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Tēnā koe s 9(2)
(a)

Thank you for your email of 11 September 2023 to the Ministry for the Environment (the Ministry) requesting the following under the Official Information Act 1982 (the Act):

1. *Policies, guidelines, and/or general information provided to MfE employees regarding working from home or other flexible/remote/hybrid working arrangements that were in effect before 21 March 2020.*
2. *Policies, guidelines, and/or general information provided to MfE 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.*
3. *Policies, guidelines, and/or general information regarding reasonable accommodations for disabled employees at MfE that were in effect before 21 March 2020.*
4. *Policies, guidelines, and/or general information regarding reasonable accommodations for disabled employees at MfE that have been put in place or changed on or after 21 March 2020.*

Flexible working

In response to parts 1 and 2 of your request, I am releasing two documents to you in full, as per the attached document schedule.

Reasonable accommodations for disabled employees

Prior to 21 March 2020, the Ministry adopted standards and requirements as per the Government Property Group principles under [Safety, security and accessibility requirements and guidelines | GPG](#). The Ministry had guidelines in place to implement for staff who had accessibility needs. Such as, management plans were in place for wheelchair users that included fixed desking, kitchen accessibility, emergency evacuation plans, support buddies, and training on Evac chair use.

Since 2020, the Ministry has moved its head office location and extended its property portfolio. This has resulted in several improvements through the physical environment and operational elements of our workplaces, including:

- non-gender specific toilets;
- destination-control lifts with audible announcements;
- kitchen design that include more drawers, sinks, and tap positioning;
- easy to navigate circulation areas on our working floors; and
- a variety of working spaces and furniture.

The Ministry's overarching property approach to supporting disabled staff, in terms of the physical working environment, includes the following:

- As part of any new property Request for Information, the Ministry will evaluate a premise as it aids and supports disabled employees (with either mental or physical disabilities);

- For buildings that we lease, the Ministry will only consider modern buildings that meet the requirements of the Government Property Mandate;
- When undertaking any tenant fitout, the Ministry adheres to the New Zealand Building Code as it supports building access and supports people with a disability;
- The Ministry, as part of our design briefs, includes and refers to all supporting guidelines issued by the Government Property Group that aids and supports disabled employees (with either mental or physical disabilities).

You have the right to seek an investigation and review by the Office of the Ombudsman of my response relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Please note that due, to the public interest in our work, the Ministry publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: ministerials@mfe.govt.nz.

Ngā mihi,



Adelyn Wischnowsky
Director - People and Capability
Ministry for the Environment | Manatū Mō Te Taiao

Document schedule

Document no.	Document date	Content	Decisions	OIA sections applied
1	2019	Flexible Working Policy	Released in full	N/A
2	2020	Flexible by Default	Released in full	N/A

Flexible Working Policy

Introduction

MfE recognises that flexible working is important to give employees real choices in managing their work or career/life balance. Flexibility is shown to not only improve employee wellbeing and engagement, it also enables us, as an organisation, to be creative when thinking about how to deliver our objectives, meet stakeholder expectations and enable us to attract and retain diverse talent.

This policy forms part of our broader journey toward a more diverse workplace. Being flexible will enable us to accommodate the needs of a diverse workforce more readily. We recognise that by supporting greater diversity the Ministry will be more reflective of New Zealand society and enable our people to be their authentic selves.

This policy underpins the commitment we are making through all our people practices, such as recruitment, selection and ongoing general management, to increase the diversity potential in our workforce.

Key Principles:

- In general we expect that **all roles are flexible**, including management roles. We are committed to making flexible working options available to you wherever it is feasible.
- Flexibility works well if there is good communication between manager, the individual concerned, and the full team.
- Arrangements that do not work for all three will not be sustainable in the long term.
- The flexibility individuals require will be unique to them and their circumstances.
- Business needs change. Individual's needs change. We need to be able to respond to both.
- HR will monitor and report to Directors on exceptions and declined applications to ensure the policy is applied appropriately.

Purpose

This Policy:

- Gives options for how you can manage your work and non-work commitments through flexible working.
- Provides options for balancing flexible working with the need to deliver our work.
- Provides the process for considering requests for flexible working options to ensure you are treated fairly and equitably across the Ministry.

Scope

Flexible working is an option for **all** permanent and fixed term staff in the Ministry, including people managers at all levels.

Subject to the terms of the secondment agreement, the policy may also apply to secondees.

The policy does not apply to casual employees, contractors, consultants or temporary agency employees.

Requirements

Flexible working options

Flexible working options can generally be divided into those that can be managed on a regular and **informal** basis between you and your manager and those that require a **formal** agreement that is documented. Generally, the formal options have an impact on your pay or leave calculations – or our joint responsibility for your ongoing health and safety. The following table illustrates examples of this:

Informal	Formal
Occasional working from home Flexi time – e.g. staggered hours	Reduced working hours Condensed working week Ongoing change to days of work Ongoing remote working

*See Appendix 1 for further examples of the above.

In the case of one-off changes to your hours of work, you simply need to agree this with your manager prior to the event.

Flexible Working options may include:

- **Flexi hours** – variation to normal pattern of workday hours/breaks
 - Occasional working from home
 - Working reduced hours
 - Job sharing
 - Using flexi-time
 - Time off in lieu (TOIL)
- **Flexi weeks** – variation to normal pattern of weekly work hours / breaks, which can include condensed working weeks (eg 76 hours worked over a nine day fortnight)
- **Flexi year** – variation to yearly patterns of work hours and paid/unpaid leave
- **Flexi place** – employee able to work other than from a designated work place
 - Working remotely
 - Occasional working from home
- **Flexi career** – employee able to (gradually) move in/out of workforce
- **Retirement transition**

*See Appendix 1 for further examples of the above.

Note that specific contractual arrangements exist for staff returning from parental leave whereby the option for phased return to work exists. See <http://intranet/content/returning-work-after-parental-leave>. Flexible working arrangements can be considered alongside this, as well as after the phased return is complete.

Decision Making Parameters

The presumption is that flexible working options will be available to you wherever it is feasible without compromising the delivery of the Ministry's work. This will require conversations between individuals, with the team and at times with HR to negotiate an option that works for all parties. At

an organisational level, there are some factors that need to be considered in any flexible work approach:

- We have a duty to protect the health and safety of our employees by ensuring that you do not work excessive hours, and that any hours in excess of standard working hours are agreed and monitored appropriately
- That the nature of our work means that you may occasionally be required to work over and above your standard working hours

Whether arrangements will work or not can be specific to the person and position. You and your manager will think about, and discuss, some or all of the following:

- How your work can be organised alongside existing employees
- The ability to recruit additional employees, if required
- Any impact on the quality of your work or service to our stakeholders and internal customers
- Any impact on your performance or the performance of your team
- Whether there is sufficient amount of work during the periods you propose to work
- Whether there are any structural changes planned
- If additional costs would be prohibitive

Making it work

It is vital to maintain open communication on how the arrangements are working for all parties (i.e. the individual, the manager, the team). To ensure that all parties get the most out of the flexible practices in place, you, your manager and/or your team will need to discuss:

- Your accessibility i.e. if your manager needed to get hold of you because of an urgent development you would be contactable.
- Your ability to work remotely and the Ministry's capability to support this.
- Your availability for key meetings and / or stakeholders.

Support will be provided to managers to help them have these conversations with their teams.

Process for requesting a formal flexible arrangement

1. Requesting a Flexible Working Arrangement

Discuss your request for a flexible working arrangement with your manager. While you do not have to provide a reason for the request, you will need to discuss things like:

- The type of flexibility required
- Whether it's a long terms arrangement or not
- What might be the impact of the new working arrangement – on team members, manager, work deliverables.
- How you think the new arrangement can be accommodated

2. Negotiating a Flexible Working Arrangement

This is the part of the process where discussions happen with your Manager and/or the team (and with HR if required) to scope options and reach agreement on how the arrangement will work in practice. If a formal agreement is needed, go to the next step. If your manager objects to what you are proposing they have the onus of proving why it is not workable and will work with HR and you to find a workable solution.

3. Formalising a Flexible Working Arrangement

All formal flexible working arrangements must be documented in a Letter of Variation varying your hours of work, as there are often impacts on your pay or leave. This needs your written acceptance of the variation. This variation is signed by both parties and filed on your personnel file. An approved arrangement will include a description of the flexible arrangement and expectations for both parties.

4. Review of the arrangement

When a flexible working arrangement is approved, the impact of that arrangement, within a team or in relation to a work outcome can often not be fully determined at the outset. Therefore a review of the flexible work arrangement will occur after three months and then ongoing at least every 12 months. This will be written into the variation letter which will outline your agreed flexible working arrangement.

Changes to roles will also require a review of whether certain arrangements are still workable.

Declining a request

If declining a request, your manager will need to provide you with a clear explanation of their reasons. This may include one or more of the decision making parameters mentioned previously.

If you want the decision made by your manager to be reviewed, you should put this in writing and address to the Director, HR, Legal and Procurement. They will review the reasons behind the decision and respond with their final decision.

Responsibilities

It is vital that both you and your manager maintain open communication on how the arrangements are working for all parties (i.e. the individual, the manager, the team)

Managers are responsible for:

- Only declining flexible working options where a real and substantive reason exists
- Agreeing to occasional working from home for members of their teams
- Ensuring that, prior to the first instance of an occasional arrangement to work from home, you read and sign the H&S form attached and that the form is sent to HR
- Ensuring MfE's business requirements are met
- Overseeing your team's workload to ensure that work is completed within the standard working hours wherever possible
- Co-ordinating the operation of your team to ensure that there is adequate cover for all functions of your area of business.

Staff members are responsible for:

- Obtaining approval from your Manager in advance to a flexible working arrangement
- Working with your Manager to agree when the hours will be worked
- Taking regular breaks with one break that is 30 minutes in duration as a minimum.

Human Resources are responsible for:

- Monitoring and providing advice to managers and employees to ensure consistent application of this policy.
- Providing guidance to managers to help them with discussions about flexible working.
- Monitoring on any patterns of exceptions that emerge through this monitoring.

Review of this policy

To ensure that the policy is being applied fairly and equitably, Human Resources will formally review its use on a six monthly basis. Findings will be reported to ELT.

Time Off In Lieu (TOIL)

Introduction

The Ministry will endeavour to recognise any significant periods of work outside of a normal working day through TOIL.

TOIL and its operation depend on mutual trust, and on you and your Manager taking a mature 'give and take' approach to your work. Specifically, these guidelines are not designed for the occasional extra hours of work that one might expect from time to time.

It is intended that the TOIL policy will be applied "reasonably" and that an employee's Manager has a degree of discretion, taking into account particular circumstances. This recognises that every case will inevitably be slightly different.

Purpose

The purpose of this policy is to provide a framework for when approval of TOIL is appropriate.

Scope

TOIL is only for significant periods worked outside of a normal working day and should be agreed in advance between you and your manager. TOIL recording does not start until you have worked a significant period of work outside of a normal working day through time in lieu. It is not to be used if you have worked additional hours to complete general work. An example of a significant period of work is where half a day or more is worked in a seven day week. The TOIL must be agreed in advance and employees will apply to take time off using the employee kiosk and record it as time taken in the time recording system.

In general, TOIL is to be used within a reasonable period of time from when it was earned, ideally within one month.

Requirements

Managers are responsible for:

- Regular monitoring of your workload and ensuring where possible that the general level of resourcing is commensurate with the work demands
- ensuring that, when circumstances require significant additional hours to be worked, you are aware, and arrangements are put in place, to recognise and record any TOIL earned
- enabling you to use any TOIL within a reasonable period of it being earned, ideally within one month.

You are responsible for:

- identifying issues associated with workloads or demands with your manager, including practical means to accommodate or balance periods of higher or lower demand
- discussing with your manager when circumstances require significant additional hours to be worked and seeking agreement in advance to recognise and record any TOIL earned
- taking any TOIL within a reasonable period of it being earned, ideally within one month.

Human Resources are responsible for:

- Monitoring and providing advice to managers and employees on consistent application of this policy.

Recording TOIL

It is up to you and your Manager to agree when TOIL has been earned. When TOIL is taken it must be applied for through the kiosk.

Specific arrangements

Specific arrangements or guidance can be put in place by the relevant Director or Deputy Secretary to apply to individuals or teams where significant periods of work or travel outside of normal working hours are a regular and planned part of the team and individual's function and work programme.

Sometimes additional periods of work are not planned, such as reactive work required after a natural disaster (e.g. Christchurch earthquake). Applications for TOIL will be considered on a case by case basis in these situations.

Guidance for international travel

Your manager will take into account the nature and objectives of the Ministry business to be undertaken, the need for travel to occur outside of normal working days, the duration of the trip and time spent away from home, the need to conduct work on weekends or NZ statutory holidays, any other relevant factors.

In determining what is reasonable to recognise for TOIL, your manager will consider the following guidance:

- Where you work on a public holiday, you are entitled to the entitlements under the Holidays Act 2003 (payment of time and a half for hours worked on what ordinarily be a working day and to another day's holiday (alternative day) instead of a public holiday).
- What the nature of the work is while overseas. For instance, long working days in negotiations on normal Ministry working days would not warrant TOIL being granted. However, if you are required to perform several exceedingly long days consecutively while away, this should be taken into account when granting TOIL for the entire trip.
- If you travel outside of work hours (e.g. on a Saturday or Sunday), you are entitled to the equivalent TOIL for the hours spent travelling over four hours and up to 8 hours for each day of travel. You are not entitled to TOIL if they travel on a working day or if they travel in the evening of a working day.
- If you have 'down time' whilst working away from home, of at least four hours duration during what would otherwise be a working day then that 'time off' will be taken into account when allocating TOIL for the entire trip.
- TOIL should be used to recognise when work (i.e. meeting or event) is conducted on a weekend day or NZ statutory holiday (in the latter case the provisions of the Holidays Act also apply).

Additional Information

- Relevant Collective (CEA) and Individual Employment Agreement (IEA)
- Employment Relations (Flexible Working Arrangements) Amendment Act 2007

- Working from Home Guidelines
- Parental Leave guidelines
- Parental Leave and Employment Protection Act 1987
- Health and Safety in Employment Act 1992.

Appendix 1

Flexible working arrangements

This list isn't exhaustive but provides a description of some of the more common forms of flexible work.

Definitions of Flexible working arrangements		
Types of flexibility	Potential benefits of flexibility	Examples of approaches to flexibility
FLEXI TIME		
<p>Flexi hours Options that allow employees to vary their work hours</p>	<ul style="list-style-type: none"> Improves efficiency if work schedules match employees' most productive hours Gives employees more control over scheduling personal responsibilities during the workday Allows for commuting outside of peak rush hours Retains employees who need time off to care for dependents or to meet other responsibilities outside of paid work Expands labour pool Brings broader range of knowledge, skills and experience Provides an option for employees who want to reduce their hours, but whose jobs cannot be done on a part time basis 	<p>Flexi time / Adjusted hours – employees work for an agreed total number of 'core hours' and choose when their working day begins and ends.</p> <p>Core hours – hours (for example, 10am to 4pm) during which employees working flexitime must be at work.</p> <p>Staggered hours – different start and finish times for employees in the same workplace.</p> <p>Time in lieu / Time banking – any extra hours worked are compensated for by paid time off.</p> <p>Flexi breaks – stopping for breaks at times that suit the employee's particular workload.</p> <p>Part time / Reduced hours / Job sharing / Job splitting – these options mean that employees work less than full time hours. To achieve this, the job is often redesigned and responsibilities split between a number of part time employees.</p>
<p>Flexi weeks Options that allow employees to vary their weekly work pattern</p>	<ul style="list-style-type: none"> Improves productivity if some work can best be accomplished during quieter times of the day/week Allows for more days off Decreases the number of days employees commute Allows for commuting outside of peak rush hour 	<p>Compressed week – weekly full time hours are worked over a shorter time period.</p> <p>Weeks on/weeks off – working one or several weeks and taking one or several weeks off.</p>
<p>Flexi year Options that allow employees to vary their yearly work pattern</p>	<ul style="list-style-type: none"> Provides options for employees to take limited or extended time off from work to manage various family and personal responsibilities 	<p>Term-time working – working during the school terms and taking paid or unpaid time off during school holidays.</p> <p>Annualised hours – an agreed number of hours worked on a yearly rather than a weekly basis.</p> <p>Buyable leave – employees exchange an agreed reduction in salary for extra periods of leave over a specified period.</p>

Definitions of Flexible working arrangements		
Types of flexibility	Potential benefits of flexibility	Examples of approaches to flexibility
FLEXI PLACE		
Flexi location Options that allow employees to work from locations other than their designated workplace	<ul style="list-style-type: none"> • Offers alternative to relocation • Expands labour pool geographically • Reduces office space and associated costs • Accommodates employees with disabilities • Reduces or eliminates commuting • Provides an environment with fewer workplace distractions • Allows employees to work during their "personal best time" 	Tele-working / Tele-commuting / Home-working / Remote-working – all these options involve working from home or another location outside of the workplace on either a full or part time basis.
Flexi worksite Options that allow employees to work from different locations within the workplace	<ul style="list-style-type: none"> • Encourages collaboration across work-groups and project teams • Reduces permanent office space and associated costs 	Hot desking – temporary use of a workstation.
FLEXI CAREER		
Flexi career Options that allow employees to move in and out of the workforce and structure their career around other interests/responsibilities	<ul style="list-style-type: none"> • Expands labour pool • Provides options for gradual return to work after parental or other leave • Allows gradual entry into retirement • Provides opportunities for cross-training and skill enhancement 	Career break / Sabbatical – extended periods of leave that are normally unpaid. Work transition – provides opportunities for employees to make changes in their work hours, location, or job responsibilities. For example, moving to a less demanding job when approaching retirement. Phased retirement – hours of work are progressively reduced until full retirement is reached at a specified date. Phased return / Gradual return – hours of work are progressively increased until a full complement of full or part time hours is reached at a specified date. Often used by parents returning from parental leave. Job rotation / Role rotation – employees move between two or more jobs so they can cross-train and develop a wider variety of skills.

Some examples of what flexible working arrangements can look like:

Brent gradually returned to work after taking from parental leave xx number of months ago, to enable him to balance the needs of looking after a young child. Brent negotiated with his manager to work 30 hours per week. To ensure that workloads are spread equitably across the team Brent's manager meets regularly with each team member to monitor workloads.

Alicia has decided to run the next Auckland marathon, to enable her to train during winter she has asked her manager if she can start work at 7am and finish at 2.30pm (with a one hour lunch break). Her manager is assessing her request to ensure that it won't have a negative impact on external stakeholders who may need to contact Anna in the afternoons.

Further examples to be developed in Manager group sessions.



Flexible by default

Working flexibly – Guidance

Supporting you to work at your best in a flexible working environment

Overview

MfE is committed to providing a working environment where everyone can perform at their best. This is about ensuring flexible working gives our people real choices to be able to manage their work/life blend and general wellbeing; and to support the Ministry to achieve its organisational strategies and goals.

As a flexible-by-default organisation all roles are suitable for some form of flexibility, unless there is a good business reason for any role not to be flexible. Our approach will always be ‘why not?’

Greater flexibility makes it easier for people at all levels of the organisation to balance their work and other commitments, and manage their career as they move through different phases of their life. Flexible-by-default enables us to attract and retain a diverse cohort of people, and operate in an inclusive and sustainable way to deliver better outcomes for New Zealanders.

We provide flexible working arrangements as we know it enables our people and our organisation a degree of flexibility on where, how and when work is completed. This supports our people to personalise their workstyle so they can operate at their best, and productively contribute towards our strategic outcomes.

Purpose

This guidance provides clear and transparent information on MfE’s approach to flexible working arrangements. This enables us to provide:

- Options to manage your work and non-work commitments through flexible working.
- Options for balancing flexible working with the need to deliver on our work.
- Clarity around our roles and responsibilities to ensure we make flexible working successful for our people as individuals, and us as an organisation (‘One MfE’).
- Alignment with other supporting guidance and documents (e.g. our contractual obligations with regards to our employment agreements and employment legislation) to ensure consistency with how we bring flexible working to life at MfE.

Guiding Principles

These guiding principles allow us to consider requests fairly and consistently across MfE. We need to manage and recognise the commitment and requirements of a successful arrangement, whilst thinking creatively about the opportunities and benefits working flexibly can provide.

- Our approach is flexible by default. Our first response to staff requests to work flexibly should always be “why not?”
- Flexible-by-default is not ‘one size fits all’. We recognise that people have individual circumstances and we can balance that with our work.
- The wellbeing of our people is a critical factor in any decisions we make about how we work.
- Our managers are best placed to manage ongoing discussions with their team members about how they make flexible working ‘work’ well.
- The approach we take must work for individuals, teams and MfE, as well as for our Ministers, stakeholders and treaty partners, and the wider authorising environment. As individual or business needs change, we need to be able to respond to both and be flexible in how we do that.

Definitions

Term	Description
Informal	Do not involve changes to pay or employment agreements. (e.g. occasional working from home, flexi-time like staggered hours).
Formal	Do involve changes to pay and or employment agreements. (e.g. reduction in hours worked, condensed working week, permanent remote working, change to days of work, change of location).

Types of Flexibility

Overview of some of the more common types of flexible working.

Types	Description
Flexi-time <i>Options that allow employees to vary their work hours or days either on a regular basis or from time to time</i>	<ul style="list-style-type: none"> • Flexible start and finish times i.e. variable start and/or finish times are worked on a regular or as-needs basis • Swapping workdays or hours with non-work hours or days • Part-time hours • Compressed week or fortnight i.e. f/t employees work longer days over a 4 day week or 9 day fortnight • Time banking or time off in lieu
Flexi-leave <i>Options that allow employees to vary their leave patterns to create more flexibility</i>	<ul style="list-style-type: none"> • Leave without pay (LWOP) • Trading leave for salary (Cashing up annual leave) • Purchasing annual leave • Term-time working i.e. working during school terms and taking leave during holidays • Other types of leave e.g. study leave, special leave
Flexi-place <i>Options that allow people to work from locations other than their designated workplace</i>	<ul style="list-style-type: none"> • Remote working e.g. working from another office or from home, regularly or from time-to-time • Remote working – part time • Remote working – full time

<p>Flexi-role/career</p> <p><i>Options that allow employees to manage their roles and careers more flexibly</i></p>	<ul style="list-style-type: none"> • Phased return to work i.e. employees gradually increase their hours on returning from long-term leave • Phased retirement i.e. employees gradually reduce their hours as they approach retirement • Job-sharing i.e. splitting a role with another employee • Taking career breaks (LWOP)
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Our people can combine a number of these different types of flexible strategies, using them occasionally, regularly or as their usual way of working.

Requirements

- All requests to work in a flexible way should start with a conversation between the individual and their manager, and then the wider teams on how it could work for everyone (i.e. individual, team and organisation).
- Formal and permanent flexible working requests should be captured in writing. The individual wanting the arrangement should ensure they have a conversation with their manager first and then submit their request in writing via email. This will initiate the process and ensure information is accurately captured for any associated changes in our payroll system.
- Requests, consideration and decision making should be in alignment with contractual obligations in both our employment agreements and legislation. Refer to relevant information below and our processes for making a request. This will ensure consistency in approach and practice is maintained.

Related information

Below are links to related information

- [MfE Employment Agreements - refer Flexible Working related clauses](#)
- [Part 6AA of the Employment Relations \(Flexible Working Arrangements\) Amendment Act](#)
- [Establishing Flexible Working - refer Working Flexibly page on Te Taiao](#)



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