

# Flexible Working at MBIE Policy

Version 2.0 November 2022



# 1 MBIE guiding principles relevant to this policy

1.1 The Flexible Working at MBIE Policy aligns with the following MBIE guiding principles:

- a. ensuring a healthy, safe and secure environment
- b. being a good employer
- c. acting in accordance with or complying with the law and legislation
- d. protecting organisational reputation.

1.2 Te Kawa Mataaho Public Service Commission have established [six principles](#) for flexible working. These principles underpin flexible working arrangements at MBIE:

<p><b><i>If not, why not?</i></b></p> <p>All roles are treated as flexible unless there is a genuine business reason for a role not to be. Flexibility is equally available to women, men, and gender diverse employees, irrespective of the reason for wanting it. Working flexibly does not undermine career progression or pay.</p>	<p><b><i>Works for the role</i></b></p> <p>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.</p>	<p><b><i>Works for agencies and teams</i></b></p> <p>Flexible working should not be viewed as something which is just agreed between an employee and people leader. This means that the impact of arrangements should be considered on teams and the agency as a whole.</p>
<p><b><i>Requires give and take</i></b></p> <p>Flexibility requires give and take between the employee, people leader and team. It also places collective obligations on employees, people leaders and teams to be open and adaptable so that it works for everyone.</p>	<p><b><i>Mutually beneficial</i></b></p> <p>Flexible working needs to work for the agency, teams, and employees. Consideration should be given to how flexible work arrangements can maintain or enhance service delivery and the performance of agencies, teams, and employees. It should not result in increased workloads for employees working flexibly, or for other team members who are not.</p>	<p><b><i>Actively championed by leaders</i></b></p> <p>People leaders support, champion and role model flexible working for their teams and themselves.</p>

## 2 Purpose

2.1 The purpose of the Flexible Working Policy is to:

- a. provide employees the opportunity to have a better balance of personal and professional needs which can be achieved with a range of custom work settings, supporting the mental health and wellbeing of MBIE employees.
- b. outline how our people can apply for and assess flexible working arrangement proposals in a way that is consistent, transparent, and reflective of the diversity of our people, responsibilities, and functions at MBIE.

## 3 Scope

3.1 This policy applies to all employees, secondees and fixed-term contractors (our people) employed or engaged on any basis by MBIE, whether they are casual, temporary or permanent, whether full time or part time in Aotearoa New Zealand and or assigned offshore.

3.2 Locally engaged employees offshore are covered by local legislation and their employment agreements.

3.3 This policy and its supporting documents may provide a guide for best practice unless specifically excluded in the relevant offshore policy manual, or in conflict with local legislation or terms and conditions of employment. In such circumstances local legislation will apply.

## 4 Help

4.1 For comprehensive information on procedures and guidance regarding flexible working see the [Flexible Working](#) pages on Te Taura.

4.2 For any queries relating to this policy, please kōrero with your people leader or submit your question to People and Culture using the [People Portal](#) or contact [People Hub](#).

## 5 Definition of terms

Term	Definition
<b>Formal flexible working</b>	This is where a flexible working arrangement is part of your employment agreement. It describes a regular pattern of working hours, days, or location.
<b>Informal / ad hoc flexible working</b>	Informal flexible working is where flexible working does not affect remuneration or leave. It does not require a change to your employment agreement. Informal/Ad hoc flexible working is agreed with your people leader on a case-by-case basis and does not follow a regular pattern of working hours or days or location.
<b>Different types of flexible working</b>	
<b>Flexible (discretionary) leave</b>	Different kinds of leave that are available to apply for – for example study leave, leave without pay, lifestyle leave (buyable leave)
<b>Flexible location</b>	The way we work expands with increased choices of work settings including collaborative or focused spaces. These spaces positively impact on how we engage and interact with our working environment, colleagues, people leaders, the wider organisation, and our customers. This includes working from home, other MBIE offices, and other locations.

<b>Flexible role/career</b>	Phased return to work i.e., employees gradually increasing their hours on returning from long-term leave; phased retirement i.e., employees gradually reducing their hours as they approach retirement; seasonal working i.e., to cover busy periods and job sharing i.e., splitting a role with another employee
<b>Flexible time</b>	Hours or days worked and the work pattern. This can be, but is not limited to, a nine-day fortnight, compressed hours, part time hours, job share

## 6 Policy statements

- 6.1 MBIE is committed to being the place where people want to work, by attracting and retaining skilled people who are engaged in safe and fulfilling work.
- 6.2 This is enabled by providing work arrangements and environments that support employees to balance their personal and professional needs. MBIE acknowledges that personal needs can be wide ranging, such as whānau, faith, culture, community, wellbeing and more.
- 6.3 MBIE’s approach is guided by [the principles](#) set out by Te Kawa Mataaho, [the Employment Relations \(Flexible Working Arrangements\) Amendment Act 2007 No 105](#), New Zealand Legislation, and MBIE’s own values, Māia, Pono me te Tika, Pae Kahurangi, and Mahi Tahi. MBIE aims to support people leaders and employees to have open conversations, working together to find suitable arrangements that work for them, the wider team, and MBIE.
- 6.4 Flexible working is part of how we shape the future to ‘manaaki’ our people and how we deliver our work in ever changing environments through shared responsibility between people leaders and employees to make these arrangements inclusive, fair, safe, and successful for everyone.
- 6.5 Flexible working proposals can be made for any purpose or reason. The people leader’s decision to approve or decline the proposal must be free of discrimination and must not be negatively influenced by the purpose or reason for the proposal.
- 6.6 Flexible working proposals can be made at any time in an employment life cycle including during recruitment, and there are no limits to how many times a proposal can be made.
- 6.7 MBIE will record all formal flexible working arrangement proposals and the outcome of those proposals.
- 6.8 People leaders approving or declining flexible working proposals or arrangements must follow the appropriate procedures.
- 6.9 Formal flexible working arrangement proposals will be responded to in writing within 10 working days of the proposal being made. A final decision in writing must be given within a month of the proposal being made. Proposals made under the Domestic Violence Act must have a final decision within 10 working days of the proposal.
- 6.10 All employees are required to have a formal agreement in place if they are to work remotely, including working from home for more than two days per week on a recurring basis. This includes completing available wellbeing, health and safety assessments with employees who are working remotely in New Zealand.
- 6.11 This policy does not replace flexible working arrangements already available to employees in their employment agreements, nor does it restrict new and current employee’s ability to negotiate an appropriate flexible working arrangement at the time they join MBIE or during the tenure of their employment.
- 6.12 This policy does not cover overseas remote working. Refer to [Services | Safety and security](#) on Te Taura for further information on overseas remote working.

## 7 Key accountabilities and responsibilities

Role	Responsibility
<b>Governance and Oversight</b>	
<b>Chief Executive (CE)</b>	<ul style="list-style-type: none"> <li>Accountable for MBIE meeting its obligation under this policy.</li> <li>Ensuring MBIE complies with the Employment Relations Act 2000 Parts 6AA and 6AB and the Health and Safety at Work Act 2015 in relation to flexible working</li> </ul>
<b>Organisational Capability and Assurance Committee (OrCA)</b>	<ul style="list-style-type: none"> <li>Maintains overall oversight of this policy</li> <li>Approves new and major amendments to this policy and associated procedures</li> </ul>
<b>Deputy Secretary Sponsor</b>	<ul style="list-style-type: none"> <li>Approves minor changes to the policy and associated procedures</li> <li>Endorses new and major changes to this policy</li> <li>Ensures awareness of this policy across MBIE</li> </ul>
<b>Internal Policy Advisory Group (IPAG)</b>	<ul style="list-style-type: none"> <li>Reviewing new and major amendments to this policy and any associated procedures</li> </ul>
<b>Business Groups management: Identify and manage risks in day-to-day operations (1<sup>st</sup> line)</b>	
<b>Deputy Secretaries (Dep Secs)</b>	<ul style="list-style-type: none"> <li>Embedding this policy in their group.</li> <li>Ensuring their group is compliant with this policy.</li> <li>Ensuring their business group complies with the Employment Relations Act 2000 Parts 6AA and 6AB and the Health and Safety at Work Act 2015 in relation to flexible working.</li> </ul>
<b>Managers and People Leaders</b>	<ul style="list-style-type: none"> <li>Assessing, approving, or declining flexible working arrangement proposals in line with the accompanying procedures, guidelines, and this policy.</li> <li>Involving the wider team in discussions about flexible working arrangements, what could work and the potential impacts on the team and MBIE.</li> <li>Negotiating alternative options with staff regarding flexible working arrangements where necessary.</li> <li>Continuing to set clear expectations and maintain open communication throughout the duration of flexible working arrangements. Regularly reviewing flexible working arrangements to ensure they are still working effectively for the individual, the team, and MBIE.</li> <li>Arranging for IT, furniture, access, and other equipment to be provided to enable safe and secure remote working where necessary.</li> <li>Where possible resolving disputes regarding declined proposals and informing the employee of the appeals process for declined flexible work proposals.</li> <li>Reporting any non-compliance with this policy to their people leader.</li> <li>Ensuring their team complies with the Employment Relations Act 2000 Parts 6AA and 6AB and the Health and</li> </ul>

	<p>Safety at Work Act 2015 in relation to flexible working.</p> <ul style="list-style-type: none"> <li>• This includes ensuring that the work environment and location the employee works in is safe.</li> </ul>
<b>Our People</b>	<ul style="list-style-type: none"> <li>• Complying with this and all other relevant MBIE policies.</li> <li>• Completing and submitting all necessary documentation to support a flexible working arrangement.</li> <li>• Ensuring they carry out work in accordance with the agreed arrangements made with their people leader.</li> <li>• Continuing to meet performance expectations and maintaining open communication with their people leader and team (unless privacy is a concern) for the duration of the arrangement.</li> <li>• Continuing to carry out their work in accordance with wellbeing, health and safety policies and guidelines.</li> <li>• Considering the impact of their application on their team and on MBIE throughout the application process.</li> <li>• Allowing up to 4 weeks for formal flexible working arrangement proposals to come into effect. This allows for approval, any additional engagement with relevant parties (people leader, team and/or P&amp;C teams), and finalising the documentation process. If working from home – having a work area that provides a safe and secure work environment and working with their people leader if additional support is required.</li> </ul>
<b><i>Risk Oversight Functions: Setting MBIE-wide expectations, policies and procedures (2<sup>nd</sup> Line)</i></b>	
<b>General Manager People and Culture (Policy Owner)</b>	<ul style="list-style-type: none"> <li>• Providing guidance regarding this policy to people leaders.</li> <li>• Providing flexible working arrangement documentation.</li> <li>• Managing disputes.</li> <li>• Ongoing ownership of this policy and ensuring compliance.</li> </ul>

## 8 Procedures

### 8.1 [Flexible Working at MBIE Procedure](#)

## 9 Related MBIE policies and documents

### 9.1 [Belong | Inclusion and diversity](#)

### 9.2 [Workplace Bullying and Harassment Policy](#)

### 9.3 [Gender Pay Action Plan](#)

### 9.4 [People Portal](#)

### 9.5 [Access MBIE network and work remotely](#)

### 9.6 [Protective Security](#)

### 9.7 [ICT acceptable use](#)

### 9.8 [Performance and Development Cycle](#)

### 9.10 [Working remotely Checklist](#)

### 9.11 [MBIE's Code of Conduct](#)

### 9.12 [Te Puna Ora](#)

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Deputy Secretary Ngā Pou o te Taumaruru  
GM People and Culture  
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## 10 Relevant legislation, regulations, and standards

- 10.1 [Employment Relations \(Flexible Working Arrangements\) Amendment Act 2007 No 105, Public Act Contents – New Zealand Legislation](#)
- 10.2 [Employment Relations Act 2000 | Part 6AA Flexible working](#)
- 10.3 [Employment Relations Act 2000 | Part 6AB Flexible working short-term for people affected by family violence](#)
- 10.4 [Domestic Violence - Victim's Protection Act 2018](#)
- 10.5 [Integrity and conduct | Te Kawa Mataaho Public Service Commission](#)
- 10.6 [Holidays Act 2003 – Guidance on annual holidays and other leave types](#)
- 10.7 [Human rights Act 1993](#)
- 10.8 [Flexible by default resources and guidance | Te Kawa Mataaho Public Service Commission](#)
- 10.9 [Flexible working: Hybrid working | Te Kawa Mataaho Public Service Commission](#)
- 10.10 [NZS 8200:2015 - Rainbow-inclusive workplaces: A standard for gender and sexual diversity in employment](#)

## 11 Measures of success and compliance management

- 11.1 The General Manager People and Culture will assess the effectiveness of this policy. The following measures of success outline what we expect to see if the policy is working:
  - a. All formal Flexible Working arrangement requests, acceptance and decline rates and reason will be recorded by People and Culture.
  - b. At a minimum, an annual Flexible Working at MBIE pulse check will be implemented to measure the status of the flexible working culture across MBIE, including the application of informal and ad hoc arrangements.
  - c. Periodic analysis of trends will identify any parts of the business where additional support may be required to enable flexible working.
- 11.2 The General Manager People and Culture will monitor compliance with this policy as follow:
  - a. Compliance reporting and information regarding the performance of this policy will be provided to the relevant business group and the Enterprise Risk and Compliance branch on a quarterly basis.

## 12 Non-compliance

- 12.1 Failure to comply with this policy may be considered a breach of the [Code of Conduct](#).