



8 November 2021

File Ref: OIA 44090

9(2)(a)

Tēnā koe 9(2)(a)

### Official Information Act request

Thank you for your information request dated 9 October 2021. You asked for the following information:

1. *"A copy of your flexible working policy;*
2. *A copy of any policy/processes specifically regarding applications for remote working;*
3. *The number of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 received by this agency between 1 January 2019 and 8 October 2021, the type of flexibility sought in these applications eg compressed hours, remote working, reduced hours etc., and whether each applicant was a manager or a non-manager;*
4. *The number of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 approved by this agency between 1 January 2019 and 8 October 2021, the type of flexibility sought in these applications eg compressed hours, remote working, reduced hours etc., and whether each applicant was a manager or a non-manager;*
5. *The percentage of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 approved by this agency between 1 January 2019 and 8 October 2021;*
6. *The number of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 refused by this agency between 1 January 2019 and 8 October 2021, the type of flexibility sought in these applications eg compressed hours, remote working, reduced hours etc., the recorded reason for the refusal, and whether each applicant was a manager or a non-manager;*

7. *The percentage of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 refused by this agency between 1 January 2019 and 8 October 2021;*
8. *The number of people working in your agency as at 8 October 2021, and a breakdown of your employees by gender. ”*

Your request has been considered in accordance with the Official Information Act 1982 (the Act).

Two documents have been identified in scope of your request. The documents and my decisions with regard to the release of the information are set out in the table attached as Appendix A.

We are currently reviewing our flexible work policy. Staff are supported to work flexibly if their role allows. Under lockdown, all staff have been able to work from home. All staff are provided with laptops and other appropriate hardware, along with secure remote login to Te Puni Kōkiri systems.

As such, there have not been any applications made specifically under Part 6AA of the Employment Relations Act 2000 for the reporting period.

We have responded to each of your questions in turn below:

1. *A copy of your flexible working policy;*

Please see attached – please note this policy is currently under review

2. *A copy of any policy/processes specifically regarding applications for remote working;*

Please see attached – please note this policy is currently under review

3. *The number of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 received by this agency between 1 January 2019 and 8 October 2021, the type of flexibility sought in these applications eg compressed hours, remote working, reduced hours etc., and whether each applicant was a manager or a non-manager;*

We have no record for any flexible working arrangements under Part 6AA of the Employment Relations Act 2000 being received by this agency between 1 January 2019 and 8 October 2021

4. *The number of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 approved by this agency between 1 January 2019 and 8 October 2021, the type of flexibility sought in these applications eg compressed hours, remote working, reduced hours etc., and whether each applicant was a manager or a non-manager;*

Please see above, we have no record of any applications being made under Part 6AA of the Employment Relations Act 2000.

1. *The percentage of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 approved by this agency between 1 January 2019 and 8 October 2021;*

Please see above, we have no record of any applications being made under Part 6AA of the Employment Relations Act 2000.

As no applications were received, we are unable to provide any percentages. Accordingly this part of your request is refused under section 18(e) of the Act, as the information requested does not exist.

2. *The number of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 refused by this agency between 1 January 2019 and 8 October 2021, the type of flexibility sought in these applications eg compressed hours, remote working, reduced hours etc., the recorded reason for the refusal, and whether each applicant was a manager or a non-manager;*

Please see above, we have no record of any applications being made under Part 6AA of the Employment Relations Act 2000.

3. *The percentage of applications for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 refused by this agency between 1 January 2019 and 8 October 2021;*

Please see above, we have no record of any applications being made under Part 6AA of the Employment Relations Act 2000.

As no applications were received we are unable to provide any percentages. Accordingly this part of your request is refused under section 18(e) of the Act, as the information requested does not exist.

4. *The number of people working in your agency as at 8 October 2021, and a breakdown of your employees by gender.*

**Table One: Number of Te Puni Kōkiri staff by gender and employment status, as at 8 October 2021**

Employment Status	Female	Male	Totals
Permanent	198	103	301
Fixed Term	46	29	75
<b>TOTAL</b>	<b>244</b>	<b>132</b>	<b>376</b>

I trust my response satisfies your request.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that Te Puni Kōkiri publishes some of its OIA responses on its website, after the response is sent to the requester. The responses published are those that are considered to have a high level of public interest. We will not publish your name, address or contact details.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact [uia@tpk.govt.nz](mailto:uia@tpk.govt.nz).

Ngā mihi

A handwritten signature in black ink, appearing to read 'Grace Smit', written in a cursive style.

Grace Smit  
Deputy Secretary Organisational Support | Hautū Tautoko Whakahaere

Released under the  
Official Information Act 1982



## Why we have this policy | Ko Te Pūtake o tēnei Kaupapa Here

This document provides guidelines and establishes procedures to ensure all employees have a clear and consistent understanding of their ability to seek a change in their working arrangements (hours and/or location), so as to better meet their responsibilities at home.

The objectives of this policy are to ensure all employees and managers are aware of their entitlements and responsibilities with regard to requesting and approving Flexible Working Arrangements.

## Policy | Kaupapa Here

1. Employees of Te Puni Kōkiri may request flexible working arrangements so that they may better meet the needs of a person in their care, or to prepare for their retirement.
2. The request must:
  - Include specific information about the length of time the variation will be in effect, or if it is to be permanent;
  - Include an explanation of how the flexible working arrangements will allow the employee to better care for the person concerned or prepare for their retirement; and
  - Specify what condition(s) of employment (hours/days/location) are to be varied.
3. An employee is not entitled to make another request within 12 months of having made a request.
4. The employee's Manager must consider the request for a flexible working arrangement as soon as it is practical to do so, and must confirm a decision within three months of first receiving the request.
5. Te Puni Kōkiri may decline any request that complies with the Act on any of the following grounds:
  - i. Inability to reorganise work amongst existing employees;
  - ii. Inability to recruit additional employees;
  - iii. Detrimental impact on quality;
  - iv. Detrimental impact on performance;
  - v. Insufficient work during the periods the employee proposes to work (e.g.: receptionist requesting to start work at 5am);
  - vi. Planned structural changes;
  - vii. Burden of additional costs; or
  - viii. Detrimental effect on ability to meet customer demand.
6. Any additional considerations that lead the Manager to decline a request should be discussed and documented.
7. Te Puni Kōkiri must decline a request if refuse a request if the proposed new working arrangement conflicts with the provisions of an employee's collective employment agreement.

## Background | He Kupu Whakamārama

The Employment Relations (Flexible Working Arrangements) Amendment Act 2007 gives employees an entitlement to request flexible working arrangements takes effect from 1 July 2008. Flexible working arrangements refer to one or more of the following; hours of work, days of work.

This legislation provides for employees of Te Puni Kōkiri to request flexible working arrangements so that they may better meet the needs of a person dependant on them or plan for their retirement. The legislation requires the employee to include in their application an explanation of how the flexible working arrangements will allow them to better care for the person concerned.

At Te Puni Kōkiri there is an established practice of giving due consideration to a request from an employee for a flexible working arrangement, for example, workers who wish to reduce work hours for family reasons, or to prepare for retirement.

## Responsibility and Enforcement | Ko Ngā Haepapa me Ngā Uruhi

All employees and managers either making or considering a request for flexible working arrangements are expected to comply with this Policy.

Managers approving flexible working arrangements under this Policy are responsible for ensuring they have the required delegation.

Managers should consult with the Manager, Human Resources and Capability for advice on any aspects of this Policy.

Any breach of this Policy may constitute misconduct and will be dealt with in accordance with Te Puni Kōkiri's [Misconduct and Poor Performance Policy](#).

## Policy Approval | Ko Te Whakaaetanga o te Kaupapa

This Policy is owned and updated by:	It was approved by:	On the date of:	It is due for revision by:
Human Resources and Capability	Acting Deputy chief Executive, Organisational Support	11 April 2018	April 2020

This policy replaces the previous policy titled Flexible Working Arrangements Policy dated 31 March 2016.

## Related Documents | Ko Ētahi atu Kaupapa Here

- [Remote Working Arrangements Policy](#)
- [The Employment Relations \(Flexible Working Arrangements\) Amendment Act 2007](#)

## Contact | Whakapā Mai

Please see your Human Resources and Capability representative for assistance.

# Kaupapa Whakaritenga Mahi ki Pāmamao

## Remote Working Arrangements Policy



Te Puni Kōkiri  
MINISTRY OF MĀORI DEVELOPMENT

### Why we have this policy | Ko Te Pūtake o tēnei Kaupapa Here

This document provides guidelines and establishes procedures to ensure all employees have a clear and consistent understanding of Remote Working Arrangements away from a Te Puni Kōkiri workspace.

Short-term arrangements can be put in place in response to defined requirements such as to accommodate personal circumstances; to complete work from home intermittently without requiring a long-term arrangement; or while travelling on business.

All long-term remote working arrangements for periods of three months or more will be considered on a case-by-case basis against criteria set out in this policy.

In cases where issues are unclear consult the Human Resources and Capability Business Partner.

The objectives of this policy are to promote effective practices to ensure that employees have clarification and guidance on the issues to be considered when working away from a Te Puni Kōkiri workspace.

### Policy | Kaupapa Here

1. Unless specifically stated in an employment agreement, letter of appointment or contract, any remote working arrangement is at the discretion of Te Puni Kōkiri, and should not be viewed as an employee's right or obligation.
2. All remote working arrangements are discretionary and additional to, the terms and conditions of the employee's. The arrangements may be cancelled by either party at any time, with one week's notice.
3. All long-term requests to work remotely from home, or any other work site that is not a normal place of work for Te Puni Kōkiri business, whether for part of the week, or full-time will be considered on a case-by-case basis by the immediate manager against the following criteria:
  - The employee and manager agree on the work to be performed and results to be produced; and
  - The nature of the work lends itself to a remote environment; and
  - Work is not being 'created' for this purpose; and
  - The employee has a good work performance record; and
  - Any arrangement will not place undue additional work on other employees in the workplace; and
  - The Manager, Information Services is satisfied that the arrangements will not make unreasonable demands on Te Puni Kōkiri IT hardware, software or security resources; and
  - There is consultation, co-ordination and co-operation to ensure that the employee is safe while undertaking the work and understand the risk associated with that work.
4. In the event of Business Continuity Management situation, approval of any remote working arrangements may also depend on:
  - The actual situation the employee is working in and the risks that situation may pose; and
  - Te Puni Kōkiri business needs; and
  - The needs of individual employees in terms of their whānau responsibilities.
5. Any short-term remote working arrangements over periods of less than three months require the agreement of employee and the immediate manager. Should arrangements be extended beyond this period, this may be considered the trial for a long-term remote working arrangement.
6. All long-term remote working arrangements over periods of three months or more require an initial trial period, after which the immediate manager will evaluate the situation and discuss with the relevant Deputy Chief Executive.

7. Any long-term remote working arrangement will also be conditional on the employee:
  - Reporting on health and safety matters by completing the [Remote Working Agreement Form](#); and
  - Providing work facilities and furniture for remote working arrangements. Both Te Puni Kōkiri and the employee or other worker must be satisfied that the proposed long-term remote working environment meets the requirements of the Act.
8. All approved agreements must be forwarded to Human Resources and Capability to record and file on the employee's personal file.
9. All long-term Remote Working Agreements should be reviewed annually by the manager and employee, effective 1 July.
10. Remote working arrangements are not intended to be used as an alternative to leave. An employee working remotely is expected to contact their manager and apply for leave as applicable.

## Background | He Kupu Whakamārama

The Health & Safety at Work Act 2015 (the Act) , requires Te Puni Kōkiri to take “all reasonably practicable steps” to ensure that all employees have a safe work environment at all times, regardless of where they work, or how often they work in that environment.

Amongst other things, the Act recognises that “successful management of health and safety issues is best achieved through good faith co-operation, co-ordination and consultation in the place of work and, in particular, through the participation of the persons doing the work”.

There is, therefore a requirement on employers, employee's and any other worker impacted by Te Puni Kōkiri activities to take responsibility in a workplace for their safety and the safety of others who work with and around them. For this reason, Te Puni Kōkiri requires all employees seeking approval to work remotely over a period of three months or longer to satisfactorily complete the health and safety section of the [Remote Working Agreement Form](#).

Working remotely may not necessarily be appropriate for some positions, tasks, and employees, especially if working remotely may pose an unacceptable health and safety risk.

## Responsibility and Enforcement | Ko Ngā Haepapa me Ngā Uruhi

All Kōkiri employees who agree to a **long-term remote working arrangement** are expected to:

- Comply with this Policy, and the Health and Safety at Work Act, by satisfactorily completing the [Remote Working Agreement Form](#); and
- Comply with all relevant legislation and Te Puni Kōkiri policies; and
- Notify their manager if they change the location of the long-term remote workplace; and
- Notify their manager of any damage to, or theft of, Te Puni Kōkiri provided equipment, and return all equipment at the end of the arrangement; and
- Be personally responsible for all overhead costs of the remote workplace (power, rates/rent, private phone line). These costs will not be reimbursed by Te Puni Kōkiri; and
- Ensure that they are able to be contacted at the remote location; and
- Be available to attend any meetings as required by their manager.

The manager of any employee with a **long-term remote working arrangement** is expected to:

- Ensure that any arrangement is discussed with the relevant Deputy Chief Executive before the arrangement commences; and
- Ensure that the arrangement meets the requirements of the Health and Safety at Work Act 2015; and
- Monitor from a business and health and safety risk perspective; and
- Ensure that all Health & Safety reports and forms are completed and sent to Human Resource and Capability for filing; and
- Remind the employee of his/her health and safety obligations while working remotely; and



- Arrange appropriate access to the internet, email and business phone calls.

Managers should consult with the Human Resources and Capability Business Partner for advice on any aspects of this Policy.

Any breach of this Policy may constitute misconduct and will be dealt with in accordance with the [Te Puni Kōkiri Misconduct and Poor Performance Policy](#)

## Policy Approval | Ko Te Whakaaetanga o te Kaupapa

This Policy is owned and updated by:	It was approved by:	On the date of:	It is due for revision by:
Human Resources & Capability	The Deputy Chief Executive, Organisational Support	18 June 2018	June 2020

This policy replaces the previous policy titled Remote Working Arrangements dated 1 April 2016.

## Related Documents | Ko Ētahi atu Kaupapa Here

[Remote Working Agreement Form](#)

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

## Contact | Whakapā Mai

If you have any questions please contact your Human Resources Advisor.

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