

6 October 2023

Section 9(2)(a)

Section 9(2)(a)

Our ref: OIA 107310

Tēnā koe Section 9(2)(a)

Official Information Act request: Policies

Thank you for your email of 11 September 2023, requesting, under the Official Information Act 1982 (the Act), information regarding the Ministry of Justice's (the Ministry) policies. Specifically, you requested:

- *Policies, guidelines, and/or general information provided to Ministry of Justice 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 MoJ 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 MoJ that were in effect before 21 March 2020.*
- *Policies, guidelines, and/or general information regarding reasonable accommodations for disabled employees at MoJ that have been put in place or changed on or after 21 March 2020.*

I have interpreted your request to mean information about Flexible Working policy and guidance covering all Ministry employees, in accordance with the Employment Relations Act 2000 Flexible Working Provisions (Part 6AA)¹ and the Public Service Commission Te Kawa Mataaho July 2020 guidance to all public sector organisations.²

The Ministry Flexible Work policy dates to 2016 and has been regularly updated. It covers general flexible working processes. Supporting guidance, updates and communications were published on the Ministry intranet for people leaders and employees as per regular review practice.

In response to the first two parts of your request, please see the document table below which details the information being released to you. Some information has been withheld under 9(2)(a) to protect personal privacy.

¹ legislation.govt.nz/act/public/2000/0024/latest/DLM1398200.html

² publicservice.govt.nz/guidance/guidance-flexible-work-by-default-guidance-and-resources/

In response to the last two parts of your request, I can confirm that there are no reasonable accommodation policies in place at this time. Therefore, I am refusing these parts of your request under section 18(e) of the Act, as the requested information does not exist. The Ministry does, however, have an active Disability Network, which advocates for people with visible and invisible disabilities.

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/.

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā



Steve Sim

Deputy Secretary (Acting), Corporate & Digital Services

Document number	Document date	Document title	Decision on release
1	July 2016	Flexible working arrangements policy	Released in full
2	June 2020	Manage flexible working update	
3	January 2021	One Source Weekly – flexible working arrangements policy	Some information withheld under 9(2)(a)
4	June 2023	Flexible working policy with intranet information	Released in full



FLEXIBLE WORKING ARRANGEMENTS POLICY

PURPOSE

This policy outlines the Ministry's approach to providing flexible work arrangements and the process that will apply when considering requests.

This policy should be read in conjunction with the flexible working arrangements pages on JET.

POLICY STATEMENT

The Ministry is committed to attracting and retaining a skilled and engaged workforce and recognises that enabling life balance through flexible work arrangements is a core component of a healthy and productive work environment.

All requests for flexible working arrangements will be considered and accommodated, where operationally possible.

SCOPE

This policy applies to all Ministry employees.

OUR POLICY

Flexible working aims to provide employees with life balance and the ability to better manage their personal and professional commitments.

Flexible Working Arrangements

Flexible work practices may involve a change to an employee's hours of work, days of work, or place of work. Flexible work practices can include but are not limited to:

- **Flexitime:** Employees and their managers agree alternative start and finish times within a range of available hours.
- **Compressed working week:** An agreed number of hours per week or fortnight are worked over a shortened number of working days.
- **Part-time work (including job share):** The employee works less than full time hours. To achieve this, the job is sometimes redesigned and responsibilities are split between two or more part time employees.
- **Expanded periods of leave:** This arrangement gives employees flexibility in requesting extended periods of time away from work and may be granted on either a paid or unpaid basis.
- **Flexi-location:** Enables employees to vary their work location, whether at other Ministry premises or in some cases via remote working.

This is not an exhaustive list of flexible work arrangements. More information on types of flexible working is available at: www.employment.govt.nz

Principles

The following principles underpin the Ministry's approach to flexible working arrangements:

- Flexible working arrangements will be considered at all levels, functions, and locations at the Ministry. Reasonable accommodation will be made to enable flexible work practices where operationally possible, and balanced against business needs.
- Requests can be made for any purpose and at any time; there is no limit on how many requests can be made in one year.
- Flexi-workers will have equal opportunities including notice of organisational events and

training, applying for roles, and performance and remuneration reviews.

- It may be necessary to review and/or change flexible working arrangements as individual or organisational circumstances change.
- The Ministry will support managers to successfully implement flexible work practices and ensure performance objectives are appropriately aligned.
- Flexible working requests may be trialled in order to assess the suitability of the arrangement and its affect on the employee and the business.
- Unless otherwise agreed, following implementation of a flexible working arrangement, there is no automatic right to revert to the prior work arrangement; all parties must agree to the change in writing.
- All employees have the opportunity to apply for flexible working arrangements, in accordance with the Human Rights Act 1993.
- Collaboration between the manager and the employee is critical in ensuring that expectations are clear and met.

Procedures

1. Employees must make a request for flexible working in writing to their manager, using the template available on the Ministry's intranet, JET. The Employment Relations Act requires all requests to include the following details:
 - An explanation of the desired new working arrangements (eg, days of work, hours of work, and place of work) and whether the request is permanent or for a set period of time
 - A stipulation that the request is made under section 6AA of the Employment Relations Act 2000
 - The date on which the request is made and a specified starting date of the flexible working arrangement (and an end-date if applicable)
 - An explanation of what changes, if any, the Ministry may need to make if the request is approved (eg, changes to the way the team works together, changes to the physical set up of the workplace etc) and the steps the employee can take to mitigate these
 2. The manager is encouraged to meet with the employee to discuss their request and to consider all relevant types of flexible work practices.
 3. The employee's manager and an HR Business Partner will assess the request by taking into account relevant legislation and the Ministry's flexible working policy.
 4. Under the legislation, the Ministry must refuse a request for flexible work practices if the employee is bound by a collective agreement and the proposed working arrangement is inconsistent with the collective agreement in place.
 5. The Ministry may also refuse a request if one of the following specific business reasons apply:
 - i. Inability to reorganise work among existing employees
 - ii. Inability to recruit additional employees
 - iii. Detrimental impact on work quality or performance
 - iv. Insufficient work during the period the employee proposes to work
 - v. Planned structural changes
 - vi. Burden of additional costs
 - vii. Detrimental effect on ability to meet customer demands.
 6. The Ministry (via the employee's manager) will provide a written response to the request as soon as possible but no later than one month after the request is received.
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7. If accepted, the manager and the employee will work with an HR Business Partner to ensure successful implementation of the flexible work arrangement. This will include the employee and their manager setting a date to review the new working arrangement to ensure it continues to meet the needs of the business and of the employee.
 8. The appropriate HR Business Partner will work with the manager to draw up an agreement to be signed by both parties, stipulating the flexible working arrangement, any trial period, and criteria for review. This will include the manager completing an [Employee Movement Form](#) to reflect any changes to the employee's work pattern or work location. Completion of this form enables Payroll to make an adjustment to the employee's salary and should be submitted in a timely manner to avoid any payroll-related delays.

The manager and employee will hold any review as scheduled and will involve an HR Business Partner if there are any issues to address or any changes required to the agreement.

Consideration of flexible working requests

While all flexible working requests will be treated equally and on merit, the needs and wishes of individuals must always be balanced with the needs of the business. In many locations it may be necessary to have core hours of work to ensure coverage at certain times of the day.

The decision to approve or deny a flexible working arrangement request is at the discretion of the employee's manager as they are best placed to understand the potential impact on business delivery. Managers should work with an HR Business Partner to consider flexible working requests.

If the application is not supported by the manager, alternative variations to the working arrangement should be discussed with the employee prior to a final decision being made.

Reviewing flexible working arrangements

Managers are expected to discuss working arrangements regularly with their people and are encouraged to do so as part of regular performance conversations. These discussions should ensure that the flexible working arrangement continues to meet the needs of the business and of the employee.

Discussions to evaluate or monitor the flexible working arrangement should include the following:

- What might be working well about the current working arrangement along with any concerns the manager or employee have
- The impact of the working arrangement on work delivery and the wider team
- The reaction of stakeholders or colleagues to the working arrangement

If the manager, in consultation with the employee, deems the working arrangement no longer satisfactory, consideration should be given to amending the working arrangement. This should be done in consultation with an HR Business Partner.

RESPONSIBILITIES

Manager

- Consider requests for flexible working arrangements in accordance with this policy and the requirements of the Employment Relations Act 2000.
 - Provide a written response to any flexible working requests within one month of the request being received.
 - Consult with an HR Business Partner when considering any requests for flexible working arrangements.
 - Ensure payroll and their HR Business Partner are informed of any formal changes to the
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employee's terms and conditions of employment. This may include completing an Employee Movement form, if necessary.

- Responsible for the day-to-day implementation, support for, and monitoring of flexible working.

Employee

- Responsible for meeting the requirements of this policy.
- Expected to submit any applications for flexible working arrangements in line with the requirements of this policy and relevant legislation.
- Maintain an open dialogue with their manager to discuss the ongoing suitability of their flexible working arrangement.

People & Performance

- Provide guidance to managers and employees, ensuring this policy is applied consistently across the organisation, and where practicable eliminating barriers to achieving flexible work practices.
- Provide support to managers in considering requests for flexible working arrangements.
- Provide support to managers when a formal change to employment terms and conditions is required.
- Promote flexible working practices and other well-being initiatives for the Ministry's workforce.

RELATED POLICIES, PROCEDURES AND LEGISLATION

- Wellbeing policy
- Remote working – guidelines
- Human Rights Act 1993

CONTACT	HR Business Partner (Ask HR)	OWNER(S)	General Manager, People and Performance
LAST REVIEWED	July 2016	NEXT REVIEW	July 2018
LAST UPDATED	July 2016		

Published on JET 7 June 2020 – Manage flexible working

Information in this material includes: As we work through our response, the Ministry's Flexible Working Arrangements Policy still applies ...

Information and resources for managing flexible working arrangements at our Ministry.



Flexible working at our Ministry

The Ministry's approach to flexible working is a key part of helping to close our [gender pay gap](#) and is an important contributor to two of our strategic priorities: 'Making the Ministry a great place to be' and 'Enabling our people to succeed'.

Becoming a flexible organisation also supports our inclusion and diversity efforts by encompassing the many and unique dimensions of ourselves that we bring to the workplace, including how we work.

We believe that flexible working can improve our peoples experience at work and overall engagement. We recognise that not all flexibility will suit every role, the context and the demands of the role need to be considered, to ensure delivery of our services are not impacted.

The Ministry's response to flexible working is being reviewed and accelerated in light of the global pandemic and is taking into consideration experiences and opportunities that have arisen, particularly for remote working and or frontline employees.

As we work through our response, the Ministry's Flexible Working Arrangements Policy still applies and can be found [here](#) .

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Principles that underpin our approach

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Our flexible working approach is "if not, why not?" The following principles underpin this approach:

- 1. Business needs and service delivery:** Flexible working arrangements need to be realised in a way that maintains or enhances the delivery of our outputs and services and the performance of our people, our teams and our Ministry.
- 2. Actively championed by our leaders:** Our senior leaders lead the way and show what is possible with regards to flexible working. Senior leaders actively champion and role model work flexibility.
- 3. Works for our people:** Flexible working should be viewed as an opportunity to increase engagement, enhance job satisfaction, increase work/life integration, increase recruitment options and retain talent. To attract and retain the best talent to our organisation we need to offer an employment proposition that is attractive to a 'new' workforce that increasingly expects flexibility.
- 4. Works for the role:** Every role should be suitable for *some* form of flexibility. This approach does not mean all types of flexibility will be possible in every role. Genuine business reasons will exist why flexibility, or some types of flexibility, cannot be implemented within some roles. It does mean the Ministry and our managers take an "if not, why not" approach to flexibility.
- 5. Works for the Ministry and the team:** Flexible working should not be viewed as something which is just agreed between an employee and the manager. This means the impact of a flexible working arrangement on the team and our organisation should be considered.
- 6. Requires give and take:** Flexibility requires give and take between the employee, manager and team. It places mutual obligations on the employee, manager and team to be open and adaptable, amend arrangements when needed and review regularly.

Kaimahi working overseas

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Wherever staff work, it is important they are always vigilant about all personal or customer information and the risks associated with that information. We are all required to keep Ministry of Justice and court information secure.

For staff wanting to work overseas (outside New Zealand), the Ministry will need to make an informed, consistent, and robust risk assessment of the request. The Ministry has an obligation to comply with the Government's Protective Security Requirements and the New Zealand Information Security Manual. Due to the nature of our work and information we work with, all requests to work overseas need to be made in consultation with the requesting individual's manager and their People Experience Business Partner.

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Monitoring, evaluating and adjusting flexibility

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It's important to monitor and review any agreed flexible working arrangements. If issues or concerns come up, adjustments should be made quickly so that more effective work habits become embedded early. Major adjustments should be made with some notice, particularly if they could have a significant impact on the individual, team or your stakeholders and customers

Encourage open, honest discussions about the flexible working arrangement

Encourage open discussions with your team member about how their flexible arrangement is going and how their work is progressing with the arrangement in place. This is important for all flexible work arrangements and when there is an agreed trial phase in place.

Here are a few tips to get the most out of these discussions:

- Refer to performance measures/expectations ahead of any meeting where the flexibility arrangement will be discussed, so that everyone is clear on the targets, KPIs, objectives.
- Remain open to sharing your point of view, particularly if you have positive feedback or concerns about the flexibility arrangement.
- Be clear about your ideal outcome for the flexibility arrangement ie, you want to arrive at a situation that works as well as possible for everyone.
- Be open and willing to adjust and adapt the arrangement where possible to ensure the best outcome.

Be prepared for ongoing adjustments

Where an arrangement has been agreed with a trial phase, you and your team member will have a good idea of whether the flexible working arrangement is working. Recognise that some issues may still arise after the trial phase, for a variety of reasons. To prepare for this, it is useful to agree that for three-to-six months after the trial changes may still need to be made to maximise business outcomes and employee wellbeing.

Have review conversations with your team member periodically (eg. three months, then every six months) or when there is a material change or if new information means a review is needed. Making flexible work arrangements a success is a joint responsibility. Work collaboratively with your team member to identify the flexibility option that works best for everyone involved. Overall, you'll achieve the best result if you work together to look for solutions and resolve any concerns quickly.

Stay connected

It can sometimes be difficult for people who are working flexibly to feel connected and part of the team. Regular and thoughtful communication with the team becomes more important when a member is not often physically present in the team's working environment. As well as creating a sense of belonging, regular communication helps people working flexibly to demonstrate they are meeting expectations, are competent and accountable. Here are a couple of strategies you can use to stay up to date with key deliverables:

- **Seek regular updates** – it is a good idea to seek a weekly or fortnightly update or continue with your usual one-to-one meetings. Ask your team member to focus on how they are continuing to deliver on their work priorities and how these results contribute to the team's business outcomes.
- **Create a visible progress area** – technology provides a range of options for creating a common area where people can see the progress occurring across the team. For example, encourage regular team updates through team calendars, Work in Progress (WIP) documents in Sharepoint (or shared folders), Planner in MS Teams or project management tools and plans.

Benefits to flexible working

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Some managers and team members may not be used to having team members who work flexibly, or they've had negative experiences with this in the past. There is a common misconception that people who work flexibly are less committed to the organisation, less ambitious, less competent or even less deserving of a promotion. However, the way we work across the public service is changing and it's important that as a leader you embrace flexible-by-default and work with your team to address any misconceptions.

How can you champion and support flexible by default? You can share your personal experience or what's working well with your team and with others across the Ministry. Be open and transparent about the benefits of flexible working, for example through improved productivity or a positive impact on team wellbeing. You can also familiarise yourself with the research on flexible working.

For example, research says flexibility offers numerous benefits for employees, for businesses and for customers:






- Demonstrating a willingness to consider flexible working arrangements allows us to tap into a bigger, more diverse talent pool.
- Employees who are more satisfied with their work/life balance are more likely to remain with Justice, show more loyalty and put in more effort.
- It's common for people in flexible roles to manage their time more effectively and work smarter. They often complete a similar amount of work in a shorter timeframe and studies have shown that there is a demonstrated increase in productivity.

- Incorporating flexibility and being ready to adapt to changes to what is perceived as a 'normal business day' means we may be able to respond better to changing customer needs. By introducing flexibility, we will be viewed as a responsible and innovative workplace. (Source: *Employment NZ (Diversitas) future workforce design*)
- In the 2021 Te Taunaki | Public Service Census, most participants (78%) had some form of flexible work arrangement, the most common being flexible start or finish times, including flexible breaks (79% of those with a flexible work arrangement) and working from home (74% of those with an arrangement).
- The reasons for wanting or using flexible work were: reducing commuting time (50%), allowing time for other activities (49%), and caring for children (36%). Some participants reported flexible working allowed them to study, care for others, do voluntary work, or manage a health or disability issue.
- Although most staff already had access to flexible working arrangements, 73% of them would like additional flexible arrangements. Of the 22% of public servants that don't currently use some form of flexible work, around 81% want access to some form of arrangement. (Source: *Te Taunaki | Public Service Census 2021*)
- Finally, flexible working is an excellent way to improve morale and job satisfaction.

Resources to support you to manage flexible working



These resources contain information to help lead your flexible team.

Information	Description
 A Flexible Working Conversation Guide [PDF, 374 KB]	This conversation guide has been designed to support managers talk to their team about flexible working.
Flexible working options guide 	This guide has been created to support managers understand the different flexible options available for their employees.
Request a flexible working arrangement 	This page provides information on how to request a change in days or work, hours of work and location of work.
 Health, Safety and Privacy Considerations [PDF, 193 KB]	This resource will help prepare our managers to consider a range of Health, Safety and Privacy concerns for when employees are working flexibly.
 Work from Home Readiness Checklist [PDF, 79 KB]	This Work from Home (WFH) Readiness Checklist is for our managers who are preparing their people to work from home on a regular basis.

Question and
Answers about
flexible work [↗](#)

Frequently asked questions about flexible working.

Roadmap to
managing remotely
[↗](#)

Use this guide to work through how to manage and get
the best out of your remote employees.

Managing remotely
video [↗](#)

YouTube video about managing remotely.

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Karakia

Whakataka te hau ki te uru
Whakataka te hau ki te tonga
Kia mākinakina ki uta
Kia mātaratara ki tai
E hī ake ana te atakura
He tio, he huka, he hau hū
Tihei mauri ora!

Cease the winds from the west
Cease the winds from the south
Let the breeze blow over the land
Let the breeze blow over the ocean
Let the red-tipped dawn come with a sharpened air
A touch of frost, a promise of a glorious day

— OSD



Speaker instructions:

You may like to use this karakia to open your One Source Weekly meeting. You may wish for everyone to read it together as a group.

Ctrl+Click on the audio icon on the slide for sound, or copy and paste the link into your browser.

<https://www.otago.ac.nz/cs/groups/public/@maori/documents/webcontent/otago667429.mp3>



The Ministry is at the beginning of a journey to become *flexible-by-default*.

We have created some guidance which provides more information about the types of flexible working currently available at the Ministry, and over the next 2 years we will continue to develop our approach.

We know flexibility is harder for some roles, courts and locations, so we are taking the time today to understand more about what *flexible working* means for us. Today's session is intended to be a discussion and an opportunity to talk about our commitment to flexibility in our team.

The flexible working approach is being rolled out in a phased way, giving early priority to normalising the conversation around flexible working and communicating the options that are available and the parameters.

Resources to support managers are on JET, and we encourage all employees to read it to help everyone understand our position and the options available. The links to these resources will be posted on One Source Daily next week.

The vision is that by 2022 flexible working will be normalised within the Ministry. Next up, we will hear from Carl Crafar, Chief Operating Officer, as he shares his position on

flexibility with us.

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Speaker instructions:

To play the video, Ctrl+Click on the audio icon on the slide, or copy and paste the URL into your browser.

<https://www.youtube.com/watch?v=SM6iAlkJwrk>

What do we mean by 'flexible-by-default'?



Flexible working can be applied broadly, depending on the role



Instead of asking "why should a role be flexible?", we ask "why not?"



Acknowledging that flexible work is varied

Flexible-by-default is a key stream of work within the Ministry's recently launched Inclusion and Diversity strategy, and one of the 4 priorities within the Gender Pay Gap Action Plan. At the Ministry we refer to our approach as flexible working. It is an important contributor to 2 of our strategic priorities: Making the Ministry a great place to be and Enabling our people to succeed.

Our approach to flexible working can be applied broadly, depending on the role. Flexible working does not mean that all types of workplace flexibility will be possible for every role. For example, the demands or structure of some roles may preclude an employee from working from home (one type of flexibility), but other types of flexibility, such as flexible working hours, or term-time working, may be achievable. It is not just OSD that has these restrictions, other parts of the Ministry have these challenges as well.

It means shifting from asking 'why should a role be flexible?', to asking 'why not?'. This means treating all roles as suitable for some form of flexible working and exploring how flexibility could work, unless there is a genuine business reason for the role not to be. It provides the opportunity to consider a range of working arrangements to delivering on our organisational, team and role outcomes and achieve greater work/life integration. It will support a culture of acceptance and inclusion.

It means acknowledging that flexible work is varied and means more than working part-time or working from home. Many forms of flexible working are already used within the Ministry and are common, especially informal and ad-hoc arrangements, like earlier start and finish times. Flexible working is happening across OSD. Although we are aware that some of our people are interested in working from home, it is less likely in our part of the business, but there are many other forms of flexibility, which we will discuss more.

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Defining 'flexible' at the Ministry

Ad hoc flexibility

One-off, on an 'as needs' basis.

Informal flexible arrangements

Informal arrangements, do not require a change to pay or employment agreements.

Formal flexible arrangements

Recurring work arrangement which requires a change to pay or changes to employment terms and conditions (such as working hours, patterns and location).

It's important for us to all have a clear understanding of the different definitions of flexible working. Arrangements can be formal or informal, ad hoc or regular, temporary or permanent. All arrangements will require a conversation and agreement between the manager and employee. An example of an ad hoc arrangement is coming in an hour later to get a blood test or leaving an hour early to watch your child's school recital.

Informal flexibility occurs when a manager agrees that employees have some flexibility over when and where they carry out their work. They are subject to meeting role responsibilities and deliverables. The exact arrangements may vary and be applied when needed. It can also involve agreements that are more regular, such as changes to start and finish times (flexi-time).

Formal flexibility may take place for an agreed period or an ongoing basis with regular review. Examples could include regular part-time hours, job-sharing, or term time leave.

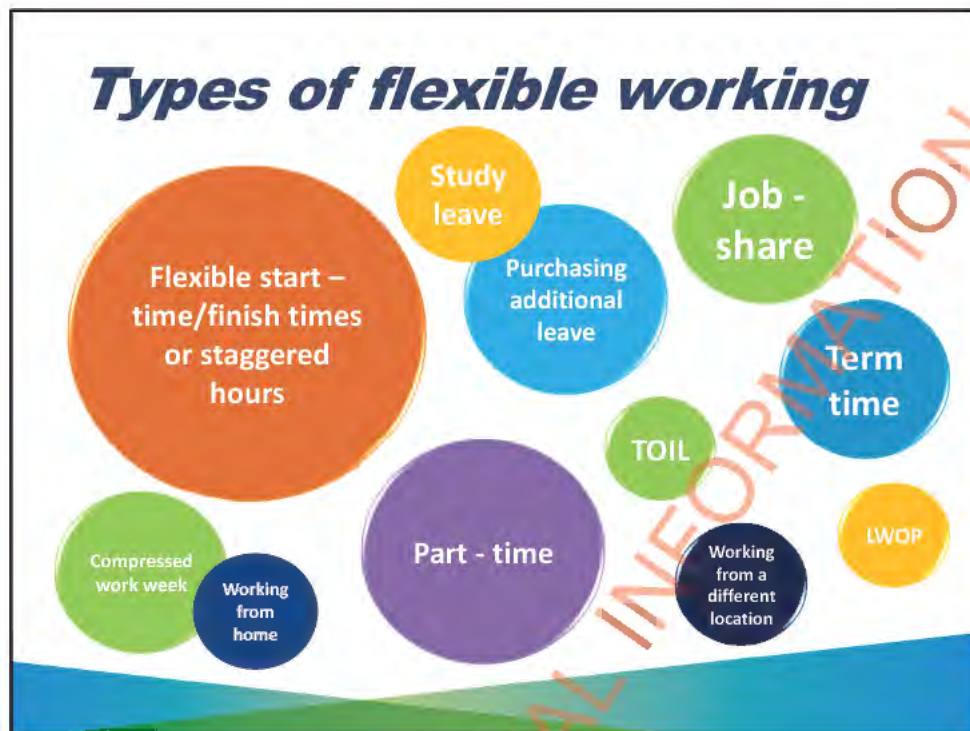
Interactive team session

Lets look at these as if they were on a spectrum.

- Where do we think we sit as a team? Very flexible | Somewhat flexible | Not flexible
- Does anyone want to share flexibility they have now or have used in the past?

- What types of flexibility will be more difficult for us to achieve? Why?
- What can we be doing more of? How?

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Not all types of flexibility will be possible in every role. Any request for flexible working should be discussed between employees and their manager and take into consideration our team and our business needs. Genuine business reasons will exist that explain why flexibility, or some types of flexibility cannot be implemented within some roles. But we will look to take an 'if not, why not' approach to flexibility.

Are any of these types of flexible working a surprise to you?

Six guiding principles to flexible working

- 1. Business needs and service delivery**
- 2. Actively championed by our leaders**
- 3. Works for our people**
- 4. Works for the role**
- 5. Works for the Ministry and the team**
- 6. Requires give and take**

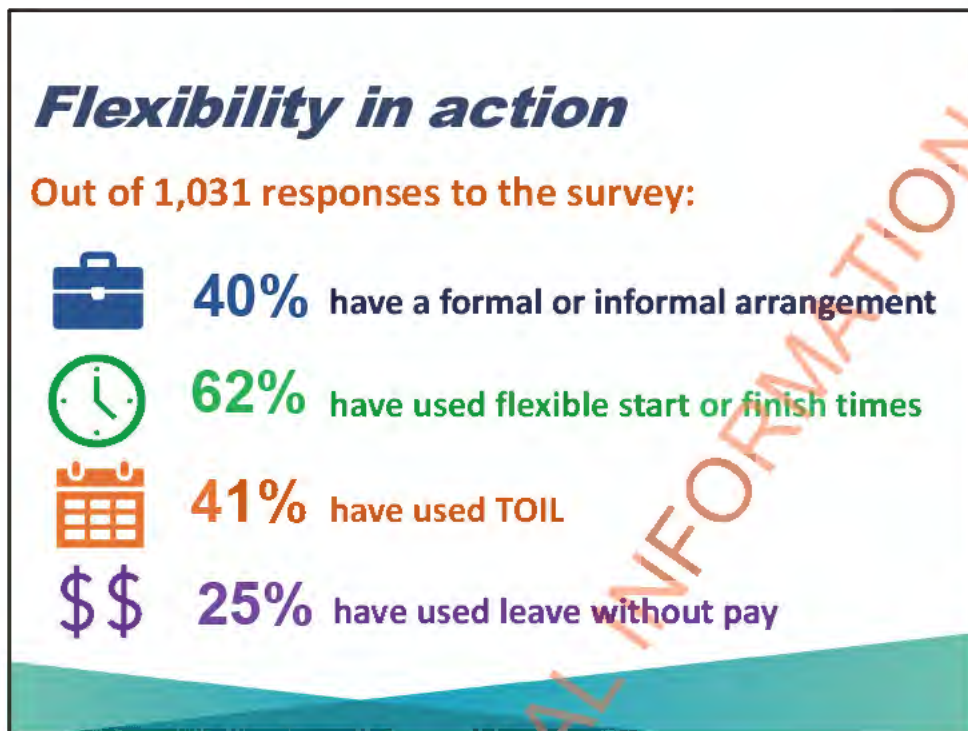


By understanding the principles that underpin our response to flexible working we will all have the same awareness of expectations and opportunities.

- 1. Business needs and service delivery:** Flexible working arrangements need to be realised in a way that maintains or enhances the delivery of our outputs and services and the performance of our people, our teams and our Ministry.
- 2. Actively championed by our leaders:** Our senior leaders lead the way and show what is possible with regards to flexible working. Senior leaders actively champion and role model flexibility.
- 3. Works for our people:** Flexible working should be viewed as an opportunity to increase engagement, enhance job satisfaction, increase work/life integration, increase recruitment options and retain talent, accommodate life-cycle change, and end-of-career slow-down.
- 4. Works for the role:** Every role should be suitable for some form of flexibility. This approach does not mean that all types of flexibility will be possible in every role. Genuine business reasons will exist that explain why flexibility, or some types of flexibility cannot be implemented within some roles. But it does mean that the Ministry and our managers take an 'if not, why not' approach to flexibility.

5. **Works for the Ministry and the team:** Flexible working should not be viewed as something which is just agreed between an employee and the manager. This means that the impact of a flexible working arrangement should be considerate of the team and our organisation as a whole.
6. **Requires give and take:** Flexibility requires give and take between the employee, manager and team. It places mutual obligations on the employee, manager and team to be open and adaptable, amend arrangements when needed and review regularly.

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Flexibility is not new to us at OSD. This year's *Flexible Working Survey* results, where 1,031 people responded, tells us that 40% currently have a flexible arrangement in place.

62% have used flexible start or finish times.

41% have used TOIL (time off in lieu) and 25% have used leave without pay.

Females use flexible working arrangements more than men across all categories:

- Where they work (flexi location).
- When they work (flexi-time).
- Flexibility in their role (flexi-career).
- Leave types (flexi leave).

The data also tells us that 90% of those who completed the survey wanted or needed flexibility at some point. We know flexibility can be more difficult to achieve in operational roles.

Lets take a look at some examples of how it can work on the following slide and discuss what can be applied in our team.

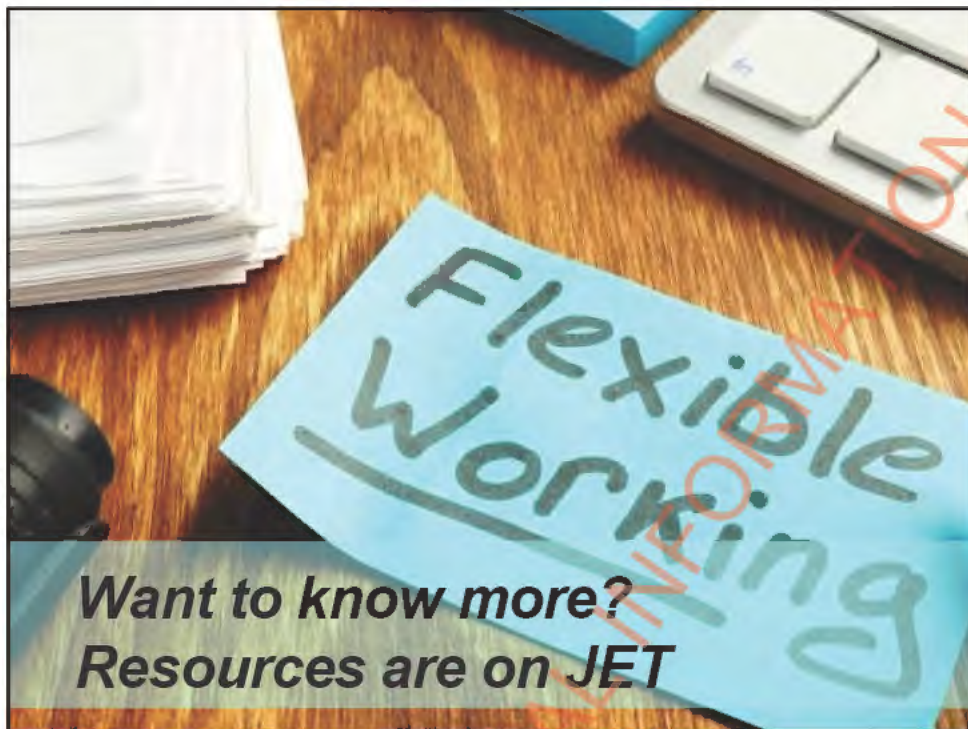


So lets take some time to talk about flexibility and us as a team.

- What are your thoughts on flexibility for us?
- How do we want to use this approach going forward?
- We have discussed earlier what might be more difficult within the spectrum of flexibility for us. Is there anything we can do to help with this or is it out of our influence?
- Is there anything we can do differently straight away? Longer-term? (acknowledging that the approach to flexible working is over a period of years.)

Thinking about the services we deliver:

- What can we commit to as a team?



If you would like to have a conversation about flexible working, please speak to your manager. You can prepare for the conversation by reading the resources on JET, so that any decisions that are made are right for you, your team, the wider OSD and our participants. Managers won't always be able to say yes to all types of flexible arrangements, but they are open to the discussion and doing what they can, if they can.


We must continue to meet the requirements from the judiciary and from our participants.

Managers will keep the conversation going in team stand-ups, one-on-ones and coaching conversations. They will want to regularly hear from those who are working flexibly and from those who aren't to make sure it's working well.

Karakia

Unuhia, unuhia
Unuhia ki te uru tapu nui
Kia wātea, kia māmā, te ngākau, te
tinana, te wairua i te ara takatū
Koia rā e Rongo, whakairia ake ki runga
Kia tina! Tina! Hui e! Tāiki e!

Draw on, draw on,
Draw on the supreme sacredness
To clear, to free the heart, the body and the spirit of mankind
Rongo, suspended high above us (in 'heaven')
Draw together! Affirm



OSD

**RISE
TOGETHER**

Speaker instructions:

You may like to use this karakia to close your One Source Weekly meeting. You may wish for everyone to read it together as a group.

Ctrl+Click on the audio icon on the slide for sound or copy and paste the link into your browser.

<https://www.otago.ac.nz/cs/groups/public/@maori/documents/webcontent/otago667433.mp3>

Flexible work

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We actively support and encourage flexible working that meets the needs of the Ministry, individual and team.

Flexible working is a key component of our commitment to an inclusive, safe and supportive workplace where people can belong.

Our flexible-by-default approach is strongly connected to the Awhina Mai Awhina Atu focus area of our Ministry's Wellbeing Strategy. It also aligns with Te Kawa Mataaho Public Service Commission's Guidance: Flexible-Work-by-Default. This means everyone can explore whether flexible working is available in their role.

Flexible working is about rethinking where, when and how work can be done, in a way that ensures we achieve our Ministry's strategy and continue to work for a fair and safe Aotearoa.

Business needs are a key consideration when exploring flexible working options. The possibility or level of flexibility may vary depending on the type of work you or your team carry out.

We have been working on our flexible by default approach with the PSA for some time, as part of the Ministry's Kia Toipoto programme (formerly Gender Pay Gap). We will continue to work with the PSA and our people across the Ministry as we review and embed our approach to flexible working.

Flexible work is not a gender issue – it applies to all workers in all industries and organisations whether large and small.

Although workers are attracted to workplace flexibility for a variety of reasons, the common theme is that organisations need to respond to the growing demand for work/life balance to attract and keep the best workers.

Another factor driving the increase in requests for flexible work is a legislation change (Flexible provisions of the Employment Relations Amendment Act 2014) which provides workers with the right to a flexible work application process.

Ministry resources

[Kia Toipoto - gender and ethnic pay gap action plan](#)

[Mental health and wellbeing strategy](#)

Government-wide resources

[Guidance: Flexible-Work-by-Default - Te Kawa Mataaho Public Service Commission](#)

[Guidance: Hybrid working | Te Kawa Mataaho Public Service Commission](#)

[Flexible work arrangements on the Employment NZ website](#)

[Working from home | WorkSafe](#)

[Working from home | Government Health and Safety Lead](#)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

HOAKETANGA PURPOSE

Te Tāhū o te Ture, the Ministry of Justice is committed to an inclusive, safe, attractive and supportive workplace where people can belong. Flexible working is a key component of this.

This policy outlines the Ministry's approach to accommodating flexible working arrangements, and ensuring we are 'flexible by default'.

KAUPAPA POLICY STATEMENT

Flexible working aligns with and supports our core values of having a workplace where our people are healthy and safe, trusted, and supported. We are committed to a mindset of 'flexible-by-default' where all roles are flexible in some way.

We are committed to considering all requests for flexible working and unless there is a genuine business reason not to, we will do our best to accommodate flexibility to the mutual benefit of our people and The Ministry.

TE KAINGA Defining 'flexible' at Justice

There are multiple types of flexible working, and sometimes there can be more than one type of flexibility in an arrangement.

Arrangements can be ad hoc/informal or formal. Flexible working will require conversations and agreement between the manager and employee and an assessment of the impact on the team, the Ministry and the employee.

The definitions are:

- Ad hoc/informal flexible arrangements. These arrangements do not require a change to pay or employment terms and conditions. A manager agrees employees have some flexibility over when and where they carry out their work while ensuring delivery of their role responsibilities. This can include one-off requests, such as leaving an hour early to attend a personal appointment, school concert, etc which can be managed by working more hours on one day to balance fewer hours on another day, or more regular changes such as different start, finish or break times (flexi-time).
- Formal flexible arrangements. These arrangements require changes to pay or employment terms and conditions through a formal request. Formal flexible arrangements are for a recurring and fixed period of time or permanently. They include changes such as working hours, patterns or location, part time hours, or job sharing. These changes may be for a trial period or ongoing with regular review points every three months.

Flexible working may involve a change to an employee's hours of work, days of work, or place of work. These can include but are not limited to:

- **Flexi-time:** Allows employees to vary their work hours or days either on a regular basis or from time to time – such as flexible start, finish or break times, swapping workdays or hours for non-workdays or hours, part time hours, compressed weeks or fortnights (e.g., nine day fortnights or compressed working weeks), flexible shifts (full time to part time and vice versa). Any flexibility that impacts an employee's normal pay for that period is considered a formal arrangement and must be documented.
- **Flexi-leave:** Allows employees to vary their leave patterns to create more flexibility – such as leave without pay, trading salary for leave, school term time working, study leave, special leave. Any flexibility impacting an employee's normal pay for that period is considered a formal arrangement and must be documented.
- **Flexi-place:** Allows employees to work from locations other than their designated workplace – such as another site or home, remote working full or part time.
- **Flexi-role/career:** Allows employees to manage their roles and careers more flexibly – such as phased return to work following periods of long-term leave, phased retirement, seasonal working to cover busy periods, job sharing (that is where one full time equivalent position is split between two or more people), taking career breaks.

For more information on types of flexibility, Te Kawa Mataaho Public Service Commission has [Guidance: Flexible-Work-by-Default](#)

NGĀ MATAPONO
PRINCIPLES
GUIDING OUR
POLICY

The basis of the Ministry's approach to flexible working is "if not, why not"? The following principles underpin the Ministry's flexible working arrangements:

- **Business needs and service delivery:** Flexible working arrangements need to be realised in a way that maintains or enhances the delivery of our outputs and services and the performance of our people, our teams and our Ministry.
- **Actively championed by our leaders:** Our senior leaders lead the way and show what is possible with regards to flexible working. Senior leaders actively champion and role model flexibility.
- **Works for our people:** Flexible working should be viewed as an opportunity to increase engagement, enhance job satisfaction, increase work/life integration, increase recruitment options and retain talent. To attract and retain the best talent to our organisation we need to offer an employment proposition that is attractive to a 'new' workforce that increasingly expects flexibility.
- **Works for the role:** Every role should be suitable for *some* form of flexibility. This approach does not mean all types of flexibility will be possible in every role. Genuine business reasons will exist why

flexibility, or some types of flexibility, cannot be implemented within some roles. It does mean the Ministry and our managers take an “if not, why not” approach to flexibility.

- **Works for the Ministry and the team:** Flexible working should not be viewed as something which is just agreed between an employee and the manager. This means the impact of a flexible working arrangement on the team and our organisation should be considered.
- **Requires give and take:** Flexibility requires give and take between the employee, manager and team. It places mutual obligations on the employee, manager and team to be open and adaptable, amend arrangements when needed and review regularly.

Approving flexible working requests

Open and honest communication is the key to successful flexible working.

Ad hoc/Informal flexible arrangements can be approved by the manager with an email to the employee following a conversation.

Formal flexible working requests should be initiated in writing by the employee. A conversation between the manager and the employee will agree on the type of arrangement needed, considering how the flexible arrangement will work for the business and the wider team and how the flexible working arrangement will be put in place. Managers should contact their People Experience Business Partner for advice on formalising these agreements.

See JET for guidance on [requesting flexible working arrangements](#)

While all attempts will be made to accommodate flexible working arrangements, in some situations some types of flexibility may not be possible. An example of this is reception duties which cannot be performed remotely. However, there may be alternative options such as part-time work, varied work hours or job sharing.

In other circumstances, there may need to be a temporary change to agreements on flexi work arrangements for business reasons. This may require that, on occasion, the employee be physically onsite for coverage, when allocated certain types of work and/or development purposes. For example, the onboarding phase for new staff where new staff, and at times the wider team, need to work together physically onsite.

Managers should contact ASKHR@justice.govt.nz or their People Experience Business Partner for advice before declining a request for formal flexible working for business reasons.

Where a flexible working request is declined staff can contact ASKHR@justice.govt.nz or talk to their union representative/delegate.

[Flexible working request and escalation process](#)

Reviewing flexible working arrangements

Successful flexible working requires regular communication, review and refresh. Managers should have regular proactive, open conversations to ensure flexible working arrangements continue to meet the needs of the business and of the employee.

Conversations should include:

- what might be working well about the current working arrangement along with any concerns the manager or employee may have
- the impact of the working arrangement on work delivery, the wider team and stakeholders.

If a formal flexible working arrangement no longer meets business needs or the individual's needs:

- If the arrangement is not working for the manager or the individual, there needs to be consultation between both parties to agree the way forward. This should be done in consultation with their People Experience Business Partner or AskHR@justice.govt.nz

NGĀ TAKOHANGA RESPONSIBILITIES

Menetia/Manager

- Consider requests for flexible working arrangements with an open mind and in line with the principles set out in this policy.
- Provide a written response to any formal flexible working request within a fortnight of the request being received. Informal flexible working arrangements should be approved within a reasonable timeframe as and when needed.
- If unsure how to respond to a flexible working request, seek support from People Experience Business Partners or AskHR@justice.govt.nz
- Ensure Payroll and People Experience are informed of any formal changes to the employee's terms and conditions of employment and all applicable documentation is completed.
- Read and understand the flexible working guidelines and apply them appropriately.
- Assess the ongoing suitability of flexible working arrangements through regular conversations with the employee.
- Ensure flexible working does not impact on business needs or our ability to deliver services.

Kaimahi/Employee

- Contribute to open and honest conversations with the manager about making flexible arrangements work successfully.
- Be familiar with the Flexible Working Policy and Flexible Working Guidelines.
- Support the success of flexible working by being flexible in response to changes to business needs.

People Experience

- Ensure flexible working does not impact on business needs or our ability to deliver services.
- Provide support to managers considering requests for flexible working arrangements by providing advice, coaching and support.
- Provide support to managers when a formal change to employment terms and conditions is required to ensure documentation is complete.
- Provide support to staff with questions about flexible working.
- Provide support to staff if a request is declined.
- Promote flexible working practices and other well-being initiatives for the Ministry's workforce.
- Support the Ministry by providing insights in o the use of flexible practices and helping to eliminate barriers to the success of these arrangements.

RELATED POLICIES, PROCEDURES AND LEGISLATION

- [Mental health and wellbeing strategy](#)
- [Employment New Zealand Flexible Working Guidelines](#)
- Applicable Employment Agreement
- [Employment Relations Act 2000](#)

CONTACT	Ask HR	OWNER(S)	General Manager, People Experience
LAST REVIEWED	August 2022	NEXT REVIEW	August 2024
LAST UPDATED	August 2022		