

21 September 2023

9(2)(a)

Official Information Act request

Thank you for your email of 9 September 2023, in which you made an Official Information Act request for:

“Policies, guidelines, and/or general information provided to Toi Hau Tāngata 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 Toi Hau Tāngata 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 Toi Hau Tāngata that were in effect before 21 March 2020.

Policies, guidelines, and/or general information regarding reasonable accommodations for disabled employees at Toi Hau Tāngata that have been put in place or changed on or after 21 March 2020.”

We offer flexible working arrangements to staff in line with Te Kawa Mataaho’s flexible-work-by-default guidance. Our flexible working policy has been operating since May 2021, prior to this date we did not have a formal flexible working policy but provided flexible working on a case-by-case basis.

As part of our flexible work policy, staff have been provided with the following policies, guidance, and information:

- Working flexibly policy (internal policy)
- Working flexibly principles
- Working flexibly request form
- Top 10 tips for successfully implementing flexible work
- Working from home – what you need to know

These documents are attached.

I can advise that we do not have any specific policies or guidelines about providing reasonable accommodations for disabled employees. However, as a good employer we would make reasonable accommodations when required to meet an employee’s need.

If you are not satisfied with this response, you have a right to seek an investigation or review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or by calling 0800 802 602.

As part of our commitment to transparency, we publish our responses to information requests. This response, with your personal details removed, will be proactively released on our website.

Nāku iti noa, nā



Josh Logan

Advisor, Office of the Chief Executive

Working Flexibly

Vision

To embed a flexible culture that is modelled by our leaders and balances the needs of our people, their teams and the organisation. Our people champion working flexibly and new people joining us understand it is part of our culture.

We aim to:

- treat people equitably, with fairness and transparency
- empower our people with the knowledge of their options and how to ask for them
- include flexible work arrangements in our daily lives as a second nature.

Our values

Tāngata – We're about people

We respect that our people have lives outside our agency. We encourage our people to work in a way that suits both them and the agency, without guilt, and while being able to progress their career.

Puaretanga – We're transparent by nature

We are flexible-by-default and offer flexible working in a fair, consistent and transparent way.

Purpose

We support flexible working arrangements that allow people to work productively towards delivering our strategic outcomes and encourage a healthy work/life balance. This enables our agency to:

- attract and retain diverse people
- operate in an inclusive way
- increase engagement
- enhance work performance
- create a positive work culture.

Principles

Our policy is based on the following [principles](#):

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 women, men and gender diverse employees, irrespective of the reason for wanting it. Working flexibly does not undermine career progression or pay.

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.

Works for the agency and teams

Flexible working 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.

Requires give and take

Flexibility requires give and take between the employee, manager and team. It also places collective obligations on employees, managers and teams to be open and adaptable so that it works for everyone.

Mutually beneficial

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 the agency, teams and employees. It should not result in increased workloads for employees working flexibly, or for other team members who are not.

Actively championed by leaders Leaders support, champion and role model flexible working for their teams and themselves.

Benefits of working flexibly

Flexible working arrangements benefit everyone – employers, individuals and their whānau. A growing body of evidence shows that workplace flexibility fosters higher productivity and greater engagement.

Flexible working arrangements gives people and our agency a degree of flexibility on where, how and when work is completed which enables people to personalise their workstyle and helps increase organisational agility.

Definitions

Flexible-by-default Means shifting from ‘why should this role be flexible?’ to ‘why not?’. It means treating all roles as suitable for flexible working unless there is a genuine business reason why not. It does not mean all types of flexibility will be possible for all roles.

Flexible working This is a broad term referring to flexibility about how, when and where people work. Flexible working arrangements can include one or more of the following:

- hours of work
- days of work
- place of work.

Flexible working can include:

- **Flexi-time:** flexible start and finish times, staggered hours, part-time hours, time off in lieu, a compressed week.
- **Flexi-leave:** leave without pay, term-time working, study leave, special leave.
- **Flexi-place:** working from home.
- **Flexi-role/career:** job-sharing, phased return to work following long term leave, phased retirement, secondments, sabbatical/career break.

There may be other ways of working flexibly and people may combine different options, for example working part-time hours and working from home one day a week.

Formal arrangement A change to the employee’s employment agreement that impacts pay or conditions (for example, a reduction in hours of work). These are formally agreed by the manager and the variation to terms and conditions is recorded in writing.

Regular informal arrangement A regular informal arrangement agreed by a manager that does not change the employee’s employment agreement (for example, working from home one day a week on a regular basis).

Ad-hoc arrangement Ad-hoc arrangements are temporary (under a month's duration), for example, occasionally working from home or leaving early for an appointment. They require agreement by a manager but do not change the employee's employment agreement.

Eligibility

Flexible working is available to everyone at the SWA (permanent, fixed term employees, and contractors). It covers any variation to new or current working arrangements including hours or work (over a day, week or year), days of work or place of work. Requests may be made at any time. Arrangements can be ongoing or temporary.

Legislation

The [Employment Relations Act 2000](#) gives employees the right to request a flexible working arrangement and employers have a duty to consider requests. Our policy goes beyond the minimum flexible working requirements in the Act.

Under section 69AAF employers can only refuse requests for flexible working on one or more of the following business grounds:

- Inability to reorganise work amongst 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.

Legislation also allows employees who are experiencing family violence to request flexible working arrangements to ensure their safety, or deal with the effects of family violence for them or for a child. These requests are responded to urgently. See our [Family Violence Free Policy](#) for more information.

Responsibilities

Team members are responsible for:

- Understanding our Flexible Working Principles and Policy and acknowledging that not all types of flexible working are available for all roles.
- Having a conversation with your manager about your request, the impact of the request on your team and delivery of the work programme. It can help in your discussion to focus on why you are seeking flexibility, rather than a specific arrangement, as this will help you both to explore all the options available that might work for you and the team. This is also a chance to identify any barriers or issues and develop solutions on how these can be managed.
- For formal or regular informal arrangements, making the request using this [form](#) and providing as much information as possible about reasons for the request and impacts. If you are uncomfortable putting details in writing, discuss this with your manager.
- Being clear about the date you want the arrangement to begin and giving plenty of notice – the approval process can take up to a month.
- Considering a trial period to assist with the decision of a longer-term change.
- If the arrangement includes working from home, ensuring you have a safe working environment from home, and completing our [Working from Home Agreement](#).

Managers are responsible for:

- Talking to their people proactively about working flexibly.
- Acknowledging requests in writing (usually by email). If needed, arranging a face to face discussion to talk about the arrangement and get further information.
- Considering requests in a fair way and in good faith using our [Flexible Working Principles](#). This means balancing team delivery requirements with the needs of the individual, team members, other teams across the agency and stakeholder expectations. Managers should discuss potential impact with any other manager the person works closely with. Each request must be dealt with on an individual basis and managers shouldn't try to assess one person's need as greater than another's.
- Where possible, involving the team in working through how flexibility could work for the group (except where privacy may be an issue).
- If the request is to work from home more than one day a week, ensuring there is an agreed written plan about what will be delivered and how the outputs progress the delivery of the work programme.
- Talking with People & Culture and other managers about options for making the request workable.
- Considering a trial period to assist with the decision making of a longer-term change.
- Responding to requests as soon as possible, but no later than **one month** after it is received. If the preferred decision is to decline a request, the manager must discuss this with their manager and People & Culture. If the final reason is to decline the request the manager needs to state the grounds for declining and explain the reasons for these grounds as per Part 6AA of the Employment Relations Act.
- If arrangement includes working from home, ensuring your team member can work safely in the home environment and that they understand their responsibilities in the [Working from Home Agreement](#).
- Agreeing specific details for the arrangement and setting clear expectations. Reviewing outcomes on a regular basis, especially at the beginning of any arrangement. Giving clear guidance and feedback during the flexible working arrangement.
- Continuing with regular 1:1s and team meetings to check in with each other regularly. Looking for ways to communicate and connect as a group.
- Speaking up if something is not working. Considering how to tweak the arrangement to better suit you, your team and the team member rather than dropping it completely. If there are performance issues, assessing all possible factors.
- Reviewing the arrangement after three months and then annually.

Working from home

When someone is working from home, their home becomes a workplace under health and safety legislation. This extends our requirements to take reasonably practicable steps to ensure a safe working environment in their home. You will be asked to complete our Working from Home Agreement.

If you cannot work safely from home, on a case by case basis, we may provide spare equipment (keyboard, mouse and monitor) where it is reasonably practicable (i.e. desk cannot be provided for home). If the employee cannot work safely from home the request will not be agreed and other flexible working arrangements can be explored.

Any equipment borrowed will be recorded by the Organisational Performance Administrator. The employee will look after equipment and return it when their arrangement concludes or when they leave the agency.

The agency does not meet any additional costs if you request to work from home. Additional costs incurred working from home (such as broadband and power) are usually offset by savings from reduced travel costs etc.

Further information

[Employment Relations Act 2002](#)

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

[Public Service Flexible-Work-By-Default Guidance and Resources](#)

Other relevant policies

[Family Violence Free](#)

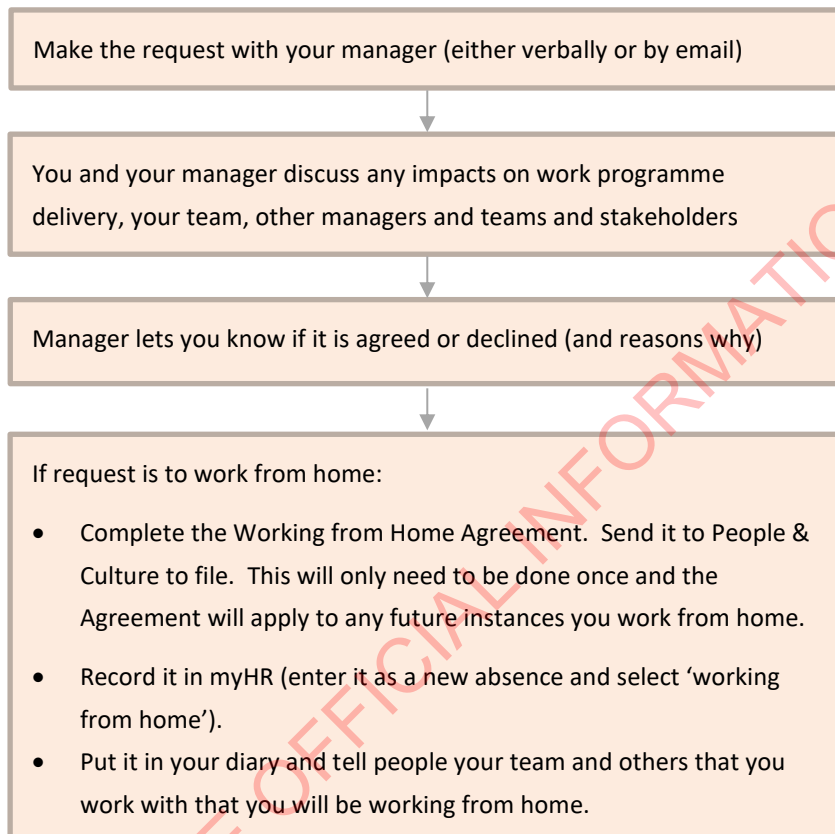
[Ngā Tahi \(our performance and capability framework\)](#)

[Health and safety](#)

Procedures

Requesting an ad-hoc flexible working arrangement

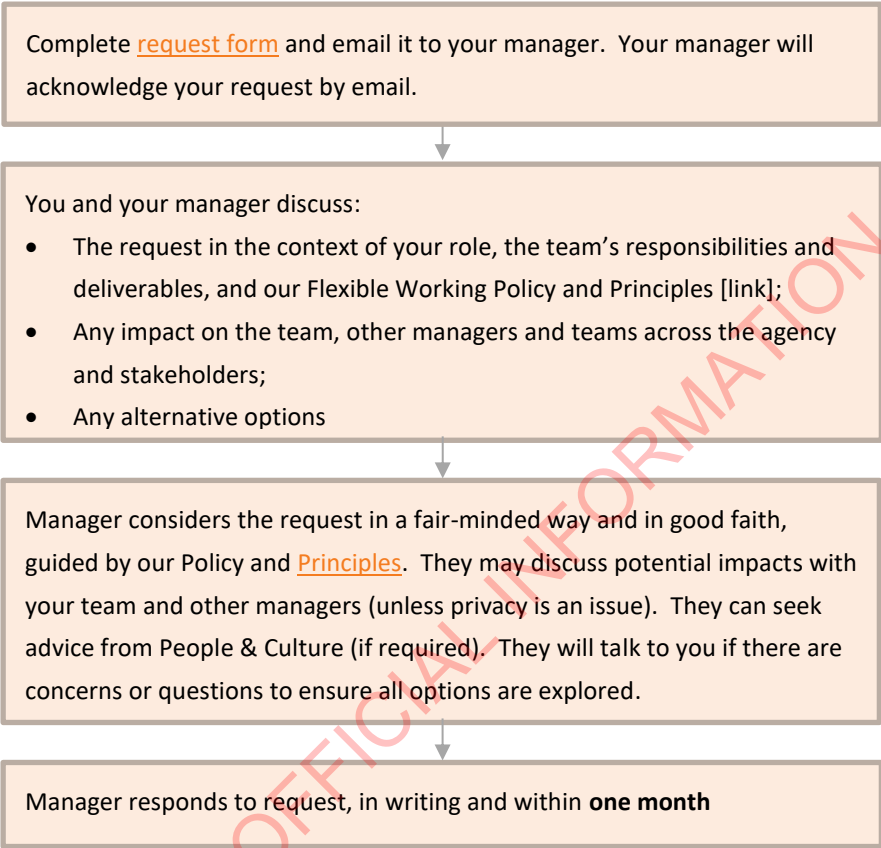
Take these steps to request an ad-hoc change to your working arrangements:



Note: you need to discuss and agree with your manager each instance you want an ad-hoc flexible working arrangement.

**Requesting a
regular
informal or
formal
flexible
working
arrangements**

Take these steps to request either a regular informal change or a formal change to your working arrangements:



If request is agreed:

- Manager records agreement in an email.
- Manager gives People & Culture a copy of the agreement for filing and updating spreadsheet. For formal arrangements, People & Culture prepare letter to record arrangement and manager completes myHR forms.
- If request is to work from home, complete the Working from Home Agreement. Manager sends this to People & Culture to file.
- Discuss the agreed arrangement with team, how to make it work and agree mutual expectations.
- You and your manager review arrangement after three months and every 12 months thereafter.
- Regularly discuss arrangement with the team to ensure it continues to work for everyone.

If request is not able to be agreed:

- Before declining, Manager talks to you to ensure all options and solutions have been explored.
- Manager discusses with their manager and with People & Culture to consider any options or solutions that may be not obvious.
- Manager lets you know in writing the grounds for declining the request, explains the reasons why and advises of the right of review.

For formal flexible working requests made under the Employment Relations Act you can deal with unresolved requests through: an information discussion with your manager, making a formal complaint, seeking third-party assistance (i.e. a mediator), or going to the Employment Relations Authority.

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Working flexibly principles



The following principles underpin the public service flexible-work- by-default approach. Managers should use these principles when considering either ad hoc or ongoing requests to work flexibly.

Principles	Things to consider
<p>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 women, men and gender diverse employees, irrespective of the reason for wanting it. Working flexibly does not undermine career progression or pay.</p>	<ul style="list-style-type: none"> • A trial can be a good way to test how a role can be worked flexibly. Agree expectations for the trial, check in regularly and set a review period (i.e. after three months). • Bear in mind that the COVID-19 experience of working from home isn't a true reflection of how effectively a role can be worked flexibly. It was characterised by a rushed transition, full time remote working, heightened stress and additional family caring responsibilities.
<p>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.</p>	<ul style="list-style-type: none"> • How might it impact on delivery, quality and performance? • If the type of flexibility asked for isn't right for the role, explore other ways the role could be flexible. For example, people working with the IDI need to be physically in the Datalab so they may not be able to work effectively from home, but they might be able to have flexible start/finish times or a compressed working week. • If hours are reducing, how will the current workload be managed in a sustainable way to fit the reduced working hours?
<p>Works for agencies and teams Flexible working 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.</p>	<ul style="list-style-type: none"> • How will the arrangement impact the team and other teams in our agency? • Will there be an impact on efficiency or effectiveness? • Agree team protocols for how you will work together using existing technology and resources.
<p>Requires give and take Flexibility requires give and take between the employee, manager and team. It also places collective obligations on employees, managers and teams to be open and adaptable so that it works for everyone.</p>	<ul style="list-style-type: none"> • Discuss how the arrangement might work on occasions where needs might change. For example, if training is scheduled on a day that someone usually works remotely. There may need to be some flexibility from both sides to make the arrangement work. • Think about the range of flexible working arrangements across the team. There may be need be flexibility from people to try to accommodate the range of requests in the team.
<p>Mutually beneficial Flexible working needs to work for agencies, 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>	<ul style="list-style-type: none"> • Will the arrangement impact the workload of others in the team or within our agency? • How might the arrangement impact our stakeholders or partners? • Will the arrangement help accommodate a person's disabilities to better enable them? • Do you have confidence the employee can manage their physical and mental wellbeing while working in their home environment? Consider what supports may be needed, review arrangements regularly and change arrangements if necessary.
<p>Actively championed by leaders Leaders support, champion and role model flexible working for their teams and themselves.</p>	<ul style="list-style-type: none"> • Consider any unconscious bias reactions you may have to requests: <ul style="list-style-type: none"> • Don't rely on 'gut feel' or assumptions • Think about the role requirements not the person • Be open minded and start from a basis of trust • Use the principles to guide your decisions • Manage for outcomes, not hours in the office • Test your thinking with another manager – ask them to ask counterfactual questions and play devil's advocate • Don't rush decisions – take time in decision making

If managers agree to a request that will change someone's terms and conditions (such as hours of work) talk to People & Culture, and we'll record it in a letter and update myHR. For other requests, record the agreement in an email so everyone is clear. Review arrangements regularly and update if necessary.

Request for flexible working arrangement

Name	
Team	
Provide details about the flexible working arrangement you would like and explain why (including if arrangement is ongoing or temporary)	
Proposed start date If requesting a temporary change, include the proposed end date.	
Explain changes (if any) that your manager will need to make to current business arrangements if the request is approved (e.g. possible changes to the way the team works together etc)	
Explain how your plans would impact on delivery of your work within your team, to other teams and to stakeholders (either positively or negatively)	
Provide any other information that may be helpful	
If you are seeking to work from home regularly, complete and attach the Working from Home Agreement	

Formal flexible working requests to change terms and conditions in employment agreements are made under Part 6AAC of the Employment Relations Act 2000.

Signed:

Date:

Name:

Top 10 tips for successfully implementing flexible work

Maximising success and benefits of flexible work and flexible careers involves finding the right solutions and the most effective way of implementing them:

- 1. Treat each request individually** Understand the reasons for wanting flexibility – what is the desired outcome? Finding the right type and mix of flexible work for each individual (not all types of flexibility will suit all people or roles). The right type and mix will produce the best result.
- 2. Involve the team** Have a team-based discussion to maximise efficiency and benefits of flexible working. Establish team agreements on delivery and communication.
- 3. Find the wins** Look for where flexibility could benefit the individual, team, agency and stakeholders.
- 4. Be creative and innovate** Think outside the square and coming up with creative and different ways of introducing flexibility.
- 5. Establish clear expectations and responsibilities** Everyone understands what is expected and what the non-negotiables are – individuals, teams and stakeholders
- 6. Trust** Everyone in the team delivering what is expected from them. Manage people on outcomes, rather than visibility and observation.
- 7. Openness and dialogue** Be open to the discussion about flexibility. Keep the conversation going. Be honest, if it is not working and open to alternative solutions.
- 8. Relationships and connection** Ensure relationships with team members, across the agency and with stakeholders are built. Establish ways in which the team can connect.
- 9. Respond to changing needs** Look for ways to improve practices and options being undertaken. Adjusting as needs change.
- 10. Full use of technology** Ensure team members are fully aware of technology available and have the appropriate training to use it.

Working from home – what you need to know

February 2022



This sets out things to know when you are working from home. It helps you to work safely and securely. We have a responsibility to protect your health, safety and welfare, even when you are working from home. When you're working from home, you still have a responsibility, as an employee, to ensure you take all reasonable measures and precautions to protect your safety and wellbeing.

What you need to do

- Assess your at-home work area using the 'working safely checklist'. If you don't feel able to do an assessment yourself, let your manager know.
- If you have a near miss, an injury or you start to experience discomfort while working from home, you need to report this as a work-related incident via our [SWA incident form](#) as soon as possible.
- Protect any SWA information you have access to. Maintain the SWA equipment provided to you in a safe and secure manner. Use information and equipment only for intended purposes.
- Continue to uphold the terms and conditions of your employment agreement, and the [Standards of Integrity and Conduct](#).

Working safely checklist

- Use the 'Get your workstation working for you' section to set up a comfortable home workstation.
- Check electrical leads and equipment are free of damage and power points are not overloaded.
- Check around your work area for any tripping or slipping hazards.
- Check your environment, ensuring you have adequate lighting with no glare, no excessive noise, good airflow and a comfortable temperature.
- Read SWA's [Healthy and Safety Policy](#) and know what to do if you have a near miss, accident or experience pain or discomfort.
- Vary your tasks throughout the day, i.e reading, talking on the phone, and typing to reduce the risk of developing discomfort, pain and injury. Take breaks and stretch through the day.
- Agree a process with your manager on how you will communicate while working remotely.
- Discuss any issues or concerns with your manager.

Confirming it's all in place

I understand all my responsibilities to work safely and securely while working from home. I have completed the working safely checklist. I have my workstation properly set up and know I can seek help with my setup if I need it. I understand that I need to inform my manager if I experience pain or discomfort while working from home or have an accident or near miss.

Signature:
Name:
Date:

Manager signature:
Manager name:
Date:

Stay connected with your manager and your team

- Share your calendar with your manager and the rest of your team.
- Agree with your manager and team about how you will work together, i.e. hours of availability, expectations of response times, check ins and turn around times.
- We all have different preferred patterns of work – talk to your team about what works for you to stay motivated and focused. It might mean being online early or later in the day.
- Have plenty of virtual meetings and get together – for work stuff, the quiz, or just a catch up. And don't be shy of using the camera.

Keep information safe

Carefully consider where you access sensitive SWA information and who might be able to see it or overhear your conversations.

- When making calls or joining video conferences, consider who can hear you. Do not discuss sensitive matters while others are around.
- Do not use personal email or social media to conduct SWA business or send any SWA information to your personal email or social media services.
- Lock your device every time you are away from it. Activate any necessary security features.
- Report any unauthorised access or loss of device to the Administrator immediately.
- Any printed material should be returned to SWA and put in the secure destruction bin.
- If you have any concerns, please talk to your manager or the People and Culture team.

Get your workstation working for you

Use this [guide](#) to set up your workstation.

Workstation set up tips:

- Adjust your chair to the correct height to allow your feet to relax on the floor and thighs are parallel to the floor – use a footrest if necessary.
- Adjust the height of the desk to just below elbow height
- Place the monitor about an arm's length away, so that the top of the screen is just above eye level.
- If your chair has armrests make sure they don't restrict the chair from moving close to the desk, and shoulders should be relaxed and down when placed on armrests.
- Position your mouse and keyboard close enough to allow your elbows to stay relaxed by your sides.
- Consider use of a copyholder if you need to refer to documents frequently when typing.
- If you share your at home workspace, use your headset for phone calls.
- If you use your laptop for extended periods, connect a separate mouse and keyboard and raise the laptop so the top of the screen is at eye level.

Tips for healthy workplace habits:

- Sit your buttocks back in the chair and relax back. With the assistance of the chair, maintain an "S"-shaped spine posture.
- Take regular pauses to vary your posture and stretch. When not typing or using the mouse, relax your hands away from the keyboard and mouse. Maintain a relaxed and neutral hand and finger posture.
- Aim for a short break away from your workstation at least twice an hour.
- Where possible spread the tasks that require you to move away from your workstation throughout the day and consider standing at a high shelving unit or leaner when reading from hard copies or alternate between sitting and standing postures.
- Have lunch breaks away from your desk.
- Drink plenty of water throughout the day to stay hydrated.

Your workstation should look like this

