

Change Process – Ministry of Business, Innovation and Employment

This document sets out a standard approach for managing any processes that have the potential to impact on your job.

Principles

Preparing for Change

You and your representatives will be consulted on the procedures for the management of the change process, including the way in which reconfirmation and reassignment will occur.

Decisions regarding the process will be clearly communicated to all employees.

During the Change Process

You and your representatives will be given the opportunity to comment on proposals that may impact on your employment through meaningful consultation before decisions are made, with sufficient time allowed for you to consider options and provide feedback, both collectively and individually.

Communication will:

- a. be timely and transparent
- b. explain the reasoning behind change proposals
- c. be joint with staff representatives and staff forums where appropriate and agreed
- d. be responsive to requests for clarification or further information.

Change will be managed:

- a. in a fair and transparent way, and as issues arise they will be handled as consistently as possible throughout the process
- b. with careful attention to the legislative framework for change and the provisions of the applicable employment agreements
- c. in a way that aims to retain a motivated and engaged workforce for the future.

Disruption to and impact on employees and customers during the change process will be minimised and business delivery maintained.

The Impacts of Change

Change decisions will meet the unique needs of the Ministry, and will focus on achieving the Government's and Ministry's objectives.

If you are affected by change, your choices and preferences will be taken into consideration wherever possible.

If you are affected by change, you will be provided with certainty of the outcome as soon as possible.

The Ministry will explore all reasonable options for you if you are affected by change. This means that the impact of staff reductions will be minimised wherever possible through the use of other options such as attrition, appointment to new roles or reassignment to alternative roles (with retraining if practical). Voluntary redundancy may also be used where practicable.

Appointment and reassignment processes for new roles will be fair and transparent and a review process will be available if you are not satisfied with the outcome.

The use of compulsory redundancy will be the final option for managing staff reductions, once all other reasonable options have been explored. When redundancy is applied, voluntary redundancy will be used where this is practicable and agreed.

You will have access to a range of assistance and information so that you are well supported through change.

Scope

Organisational change includes situations where any one of the following occurs:

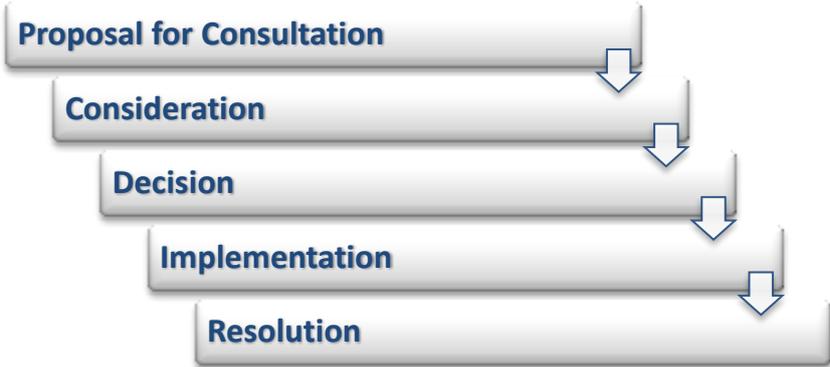
- Significant changes to structures are required
- Employee(s) position(s) no longer exist
- The nature of the work is significantly varied or changes in location need to take place.

This process applies to you during organisational change if you are covered by a permanent individual or collective employment agreement. If you are on a fixed term agreement and your position is affected by a change proposal, this is not covered by this process and will instead be discussed with you directly in accordance with your fixed term agreement.

The principles of this Change Process are consistent with the various employment agreements and change management policies of the founding agencies. The Change Process describes how the provisions within the employment agreements will be implemented in both the high level design and detailed design phases.

In situations where you are seconded from your substantive (permanent) position into another position or 'acting' into another position, it will be your substantive (permanent) position which will be used to determine whether you are impacted or not by the proposal.

Process



Proposal for Consultation

The Ministry will provide you and your representatives with the opportunity to have input on any proposals for organisational change that have the potential to impact on your role. This means that the Ministry will:

- Gather information from you and your representatives to assist in the formulation of proposals
- Give the proposal to you and your representatives with the information you need to fully understand the rationale behind the proposal and sufficient time for consideration and input
- Give you the opportunity to ask questions and comment on the proposal, including putting forward any alternative suggestions that you may have.

Consideration

The Ministry will gather all the feedback from staff and their representatives and will analyse it. It will take this feedback into account when finalising the proposal. You will have the opportunity to see the feedback from other staff and how it has been used by the Ministry in reaching final decisions on the business.

Decision

The Ministry will release the decision, where possible, to staff whose roles are directly affected by the decision before wider release. The decision will include:

- Identification of positions disestablished or significantly altered as a result of the change
- The rationale for the decision
- The implementation process and timeline
- Support services that will be available for affected staff.

Implementation

If your position has been directly affected by the change process, the Ministry will look to place you in another suitable position through the processes of reconfirmation and reassignment. The intention of these processes is to place as many affected employees in positions in the new structure as possible.

Reconfirmation

Where a position in the new structure is the same or substantially the same as your current position and you are the only person who is able to be reconfirmed to the role, then you will be reconfirmed into the position.

Where you are one of a number of people in similar positions and there is the same number or more of the positions in the new structure then you will be reconfirmed into one of those positions.

For a position to be the same or substantially the same, the following must apply to it:

- The work content of the position is the same or very nearly the same as the current position (ie no more than a 5% change in work content);

- The salary and other terms and conditions for the position are the same; and
- The location is the same (although it may be in a different building within a reasonable distance and the move does not cause undue hardship).

Reconfirmation may apply to situations where the only change is a change in reporting line, title, there is a very small (i.e. less than 5%) change in work content or where the position is unchanged but there is a reduction in the number of positions.

If there are more employees who could be considered for reconfirmation than the number of such positions available in the new structure, we will use a contestable selection process to determine who is the best fit for the role. In this situation, consideration will also be given as to whether voluntary redundancy would be a suitable alternative to a contestable selection process.

If you are offered a suitable reconfirmation and you do not wish to take up the position you will not be entitled to redundancy.

Reassignment

If there is no position that is suitable for you to be reconfirmed into, you will be considered for reassignment to a position that is reasonably similar to your existing position. The criteria for reassignment are:

- The position is suitable given the employee's skills, abilities and potential to be retrained
- There should not be so significant a change in duties as to be unreasonable (ie no more than a 25% change in work content)
- Salary and terms and conditions would either be the same or will be equalised in line with the provisions of your employment agreement
- The location is the same (although it may be in a different building within a reasonable distance and the move does not cause undue hardship)
- An employee will not be considered for reassignment to a position at a higher level (promotion ie higher salary, increased conditions of employment, greater management seniority).

If you are offered a suitable reassignment and you do not wish to take up the position you will not be entitled to redundancy. In the event that there is no other placement available for you in the new structure, you will be deemed to have resigned your employment.

New positions

Where a position is established that does not meet the test for reconfirmation and is not suitable for you to be reassigned into, it is a new position and will be advertised and filled using a merit based selection process.

Other positions will be advertised internally in the first instance, and preference will be given to affected employees (i.e. those staff not placed after reconfirmation and reassignment). This means that applications from affected employees will be considered first. Applications from the wider pool will only be considered if there is no one suitable for appointment from the affected pool. Any unfilled positions will then be advertised externally.

The Chief Executive may also decide, on an exceptions basis, to externally advertise some specialist positions that are new to the organisation. In this case, any internal applicants who consider that they have the necessary skills will be welcome to apply.

Resolution

If you are not placed by reconfirmation or reassignment

If you are unplaced once the reconfirmation and reassignment process is complete, your options will be:

- Applying for any new positions that are advertised in the new structure and
- Other redeployment options that may be explored with you on an individual basis.

If after all the options have been explored, you do not have a suitable role, you will receive outplacement support and redundancy in accordance with the terms of your employment agreement.

Review Processes

Reconfirmation/Reassignment/Redundancy

If, as an affected employee, you are not happy with the result of reconfirmation, reassignment or redundancy processes you are entitled to seek a review.

To initiate a review, you or your representative needs to write to the General Manager Human Resources setting out your concerns. You must do this within 5 working days of you receiving written advice of the reconfirmation or reassignment decision that causes you concern. In situations where you are away from work eg travelling or on leave, there may be some flexibility with this deadline. However, you should aim to make reasonable efforts to notify your request for a review even if you cannot provide full reasons until you return to work.

Where a request for a decision relating to reconfirmation, reassignment or redundancy is submitted, the General Manager HR will assign an independent reviewer or a review panel to undertake the review. The reviewer(s) will be drawn from people who are independent and who have experience with similar processes in other workplaces.

The reviewer/review panel will make a recommendation to the Chief Executive and it will be one of the following:

- The matching process has been applied correctly and there are no grounds for setting aside the reconfirmation/reassignment decision
- There were additional relevant factors that were not considered in the decision process but they would not have had a material impact on the decision reached and do not require a reassessment
- Factors that are relevant to the selection process have not been taken into account sufficiently and require reassessment (ie they could have affected the outcome of the reconfirmation/reassignment decision)
- The new position is or is not the same or substantially the same as the affected staff member's current substantive position.

On the reviewer's recommendation, the Chief Executive will:

- Confirm the reconfirmation/reassignment decision
- Refer the decision back to the original decision maker for reconsideration or
- Make an alternative decision in place of the original decision.

As the review applicant, you will be entitled to see the reviewer's report as will any other staff member who is impacted by the outcome of the review, although some detail may be removed if it includes personal information about another staff member.

Appointments

For new positions where a contestable process has been used to fill the position the Ministry's Appointment Review process is available to you if you wish the decision to be reviewed.

Staff Support

A range of support will be available to you during the change process whether your position has been identified as affected or not as the impacts of change are often felt broadly. This may include change workshops, CV preparation, interview skills training, career advice or EAP Services as appropriate to meet the individual's situation.

PROACTIVELY RELEASED