, reasons for declining it will be provided in writing within 1 month of receipt of the request, including:

- stating the Grounds for Refusal, referencing this policy
- explaining the reasons for refusing under these grounds
- advising the employee of their right of review.

All documentation will be placed on the employee's personal file.

The Ministry will act in good faith in assessing all flexible working requests.

1.6.5 Health and Safety

Under section 36 the Health and Safety at Work Act 2015, MPP must ensure, so far as is reasonably practicable, the health and safety of their workers' while they are at work. That means that when employees ask to work from home, MPP must consider the risks their employees might be exposed to in that work environment, the degree of harm those risks could cause, and how those risks can be mitigated. This includes ensuring that:

- employees do not work excessive hours, and that any hours in excess of standard working hours are agreed and monitored appropriately
- employees understand their health, safety and wellbeing responsibilities when working remotely

When considering working from home employees and their manager should consider and agree that:

- the employee's home workspace will be arranged by the employee so that it is comfortable and ergonomically sound

- the employee will complete the MPP Health and Safety self-assessment
- the employee will take regular breaks
- the employee will keep the workspace clear and free from obstacles or tripping hazards and well lit
- the employee and their manager will be in regular communication and that they will be proactive in raising and discussing any problems that arise from working from home
- the employee and their manager will proactively discuss any risks to the employees physical and/or mental health and safety arising from working from home and discuss ways this harm can be eliminated or minimised.

Under section 45 of the Health and Safety Act MPP workers have the following responsibilities:

While at work, an employee must—

- (a) take reasonable care for their own health and safety; and
- (b) take reasonable care that their acts or omissions do not adversely affect the health and safety of others; and
- (c) comply, as far as the employee is reasonably able, with any reasonable instruction that is given by the Ministry to allow the Ministry to comply with the Health and Safety at Work Act or regulations; and
- (d) co-operate with any reasonable policy or procedure of the Ministry relating to health or safety at the workplace that has been notified to employees.

Hazard identification and reporting

Even when employees are working remotely, they are required to identify and report on hazards in their workplace to their manager, HR or Health and Safety representative.

Incident Reporting

If an incident occurs when an employee is working remotely, as with a hazard that occurs at MPP's premises, the employee must notify their manager as soon as they are reasonably able.

1.6.6 Information security and privacy

When employees are working remotely, it is important that the security and privacy of information is maintained.

MPP will ensure the security and privacy of information is maintained when employees work remotely by assessing and addressing any concerns with:

- the work to be done at home
- procedures to minimise the security risk of storage and transmission of confidential information
- the classification of any information to be held at or transmitted from or to the home
- any security clearance requirements of the staff member
- the suitability (including past performance in security matters) of the staff member to work outside the usual environment
- requirements with respect to IT security/servicing and communications security, such as encrypted data, two-step authentication on electronic devices, and up-to-date protection software.

1.6.7 General considerations

In addition to health, safety and wellness considerations, the Ministry will consider a range of matters when considering a Flexible Work Arrangement request. These considerations may be specific to the person, team, and position. They may include, for example:

- how and where the work will be completed, if it is likely to have a detrimental impact on quality or performance
- the employee's willingness to return to the office when the need arises
- the requirements of the employee's role
- operational needs
- the effect of the arrangement on the team and the resourcing of work
- support and supervision (for the employee and other team members)
- any cost to the Ministry
- technology issues, like fast broadband in the home to enable productive work
- any additional matters which may result from the requested arrangements

While a range of matters can be considered when assessing a Flexible Work Arrangement request, the request can only be declined if it cannot be accommodated on one or more Grounds for Refusal.

1.6.8 Review of arrangements

When a flexible working arrangement is approved, the impact of that arrangement, within a team or in relation to a work outcome can often not be fully determined at the outset. Therefore, a review of the flexible work arrangement will occur between the employee and their manager after an agreed time (usually one to three months) and then ongoing at least every 12 months.

Changes to roles will also require a review of whether certain arrangements are still workable.

From time to time, employees may be required to alter their flexible work arrangement. This may be ad hoc, or on a more regular or even permanent basis, to meet the needs of the Ministry. In such situations the manager will talk this over with the employee as early as possible and seek to find agreement on a flexible working arrangement that meets the needs of the employee, their Manager, the team and the Ministry.

2. Responsibilities

2.1 Employees

When working remotely, employees are responsible for:

- self-managing their work and continuing to meet delivery expectations
- communicating proactively with their manager and their team about the work they are doing remotely
- working with their manager and the team to ensure their flexible arrangements are working for everyone
- being as flexible as possible when temporary changes to flexible work arrangements are needed

- clearly indicating their working arrangement in their office calendar
- setting up an out of office email message to operate outside agreed working hours which clearly states when they are in the office
- remaining contactable during agreed work hours
- observing all Ministry policies, including, for example, the Ministry's Code of Conduct, ICT and State Services Standards of Integrity and Conduct and Health and Safety policies.

2.2 Managers

Managers are responsible for:

- considering in good faith any request for flexible working, approving these when they can, and declining only when (following consultation with HR) they have determined that one or more Grounds for Refusal exist
- ensuring that, prior to the first instance of an occasional arrangement to work from home, the staff member receives advice on health, safety, and security
- ensuring the Ministry's business requirements are met
- overseeing the team's workload, and monitoring any changes that result from a Formal Flexible Working arrangement
- providing reasonable notice to any employee with a flexible working arrangement of developments that may cause it to be revisited.

3. Breaches of this policy

The provisions under the Employment Relations Act, to deal with unresolved Formal Flexible Working request breaches are contained in Part 69 AAG, 69AAH, 69AAI of the Act.

3.1.1 Employee in breach

If an employee is in breach of this policy their manager will raise the issue and try to resolve the problem with the employee.

If necessary, disciplinary action may be taken in accordance with the Ministry's disciplinary policy. (Advice from HR should be sought in all cases where potential disciplinary action could be taken).

3.1.2 The Ministry in breach

If an employee believes the Ministry is in breach of this policy, they should follow the process for the resolution of employment relationship problems set out in their Individual Employment Agreement, including:

- first trying to resolve the issue by discussing it with their manager
- if necessary, taking the problem to the DCE, Business Services, People & Culture or HR for assistance
- if the issue remains unresolved, referring the matter to a third party such as a Labour Inspector or Mediation, from the Ministry of Business, Innovation, and Employment at www.mbie.govt.nz
- if still dissatisfied, an employee can apply to the Employment Relations Authority at www.era.govt.nz

4. Further information

4.1.1 Legislation

- Employment Relations Act 2000
- Domestic Violence - Victims Protection Act 2018
- Health and Safety at Work Act 2015

4.1.2 Related policies

- Domestic Violence Policy
- Equal Employment Opportunities Policy
- Parental Leave Policy
- The Ministry Code of Conduct
- Health and Safety Policy
- State Services - Standards of Integrity and Conduct
- Leave Policy
- ICT Acceptable Use Policy
- Information Policy
- Privacy Policy

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Appendix A: Flexible / Hybrid Work Arrangement Request

Employee to complete

(Details can be provided by email, but should include key details below)

Name:	Role:	Date:
Manager Name:		
<i>I would like to request a variation to my working arrangements which are currently :</i>		
Place(s) of work: Include address if not MPP premises		
Days and hours of work:		
My proposed flexible working arrangement is: <i>(Tick appropriate box)</i>		
<input type="checkbox"/>	Working from home	<input type="checkbox"/>
<input type="checkbox"/>	Flexi time:	<input type="checkbox"/>
<input type="checkbox"/>	Part-time:	<input type="checkbox"/>
<input type="checkbox"/>	Job share:	<input type="checkbox"/>
<input type="checkbox"/> Condensed working week:		
<input type="checkbox"/> Alternative arrangement: detail below this may be a combination of two arrangements or a different version		
Technology requirements, if applicable:		
Place(s) of work If more than one location state all addresses		
Days and hours of work Specify hours worked across all locations		
<i>I would like the new working arrangement to be <u>permanent</u> and start from:</i> <i>(Please allow at least 2 weeks notice of start date)</i>		
<i>I would like the new working arrangement to be <u>temporary</u></i> <i>(Please allow at least 2 weeks notice of start date)</i>		
Starting :		
Finishing :		
The reason for my request is to:		
I have read and understood the Ministry's Flexible Working Policy and make this request in the knowledge and acceptance of the requirements that I must meet, should it be granted. If this includes working from home, my responsibility to observe all Ministry policies, including, the Ministry's Code of Conduct, ICT and State Services Standards of Integrity and Conduct and Health and Safety policies. I accept that the Ministry does not pay for home connectivity or any costs incurred when working from home and that having a suitable workstation is my responsibility.		
Employee's Signature:		Date: / / 20

Appendix B: Manager Response Form

(Details can be provided by email, but should include key details below)

Approved

Not Approved

To:	Date:
I, _____ <i>Manager Name</i> , have considered your request for a flexible work arrangement	

EITHER

I can confirm that I have approved your request for

Detail arrangements including place(s), days and times of work.

OR

I am unable to accommodate your original request. However, I am able to offer the following alternative arrangement, which we have discussed and you agreed would be suitable to you

Detail arrangements including place(s), days and times of work.

OR

I am declining your request at this time for the following reasons, and as discussed with you.

Detail the reasons

Your new working arrangement will commence from:

Start Date:

Finish Date:

(If Temporary)

If permanent we will review this arrangement in approximately _____ months, to ensure it is working for you, the team, the Ministry, and myself. If it is not working, we will need to discuss and agree an adjustment to this arrangement that works for us all. We will review this arrangement not less than 12 monthly thereafter.

Name:

Signature:

Note to employee:

If you have any questions on the information provided on this form, please contact me as soon as possible to discuss

You have stated in your Flexible Work Request that you have read and understood the Ministry's flexible working policy and make this request in the knowledge and acceptance of the requirements established in that policy.

If working from home is part of this arrangement, your responsibilities to observe all Ministry policies, including, the Ministry's Code of Conduct, ICT and State Services Standards of Integrity and Conduct and Health and Safety policies

In taking up this flexible work arrangement you accept that the Ministry does not pay for home connectivity or any costs incurred when working from home and that having a suitable workstation is your responsibility.

ELT Memo

Security level: **Unclassified**

Flexible Working Policy

Date	3 February 2025
To	Executive Leadership Team
From	Kirsty Dickson, Director People & Capability
Deputy Secretary	Danilo Coelho de Almeida, Corporate & Support Services
Meeting #	TBC (to be added by ELT Secretariat)
For	Approval

Recommendations

It is recommended that you:

- a. **Approve** the updated Flexible Working Policy
- b. **Note** staff are expected to be in the office unless a formal arrangement has been agreed
- c. **Note** the PSA have issued proceedings against the new Guidance and if impacts on our collective bargaining, we will liaise with the PSC Employment Relations team

Purpose

1. This memo provides context for the updates to the Flexible Working Policy.

Background

2. In 2024, the Public Service Commission (PSC) announced their expectations on working from home arrangements for the Public Service which are summarised as:
 - a. Work from home (WFH) arrangements are not an entitlement and must be by explicit agreement
 - b. WFH arrangements must not compromise the performance of employees, teams, or their agencies.
 - c. Agencies must monitor WFH arrangements and be able to report on them.

3. The PSC reviewed the working from home guidance and subsequently produced new guidance for consultation.
4. Guidance was finalised and circulated to Government departments in late December 2024.
5. The new guidance replaces the Commission's Hybrid Working Guidance 2022 and Flexible-By-Default Guidance 2020.

Policy updates

6. The Flexible Working Policy has been updated to align with the Public Service Commission guidance.
7. Key updates
 - a. Employees are expected to be in the office unless a formal work from home arrangement has been agreed to.
 - b. Clarification that working from home
 - i. must be by agreement between the Ministry and employee
 - ii. must not compromise the performance or engagement of employees, teams, or the Ministry
 - c. Specifying work from home arrangements must be review and monitored by managers on a regular basis
 - d. Clarification of Manager and People & Capability roles

Financial implications

8. There are no financial implications to this report.

Key risks and mitigations

9. The Public Service Association (PSA) have issued proceedings in the Authority relating to the new Guidance, which may impact upcoming collective bargaining between the PSA and Ministry. The associated risk is low, and should this particular matter arise and prove to be a roadblock in negotiations, the bargaining team will liaise with the PSC Employment Relations team.

Next steps

10. Following approval of the Policy, People Leaders will receive an email outlining expectations with respect to team members working from home, and associated monitoring and review requirements.

Consultation

11. The outcome of consultation with the relevant directorates is outlined in the table below.

DIRECTORATE	OUTCOME OF CONSULTATION
Corporate and Support Services	Discussed with Danilo Coelho de Almeida, Tony Herrick