



FLEXIBLE-WORK-BY-DEFAULT GUIDANCE AND RESOURCES

Eliminating the Gender Pay Gap and Implementing the Gender Pay Principles

STATE SERVICES COMMISSION
TE KAWA MATAAHO



Ministry for
Women
minitanga mō ngā
Wāhine



CTU
NEW ZEALAND COUNCIL OF TRADE UNIONS
Te Kauae Kaimahi

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SUMMARY OF FLEXIBLE-BY-DEFAULT KEY MESSAGES

WHAT IS FLEXIBLE-BY-DEFAULT?

Flexible-by-default means shifting from asking “Why should a role be flexible?” to “Why not?”. It means treating all roles as suitable for flexible working and exploring how flexibility could work, unless there is a genuine business reason for any role not to be flexible. It provides an opportunity to consider a range of working arrangements that work for the agency, team and employee.

It does not mean that all types of flexibility will be possible for every role. Different types of flexibility may suit different types of roles. For example, the demands of frontline roles may preclude an employee working from home (one type of flexibility), but other types of flexibility (e.g. varied start and finish times) may be workable.

Flexible working is varied and means more than working part time or working remotely. It also includes flexible hours and/or days, flexible leave arrangements, job sharing, working compressed week or fortnight hours, having a phased return to work or phased retirement. A lot of forms are already common, especially informal arrangements, like earlier or later start and finish times. Where flexible working is already common, making the shift to a flexible-by-default approach will be an evolution rather than a revolution.

Agencies that are in a strong position to get the best from flexible-by-default have:

- a clear focus on delivering services and achieving outcomes
- a strong agency and team culture
- a culture of engagement and open dialogue between the agency, employees and unions
- clarity about the types of flexibility that will and won't be workable in different types of roles
- leaders who actively role model working flexibly.

Why have a flexible-by-default approach?

A flexible-by-default approach seeks to normalise flexible working so that it does not undermine career progression or pay and is equally available to all regardless of gender, ethnicity, disability and other dimensions of diversity. Shifting to a flexible-by-default approach will help agencies to:

- build more diverse and inclusive workplaces
- meet the [Gender Pay Gap Action Plan](#) milestone
- attract and retain diverse talent
- strengthen their ability to maintain business continuity
- give effect to the [Gender Pay Principles](#)

Implementing flexible-by-default

The following diagram outlines the principles which underpin a flexible-by-default approach and the process which agencies should work through to embed flexible-by-default in their agency.

Guiding Principle

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.

Guiding Principle

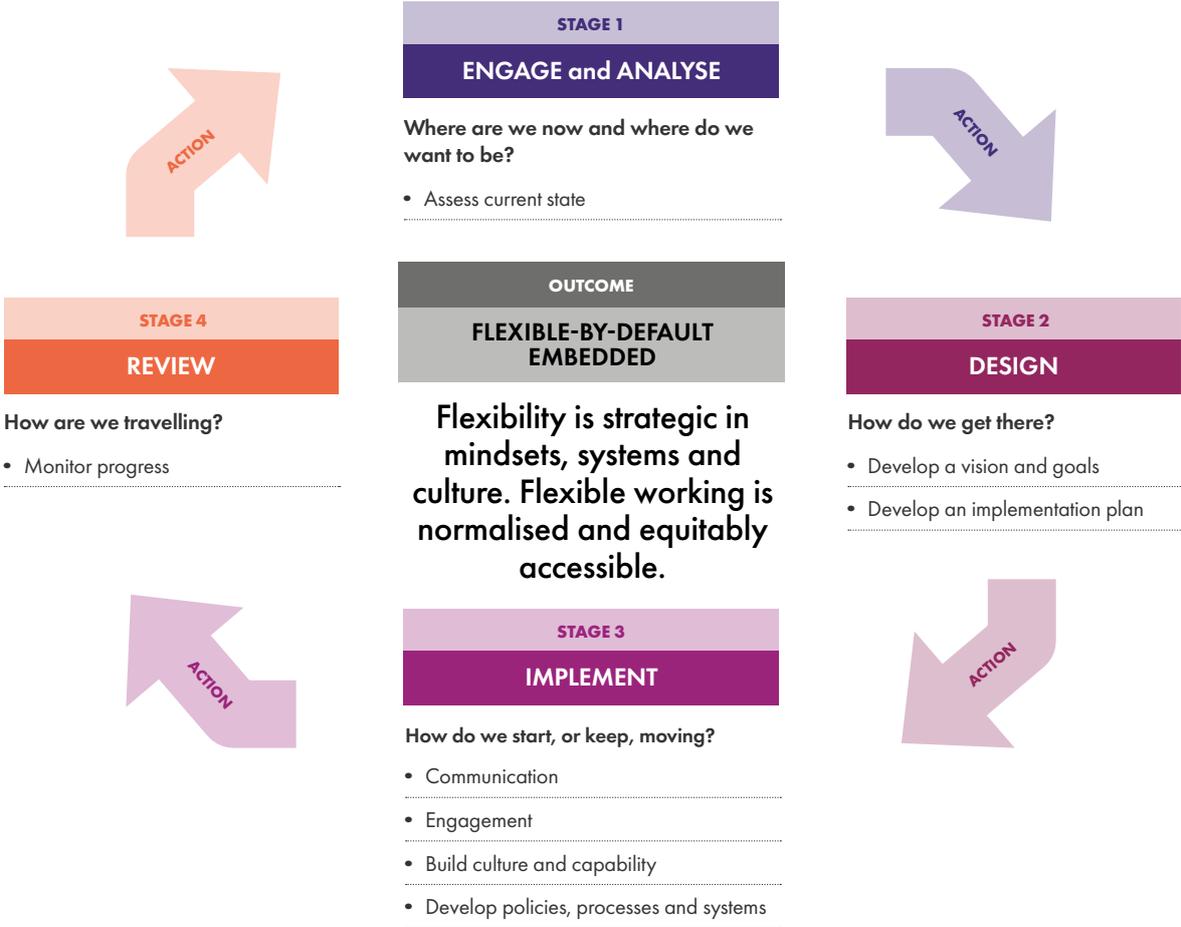
Works for the role

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.

Guiding Principle

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.



Guiding Principle

Actively championed by leaders

Leaders support, champion and role model flexible working for their teams and themselves.

Guiding Principle

Mutually beneficial

Flexible working needs to work for agencies, teams and employees. Key consideration should be given to how flexible work arrangements can maintain or enhance service delivery and 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.

Guiding Principle

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.

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PART ONE

INTRODUCTION

This guidance and the attached resources provide support to help all State sector agency leaders, human-resource practitioners, managers, unions and employees get the best from a flexible-by-default approach.

Part one explains the flexible-by-default approach and provides advice on taking agencies from their current state of flexible working to embedding flexible-by-default. Agencies can follow more or less of this advice depending on where they are on their flexible-by-default journey.

Part two has a series of stand-alone resources on flexible working. These include a suggested request and response process, case studies from different agencies, health and safety suggestions and tips for managers, employees and teams.

Please note that the State Services Commission will be releasing separate guidance on the provision of equipment to employees working from home.

Agencies embedding flexible-by-default will be enabled to meet one of the key milestones in the Gender Pay Gap Action Plan, that:

- by the end of 2020 all agencies will be flexible-by-default i.e. treat all roles as flexible unless there is good reason for any role not to be (the details of the actions needed by agencies to meet this milestone are being developed)
- flexible options are equally available to men and women and do not undermine career progression or pay.

It will also help:

- give effect to the Gender Pay Principles (GPPs)
- create an agile and resilient organisation, able to ensure business continuity in times of crisis
- enhance the ability to deliver better outcomes for the public in normal and crisis times
- create a diverse and inclusive Public Service that reflects, understands and meets the needs and aspirations of the diverse public we serve.

This guidance is a first iteration. It can be updated based on feedback and the evolving flexible working environment.

It has been developed by the Gender Pay Gap and Pay Equity Taskforce, the Gender Pay Principles Working Group and agencies piloting flexible-by-default.

FLEXIBILITY TO SUPPORT BUSINESS CONTINUITY

Many agencies will have built considerable experience in working remotely during the response to COVID-19. This resource, however, looks at all forms of flexible working, and the full range of benefits for both employees and agencies. This includes, but is not limited to, maintaining business continuity in an emergency. While agencies should also cover these situations in their business continuity planning, the tools and advice in this resource will be helpful as agencies consider flexible working as part of their emergency response.

THE IMPACT OF THE COVID-19 RESPONSE

By working from home during the COVID-19 response, Public Service employees did their bit to prevent community transmission. Many agencies will be reflecting on the lessons learnt from working remotely during the COVID-19 response. Indications are that this experience will increase demand for flexibility in where and how people work. We know we will be returning to an operating environment that is different from the one before COVID-19.

It is also important to remember that:

- demand for flexible working has been building for decades, and regardless of its scale, the impact of the COVID-19 response is part of a longer-term trend
- agencies have told us that the main elements of a successful shift to flexible-by-default remain the same as they were before the COVID-19 response
- flexible-by-default encompasses all forms of flexible working and the full range of benefits for employees, teams and agencies
- because the experience of remote working during the COVID-19 response was coupled with heightened stress and additional caring responsibilities it is not representative of remote working in general.

On the other hand, we do not want to return to the pre-COVID-19 state of ad hoc and reactive approaches to flexible working, in which employees working non-traditional hours and/or remotely may be perceived as less committed to their work, their team or their agency. Agencies can use the experience of remote working during the lockdown, along with this guidance, to develop proactive and sustainable practices around all forms of flexible working.

Flexible working requires give and take on both sides

Emma Taylor, Director, Agriculture, Marine & Plant Policy

I have an informal, flexible working arrangement where the start and finish time for my working day varies depending on my childcare needs. In my role a degree of flexibility is required in return, especially when it comes to fitting around the Ministers' diaries.

It's essential when working flexibly to set clear boundaries, and that works both ways for the business and the employee. I'm not sure I would be able to manage a job this size in a government agency that didn't offer flexible working options. I'm very lucky to have worked under two very supportive DDGs who understand the benefits of flexibility in the workplace. The only time that this can create a challenge is the availability of staff to attend meetings with Ministers, but we always find a solution. It does require a change in mindset to get used to new ways of working, but as a directorate we're committed to making the extra flexibility work for everyone.

PRINCIPLES THAT UNDERPIN A FLEXIBLE-BY-DEFAULT APPROACH

The following principles underpin this guidance and the attached resources. Agencies can use these principles as key messages to engage with leaders, managers, employees and unions and as they embed flexible-by-default.¹

Flexible-by-default is:

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 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.

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 agencies, 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.

¹The Principles have been adapted from the NSW Public Service Commission Discussion Paper: [Flexible Working Strategy: <https://psa.asn.au/wp-content/uploads/2017/04/Flexible-Working-Discussion-Paper.pdf>](https://psa.asn.au/wp-content/uploads/2017/04/Flexible-Working-Discussion-Paper.pdf) © State of New South Wales acting through the Public Service Commission.

THERE IS A WIDE RANGE OF FLEXIBLE WORKING OPTIONS

Flexible working is far more than part-time work or working from home. While many agencies will have developed a lot of experience of working from home in the COVID-19 environment, there are many other types of flexible working within agencies and many of these have been standard practice for a long time. **Resource 2** provides an overview of some of the more common types of flexible working.

Arrangements can be formal or informal, ad hoc or regular, temporary or permanent.

Informal flexible working (on a regular or ad hoc basis) usually occurs when managers agree that employees have flexibility over when and where they carry out their work, subject to meeting position responsibilities and deliverables. This can mean that the exact arrangements (times or place of work) vary and are agreed between managers and employees as and when needed. It can also involve agreements to more regular arrangements, such as regular changes to start and finish times, as long as arrangements don't require changes to pay or employment contracts. This is likely to be the most common approach to flexible working in most agencies.

Formal flexible working occurs when a recurring work arrangement impacts on pay or involves changes to employment terms and conditions such as working hours, patterns and location. It may take place for an agreed period or on an ongoing basis with regular review. Examples could include regular part-time hours, job sharing, or working remotely on a regular basis.

Both formal and informal arrangements require cooperation, communication and flexibility by all parties. **Resource 4** outlines recommended processes for establishing both informal and formal arrangements.

Flexible working arrangements may involve more than one type, for instance a person working part time may agree flexible start and/or finish times and also that s/he works from home one day a week.

NZ Legislation: This guidance and the attached resources recommend practices that go beyond the minimum flexible working requirements in the Employment Relations Act 2000 (ERA). Having said this, agencies need to ensure continued compliance with the minimum requirements as set out in the ERA. Information, tools and guidance on rights and responsibilities under the ERA, including a checklist for requesting flexible working can also be found at www.employment.govt.nz/workplace-policies/flexible-work.



FOUR-STAGE APPROACH TO SHIFTING TO FLEXIBLE-BY-DEFAULT

The following sections set out a coordinated approach to shifting to flexible-by-default made up of four-stages², including:

- A. Agencies explore their current state
- B. Design
- C. Implement
- D. Monitor and review progress.

Agencies that are already working toward a flexible-by-default approach will not need to take all the actions suggested. In addition, agencies do not need to follow the exact order in which the actions are presented here, and may instead choose to:

- work on some stages concurrently or in an overlapping manner
- start by developing a request and response process, health and safety policies, information security and IT systems, especially if quick action is needed
- scale action to reflect the size and nature of each agency.

In making the shift to flexible-by-default, we recommend agencies engage with employees and unions from the outset. It may also be necessary to examine employment agreements (individual and collective) to identify and address any provisions which may be problematic for enabling various flexible-by-default options and practices.

More people are seeking flexibility at work and so an open approach to flexible working will help to attract and retain the best people

Many employees value flexible work for cultural reasons. Agencies can benefit from the knowledge and skills employees gain outside paid work

Tania Gordon, Kaiwhakahaere - Organisational Development Adviser

As an independent working Māori woman, flexible working allows me the opportunity to seek out space and time to build relationships with others in and/or from Te Ao Māori, who live and breathe tikanga. It is an approach I seek out to implement in my role, to bridge an understanding from a Māori world view.

Cultural capability is activity based and building relationships with people who live within our cultural context is very important to me and helps inform my direction. Being able to network outside of an office environment and hours to attend wānanga events and training, in environments such as on a marae, or participating in kaupapa Māori that embrace the natural worlds of Tangaroa and Tane Mahuta, all help support my wellbeing and inspires my senses, to grow my understanding of how tikanga and matauranga influence my way of incorporating that world view into my mahi.

²Adapted from the Australian Government Workplace Gender Equality Agency guidance: [Developing and implementing a flexibility strategy](#) © Commonwealth Government of Australia 2018

A: AGENCIES EXPLORE THEIR CURRENT STATE

We suggest agencies explore their current state of flexible working with key stakeholders, including senior leaders, managers, unions and a diverse range of employees. Agencies might consider establishing a working group to lead this work.

Learning about the current state of flexible working will help each agency understand:

- what arrangements are already in place – formal and informal – how common they are and why people use them
- experiences of flexible work, positive and negative and the current culture around flexible working
- barriers to flexible working
- the impact of flexible working on teams and the agency
- good practice and positive experiences to showcase.

This information can inform an agency's vision, goals and planning and provide a baseline from which to monitor progress.

Run surveys and focus groups

Agencies can use:

- surveys to gather data on the full range of flexible options (formal and informal) being used
- focus groups to provide qualitative information about the flexible working experiences of employees, unions, managers and teams.

If an agency is large enough, it can design surveys and focus groups to enable it to identify whether different groups of employees (genders, ethnic and religious groups, disabled employees and employees who are members of rainbow communities) have different levels of uptake, or different attitudes to and/or experiences of flexible working. This can enable those agencies to tailor their actions toward different groups.

Giving effect to the Gender Pay Principles

GPPs aim to create State sector working environments that are free of gender-based inequalities, as well as eliminating the Gender Pay Gap. A range of themes in line with the GPPs appear throughout this resource:

GPP 1: Freedom from bias and discrimination. This resource provides advice about countering negative assumptions about employees (traditionally female) working flexibly.

GPP 2: Transparency and accessibility. This resource recommends flexible-by-default policies and practices are communicated, transparent and readily accessible to all employees.

GPP 3: Relationship between paid and unpaid work. The goal of flexible-by-default is to support all employees, balance their paid work with their other responsibilities and life choices in ways that don't undermine their career progression or pay.

GPP 4: Sustainability. This resource recommends agencies connect their flexible-by-default strategy to their wider organisational strategy and use evidence to inform their work.

GPP 5: Participation and engagement. This principle requires agencies to work with their employees and union representatives in developing, implementing monitoring and reviewing flexible-by-default actions.



Undertake a high-level, flexible-by-default self-assessment

Resource 5 includes a high-level assessment tool³ to enable agencies to assess how developed their approach to flexible-by-default is, in the areas of:

- measurement and monitoring
- vision and goals
- implementation plan
- communications
- engagement
- culture and capability building
- policy, process and systems.

See the case studies in **Resource 1** on how Inland Revenue and the NZ Customs Service assessed the current state of their flexible working.



Flexible work, such as early start and finish times, can support employees to achieve work life balance while also supporting the work of the agency

³Adapted from the Australian Government Workplace Gender Equality Agency flexibility diagnostic assessment guidance. For more information on the full assessment tool visit [Flexibility readiness assessment guide](#)© Commonwealth Government of Australia 2018

B: DESIGN

Develop agency vision and goals

An agency vision statement for flexible-by-default will help build a shared sense of purpose across the agency. Clear strategic goals will help agencies focus their actions and stay on track.

This vision can be based on:

- **the principles of flexible-by-default (page 3)**, which set out the balance that needs to be achieved between what works for employees, what works for teams and what works for the agency. The principles also establish expectations of fairness for all – employees, team members and managers – and of openness and flexibility on all sides
- how each agency thinks the benefits of flexible-by-default align with, and will contribute to, its strategic vision. **Resource 3** has details about the benefits of flexible working which may be useful as you develop your vision.

Agencies can use what they have found out about their current state (see **Stage A: page 6**) and their flexible-by-default vision to set goals. Agencies' goals should also integrate with their organisation's wider strategic goals.

Develop a plan

An implementation plan will guide agencies through the steps needed to achieve their vision and goals. Agencies can consider:

- where they are currently at (see **Stage A** and the self-assessment tool in **Resource 3**)
- the actions needed
- the sequence and the time these actions are likely to take
- the perspectives of diverse employees
- any anticipated challenges.

See **Resource 1** for a case study of how NZ Police developed their implementation plan.

This guidance provides flexible-by-default advice for leaders, managers and employees. Along with employees however, agencies may also engage self-employed contractors and third-party organisations supplying goods or services. The [Gender Pay Principles](#) (GPPs) require agencies to consider how the GPPs apply to all employment arrangements, (see GPPs 2 and 4) and we recommend that agencies do the same as agencies move to flexible-by-default.

Self-employed contractors usually already have flexibility in how, when and where they work. In the case of third-party organisations supplying goods or services, however, we recommend that agencies review Government's expectations that procurement processes be used to support wider social, economic and environmental outcomes, beyond the immediate purchase of goods and services. In that context, where agencies contract third-party suppliers, we recommend agencies work with those suppliers to consider how they can apply the Principles.



C: IMPLEMENT

This section provides suggestions to help agencies implement flexible-by-default through:

- engagement
- communication
- culture and capability
- consistent and transparent policies, processes and systems.

Engage on vision, goals and plan

It is important to engage with senior leaders, managers, diverse employees and unions from the earliest stages of moving to flexible-by-default.

We suggest agencies begin by sharing the Summary of Flexible-by-Default Key Messages (**page A**) which includes the principles of flexible-by-default and then seek feedback on their draft vision, goals and plan. This will help clarify the parameters and intent of flexible-by-default, promote buy-in and provide an opportunity for all parties to discuss any concerns and challenges they see and opportunities to make this successful.

We also suggest agencies share the findings of their self-assessment and data and information gathered in **Stage A (page 6)**, and any stories on flexible working identified in their focus groups.

Sharing video or written case studies of leaders, managers and employees working flexibly is an effective way to build understanding and address concerns. Agencies should encourage all parties to contribute ideas for addressing challenges and ensure managers, employees and unions feel they can raise concerns and ask questions. Ensure that diverse employees are engaged so that the full range of concerns and questions is considered.

While early engagement is particularly important, so are further opportunities for leaders, managers, employees and unions to discuss challenges and successes. Leaders and managers should encourage positive perceptions of flexible working and discourage negative perceptions or negative outcomes e.g. that those working from home are unproductive or expectations that employees working flexibly are available 24/7. Regular engagement within teams and across the agency will help shift attitudes, build capability and develop a sustainable flexible-by-default culture.

Communicate vision and goals

Clear and consistent communication across an agency provides a strong foundation for shifting to flexible-by-default. It will help build awareness, understanding and ownership.

The information obtained from surveys and focus groups (**see Stage A: page 6**) will also help inform a communications plan by identifying:

- the existing level of awareness and take-up of flexible-by-default
- attitudes to and experiences of, flexible working
- the types of concerns that need to be addressed.

Agencies can use the Summary of Flexible-by-Default Key Messages (**page A**) which includes the principles of flexible-by-default, **Resource 3** which details the benefits of flexible working, **Resource 6** which has examples of communication objectives and more detailed key messages, **Resource 7** which outlines some of the common concerns about flexible-by-default and suggested responses and **Resource 8** which outlines common challenges and suggestions for addressing these.



The case studies in **Resource 1** provide examples of how some agencies have communicated about flexible-by-default.

Build flexible-by-default culture and capability

Agencies can begin building a positive and sustainable culture of flexible-by-default working by understanding:

- concerns about flexible working
- any challenges to shifting to flexible-by-default
- the constraints and opportunities of flexible working for different types of roles
- the roles and shared responsibilities of leaders, managers, employees and teams in a flexible-by-default workplace.

Identify and address concerns and challenges

Agencies may come across concerns and challenges in the following areas.



Some agencies may have gained a full understanding of these concerns and challenges through the engagement already undertaken (see **Stage A: page 6**). If not, you may want to undertake further engagement.

Resource 7 provides more detailed information on common concerns and suggested responses.

Resource 8 has a list of challenges and recommendations for addressing these.

System and process challenges are addressed in Develop consistent and transparent policies, processes and systems (**page 14**).

Identify constraints and opportunities around flexible working in different role types

We suggest agencies review different types of roles⁴ (e.g. frontline roles, analyst roles), with leaders, managers, employees and unions to identify any role types where:

- one or more flexible working options will be difficult to implement and what alternative flexible working options could work⁵
- where flexible working offers opportunities to further enhance delivery.

Agencies can refer to the principles of flexible-by-default to help them do this, i.e. principles of 'If not, why not?', 'Works for the role' 'Works for teams', 'Mutually beneficial'.

In combination an agency-wide understanding about the constraints and opportunities in different types of roles and the principles of flexible-by-default (**page 3**) will provide a framework to:

- support managers to proactively discuss flexible-by-default with their teams
- support teams to consider how they can make flexibility work
- help managers make consistent decisions when they get requests
- help employees understand the parameters within which they can request flexible working.

When considering constraints and opportunities, we suggest agencies also think about whether changing the design of roles or the distribution of responsibilities within teams would make more flexible work options possible.

Flexible working can help men and women balance paid work with family caring

Dan McGuigan, Manager of Service Design

I guess the main thing is the ability to be at home for when my children have those needs. I feel it gives me the ability to be an equal partner in my relationship with my wife. Often it is assumed that if the, you know, male partner is taking time off it is to help. The situation is actually not about that, it's that we can share parenting equally. I think a flexible working arrangement really helps with that. It is that culture that you should not feel bad for walking out at 3.00 pm because you have those commitments.

Fundamentally if you believe people are here to do the right thing and we trust them, then this is a way that helps people to bring their best self to work.

⁴We don't suggest agencies look at individual roles but rather the broad nature of the role.

⁵Some roles involved varied types of work and some of these work types are more or less suited to particular types of flexibility. In this situation employees and managers can explore whether a mixed approach to flexibility will work across the roles performed (for example, a role might include desk-based work which can be done remotely as well as customer-facing work which is likely to require face-to-face engagement).

Agencies can foster role redesign to facilitate flexible working through:

- changing, where, when or how the work is done (re-shape the role to include at least one of these, to suit the employee)
- role rotation (shifting employees from one role to other similar roles)
- role enlargement (increasing the scope of a role, not necessarily by introducing the need for new skills/abilities)
- role simplification (breaking roles into sub-components/specialties and assigning these to different employees)
- role enrichment (providing employees with greater responsibility and/or autonomy).

Support leaders, managers, employees and teams

Leaders, managers, employees and teams are well placed to get the best from a flexible-by-default approach when they exhibit the following characteristics.

Leaders:

- promote the benefits of flexible working for the organisation
- visibly role model flexible working
- support flexible working amongst their direct reports
- ensure the agency develops consistent and fair processes for establishing flexible working arrangements so that they work for the employee, teams and agency, in line with the principles of flexible-by-default ([page 3](#))
- ensure the agency develops the health and safety, IT and information security systems to facilitate flexible working.

[Resource 9](#) has more detailed tips for leaders.

Managers:

- create a team culture based on collaboration, trust and achieving outcomes
- proactively discuss flexible working with their teams, rather than waiting for individual requests
- approach flexible working requests in an open and fair-minded way, in line with the principles of flexible-by-default ([page 3](#))
- work with their team to consider the impact of flexible working on deliverables and the working arrangements of other team members
- consider that team deliverables usually include work with other teams in the agency
- give employees clear delivery and quality expectations
- regularly engage with employees working flexibly and their team as a whole to ensure that flexibility continues to work for everyone.

[Resource 9](#) has more detailed tips for managers.

Performance and flexible work

Research shows that managers get the best from teams working flexibly when delivery expectations are clear and they measure the quality of team deliverables against these expectations, rather than by hours in the office (see [Working Families: Flexible working and performance](#)). Likewise, team members, whether they work flexibly or not, do their best work when they manage their time, deliver to expectations and maintain good lines of communication with their managers and the rest of the team. When working flexibly, it is especially important that managers, employees and teams talk regularly about flexible arrangements, how they are working and how any challenges can be addressed.

There can be a perception that flexible work, especially working remotely, can result in under delivery. Performance issues can arise with any work arrangement and being visible in the office is no guarantee that employees will deliver to expected standards. Managers should therefore be careful not to assume that it is the flexible work arrangement, which is causing any performance issues, when that may not be the case. If there are underlying performance issues managers should also deal with these in the way they would with any employee, regardless of their working arrangement.

In addition, remote working in emergency situations, like the COVID-19 response, is not representative of remote working in general. Such situations can involve lack of choice to work remotely, heightened stress and additional family caring responsibilities. Any or all of these may negatively affect productivity.

The tips for managers, employees and teams in [Resource 9](#) provide suggestions to help everyone get the best from flexible working, including remote working.

Employees:

- familiarise themselves with the principles of flexible-by-default ([page 3](#)), the agency's flexible-by-default policies and the flexible options that align with their type of role before they request flexible work
- discuss flexible options with their manager and be open to finding a solution that also works for their manager and the team
- self-manage their work and continue to meet delivery expectations when working flexibly
- work with their manager and the team to ensure flexible arrangements are working for them, their manager and the teams they work with.

[Resource 9](#) has more detailed tips for employees.

Teams:

- get familiar with the principles of flexible-by-default ([page 3](#)), the agency's flexible-by-default policies and the flexible options that work in the types of roles in their team
- actively consider how they can make flexibility work in a way that ensures ongoing delivery and quality expectations are maintained
- develop a team charter outlining the norms around flexible working expected of everyone in the team, such as ensuring the team knows when each member is available and how they can be contacted.

[Resource 9](#) has more detailed tips for teams.

Agency engagement processes above may highlight areas where professional learning and support could help managers and employees get the best from a flexible working environment.

Agencies could draw on the tips for leaders, managers, employees and teams in [Resource 5](#) to help them offer the following learning opportunities:

- peer learning for managers and teams, where managers and teams already working flexibility share their approaches



- buddying or mentoring for employees
- more formal learning opportunities such as training courses or coaching.

See **Resource 1** for a case study of how the Ministry for Primary Industries is building its flexible working culture and capability.

Develop consistent and transparent policies, processes and systems

This section provides advice and suggestions on policies, processes and systems that enable and support flexible working.

Flexible-by-default request and response process

Agencies will already have flexible working policies to ensure that they comply with flexible working requirements in the ERA.

Shifting to flexible-by-default, however, means taking a proactive and enabling approach to flexible working. Agencies can update their existing flexible working policies and processes, by working with employees and unions to:

- use the principles of flexible-by-default as a touchstone for their thinking (**page 3**). They set out the balance that needs to be achieved between what works for employees, what works for teams and what works for the agency. They also establish expectations of fairness for all – employees, team members and managers – and of openness and flexibility on all sides
- establish clear guidelines about the range of flexible working options likely to work for different types of roles (see Identify constraints and opportunities around flexible working in different role types, **page 11**)
- revise flexible working policy and/or flexible working clauses in any employment agreements to promote and enable a sustainable flexible-by-default work culture
- encourage managers to have proactive discussions with their teams about flexible working in the context of their team’s deliverables and responsibilities, rather than waiting for individual requests
- ensure a consistent process is applied for establishing informal and formal flexible working arrangements, for example:
 - managers and employees discussing the request and considering solutions and alternatives before any final decisions are made
 - managers considering the impact of flexible working on team deliverables (including deliverables involving work with other teams) and the working arrangements of other team members
 - teams discussing how the flexible working arrangement can work
 - human resources advisors providing advice if an agreement between managers and employees is not reached
 - having a ‘one-up’ or higher-level approval process for proposals to decline formal requests
- ensuring policies and processes are readily accessible and understandable to employees.

Resource 4 has suggested processes for establishing informal flexible working and for requesting formal arrangements and considering and responding to these requests.



Health and safety considerations

Under the Health and Safety at Work Act 2015 businesses and undertakings (known as 'Persons Conducting a Business or Undertaking' or 'PCBUs') are primarily responsible for their workers' health and safety, while they are at work. That means that when employees⁶ ask to work from home, agencies must consider the risks their employees might be exposed to in that environment, the degree of harm those risks could cause, and how those risks can be mitigated.

During the COVID-19 response many agencies will have learned a lot about the health and safety needs and concerns of their employees while working from home. This can be used to develop more thorough and sustainable remote-working practices.

See **Resource 10** for suggestions on how agencies can meet their health and safety obligations when employees work remotely. See also the Government Health & Safety Lead guidance: [Supporting workers to work from home](#).

Information security and privacy

When employees are working remotely, it is important that agencies ensure the security and privacy of information is maintained. There are common guidelines for agencies on how to keep information safe, however each agency is responsible for its own security safeguards.

See **Resource 10** for suggestions on how agencies can ensure the security and privacy of information is maintained when employees work remotely.

IT to support flexible working

It is critical to have an IT infrastructure in place which enables and supports flexible working. Flexible-enabling technology includes the use of laptops, mobile phones, Skype, video conference facilities etc. as well as software that helps flexible teams manage their work.

Having the right IT in place removes communication barriers and allows employees to work remotely without tasks or lines of communication being affected. A lot of agencies already have some or all of these types of technologies in place. Many agencies also had to upgrade their IT infrastructure at pace in response to the COVID-19 environment, which in turn has meant that employees have needed rapid support in using new devices and software.

See **Resource 1** for a case study of how the State Services Commission upskilled employees to use flexible-enabling technology.

Agencies can use their engagement processes to gather feedback from current flexible employees and managers about the adequacy and effectiveness of existing IT infrastructure to support the full range of flexible working options.

Flexible working can help employees deal with life challenges while enabling agencies to retain talent.

Jo Liliana, Human Resources coordinator

In May 2017, my mother, who lives in another city, was diagnosed with breast cancer. After weeks of going back and forth between cities trying to support her, I had an open discussion with my manager about my job. I made it very clear that although I really loved my job the needs of my family came first. My manager had a discussion with the director and offered me the option to work remotely for 6 months while I assisted my mother as full-time carer during her chemotherapy and radiotherapy treatments. I had all the resources I needed to do my job remotely and the flexibility with my hours allowed me to be a full-time carer as well as continue with my employment and also still have a steady income without adding stress to the whole situation. I will forever be grateful to my organisation for allowing me to keep my job and also being able to support my family and fulfil my role and duty as my mother's daughter.

⁶Including permanent and fixed-term staff, and consultants working within the business



D: MONITOR AND REVIEW PROGRESS

Agencies can review their progress towards being flexible-by-default six monthly or when they develop their annual Gender Pay Gap Action Plan.

To monitor progress, agencies can re-run the processes recommended in Stage A: Agencies explore their current state (page 6), such as:

- running focus groups or surveys of managers, employees and unions to determine if experiences of flexible working are positive and if any concerns and challenges have been addressed
- monitoring their data on formal requests and decisions
- refreshing their data on the take-up of informal arrangements
- reapplying the self-assessment tool
- breaking down their HR data on turnover, engagement, career progression and performance ratings (if these are used), by part-time, other flexible and non-flexible employees, to enable them to monitor whether flexible working has any adverse effect on pay or progression.

These sources of information will help agencies understand how they are progressing towards their goals for flexible-by-default, and identify whether:

- concerns and challenges have been addressed
- teams and the agency are maintaining or strengthening delivery
- employees working flexibly have the same career opportunities and progress at comparable rates to other employees
- consistent approaches to establishing formal and informal flexible working are being applied across the agency.

Linking this information to any regular monitoring of employee engagement, diversity and inclusion and employee turnover will provide a clear indication of whether the shift to flexible working is on track.

Normalising flexible working will support career progression and ensure that it is equally available to all regardless of gender, ethnicity, disability and other dimensions of diversity

Flexible working is an increasingly important part of an agency's employee value proposition.

Calvin, Graphic Designer

I think it is great that my organisation does offer flexible working. I think lots of people can benefit from that. I know that I do. I definitely would pick an employer that does offer flexible working over someone that does not, just because I am able to, as a graphic designer, build my portfolio outside of working hours on other projects so that I can also learn new skills to bring in here. It is a win-win for both.

Flexible working that is equally available to both parents supports more equal sharing of family caring responsibilities.

Tina Griffin, Principal Learning and Development Adviser

For me being able to start a little bit later and leave earlier on a couple of days, is a real benefit for me. I was in a really lucky position that I share flexible working with my husband. My husband and I both applied for reduced hours. I do two days a week and my husband does three days a week. It is very challenging for two working parents to manage their family and manage their work. The other thing is that we can flip around a little bit for each other. Sometimes he might need to work longer hours and I might need to swap days around, so we can actually support each other. That is one of the things that has made flexible working work really well for me.



PART TWO

RESOURCES

The following resources are designed to help agencies at different points in moving to flexible-by-default. You can select whichever of these resources are useful, depending on where you currently are in your move to flexible-by-default.

Resource 1: Case studies of flexible-by-default in practice

Resource 2: Flexible working options

Resource 3: The benefits of flexible working

Resource 4: Example processes for establishing flexible working arrangements

Resource 5: Agency self-assessment tool

Resource 6: Example communication objectives and key messages

Resource 7: Common questions and concerns and suggested responses

Resource 8: Flexible working challenges and suggestions for addressing these

Resource 9: Tips for leaders, managers and employees

Resource 10: Addressing health and safety, and information security and privacy

The principles of flexible-by-default – **‘If not, why not?’**, **‘Works for the role’**, **‘Works for the agency and teams’**, **‘Championed by leaders’**, **‘Mutually beneficial’**, and **‘Requires give and take’** – set out the balance that needs to be achieved between what works for the agency as a whole, what works for teams and what works for employees. They also establish expectations of fairness for all – employees, team members and managers – and of openness and flexibility on all sides.

RESOURCE 1

CASE STUDIES OF FLEXIBLE-BY-DEFAULT IN PRACTICE

Below are examples of how agencies are making the shift to flexible-by-default practices, with a focus on different parts of the journey.

Case study: Developing a flexible work implementation plan

NZ Police

In 2018, New Zealand Police identified there were challenges to enabling their people to take up Flexible Employment Options (FEO). As an organisation with over 13,000 employees, 24/7 emergency response capability and urban/rural stations, there were some unique difficulties for their workforce. However, determined to overcome these, they collated feedback on the issues impacting their people working flexibly. This came from leadership forums, their women's advisory networks, dashboard trends, and they conducted qualitative research into their peoples' experience on FEO. This information was used to inform their approach.

In February 2019, the Police Executive announced that the default setting for FEO was shifting to 'yes'. If their people wanted to work flexibly the answer was yes, and together they would find a way to make it work. This was launched by a national internal news story including a video of the Commissioner of Police announcing the shift and how it would enable Police to achieve their mission to be the safest country.

Policy changes to support this were implemented including, if all options were exhausted and a workable solution could not be found, then the application must be escalated to the District Commander or National Manager to make the final decision. This enabled their leaders to have better oversight of any issues impacting their people working flexibly, and empowered leadership teams to discuss solutions to address these.

Police engaged with unions throughout the development of their FEO policy, recognising the important role they play in representing the views and thoughts of many of their people. The unions understood the benefits of the policy changes and were a great advocate for the changes Police were making.

Police knew if they wanted to see the mindset shift needed to support these bold changes, they would need an implementation plan. The Police Executive endorsed a programme of work to embed FEO in Police by 2020.

The implementation plan includes:

- **Evidence-based research** – A literature review of flexible working in 24/7 organisations and surveys and face-to-face interviews of their peoples' FEO experiences.
- **Building manager capability** – Integrated into leadership development and continuing education programmes in Police.
- **HR systems and processes** – Streamlining HR systems to support policy changes and enable accurate reporting of FEO to identify trends and inform the Executive.
- **News stories and communication** – A communications plan including key updates, and good news stories of people working flexibly and how leaders are managing flexible teams.



- **Asking our people** – Benchmarking surveys of their peoples’ experiences working flexibly.
- **Recruitment process** – Embedding flexible working in the Police recruitment and appointment processes for both constabulary and non-constabulary employees.
- **FEO Champions** – A network of champions who are subject matter experts on FEO and can provide advice and guidance to employees and managers on flexible working.
- **Tools and resources** – Resources to support both employees and managers in taking up flexible working arrangements and talking about how to support each other as a team.
- **Deep dive issues** – reviewing the experience of specific groups including those returning from parental leave or leave without pay and those wanting to retire.



Case study: Building flexible working culture and capability

Ministry for Primary Industries

Flexible working has been a key component of MPI's diversity and inclusion strategy since 2017. Like many agencies a lot of MPI's people are already working in a flexible way, both formally and informally, but the experience of flexible working and attitudes to it, wasn't consistent across the business.

The Ministry realised that a key enabler of becoming a more flexible organisation was to positively influence stereotypes, mindsets and misconceptions about flexible working across the business as well as better engage, prepare and empower its leaders, managers, employees and teams to work flexibly.

A plan was developed to build the agency's flexible working capability through engagement, communications, learning and development, policies, processes and systems, to ensure that flexible working worked for both its employees and the organisation. MPI engaged with unions throughout the development of the flexible working capability strategy and its implementation, recognising the important role they played in representing the views of its people. The PSA was a great advocate for the work MPI was promoting in this space and supportive of it.

Some of the initiatives and tools used to build capability were:

- **Engagement:** MPI ran a series of 22 workshops and focus groups with over 300 leaders, managers, employees, network groups and union delegates throughout the country to understand more about how flexible work operates within the Ministry, how supportive the organisation was of flexible working and what some of the real and perceived barriers were.
- **Peer-to-peer learning:** MPI recognised that as teams move towards more flexible working, people will have issues they'll need to work through, so peer-to-peer learning sessions were developed to provide staff and managers a forum to share experiences, best practice and learn through others. Through open conversation the sessions aim to broaden people's understanding of different ways of working, challenging notions of how work gets done, and to enable confidence in a flexible work approach.
- **A case study series:** This video series features a range of diverse employees and leaders across MPI who make flexible working 'work for them'. It highlights the various reasons why people work flexibly, what it means to them and how it impacts their work-life balance, with the aim of normalising flexible working.
- **An online information hub:** This sits on MPI's intranet and focuses on increasing awareness of what flexible working is, and why it's important. It covers key topics such as the various flexible working options available, rights and obligations, and points people towards more information and resources such as a series of manager and employee toolkits, policies and guides.
- **An eLearning page:** The purpose of the page is to provide practical behaviour-change ideas for MPI managers and teams, equipping them with the knowledge and approaches to work more flexibly. This includes resources such as flexible working team charter templates, technology suggestions, team culture resources, references to mental health, and messages for managers on ways of managing remote teams.



Case study: Upskilling employees to use flexible-enabling technology

State Services Commission

Like all Public Service agencies in the COVID-19 response, the State Services Commission (SSC) rapidly transitioned to agency-wide remote working. Despite the pace of transition, employees reported feeling well supported by SSC's Information Technology (IT) team to become comfortable with flexible-enabling technology and remain connected with each other. As a result, SSC has learned valuable lessons about upskilling employees to use flexible-enabling technology.

Start with the basics: The SSC's IT team developed step-by-step training workshops to take employees from the simplest content to the more advanced. No assumptions were made about employees' prior knowledge of devices or software and information was presented in the simplest possible terms. Workshops aimed to ensure that employees started from a shared base knowledge before moving on to more advanced training. For example, workshops began by outlining the basic operation and set-up of laptops, mobiles and headsets (i.e. on and off button, headset and USB ports, volume control etc.). Feedback was sought on the workshops as training progressed so that adjustments could be made to the approach.

Make training workshops easily available: It can be difficult for employees with high workloads to prioritise training. The IT team made training easy for employees to access, by ensuring each workshop:

- was available across multiple days
- could be attended both face-to-face (when this was allowed) and online
- was recorded via Teams so that employees could revisit later.

Use the in-house IT team to deliver workshops: Having training delivered by faces seen around the office can help employees feel more connected to the training and more able to ask questions afterwards.

Lay out the pathway for future training: Employees need to understand that there is a vision for how they will work in the future. When taking employees through basics about flexible-enabling technology the IT team also outlined the subsequent steps in training so employees could see their development pathway.

Encourage employees to approach communication in the office in a similar way to communication in the home: Employees were asked to think about what office communication might look like in the future and often concluded that the office will look more like the home already does, for example, people don't have a landline at home, and people rely heavily on social media chat to stay connected. Framing workplace changes in this way helped employees feel more comfortable using things like online chat software, as they already use similar technology in the home.

Put forward the 'what is in it for me': The benefits of flexible-enabling technology were promoted so that employees engaged with it more positively. For example, chat features can decrease emails, video conferencing technology can decrease the time spent moving between offices for external meetings and the online presence feature of Teams lets employees know when someone is available in real time rather than relying on their calendar.

Focus on those eager to learn: Extra time was spent upskilling the 20–30% of the organisation who wanted advance knowledge of the available technology – this ground-swell of interest pays dividends as early adopters assist and teach others.



Personalise technology: If employees are just handed a laptop and left to it, many will not engage with it. Instead, if possible, let employees choose between two or more laptop options, let them customise the colour of their phone case or encourage employees to add a profile picture to the video conferencing/chat software.

Video conferencing is vital to the inclusion of employees working remotely: Keeping connected was more challenging when some employees were working in the office and some were working remotely than when all staff were working remotely. This is because it is easier for employees in the office to forget to remotely connect in those working offsite. To reduce this risk, video conferencing facilities (such as Surface Hub and Teams Room technology) need to be modern and easy to use and employees need to be well trained and comfortable with the use of this technology. Managers also need to model staying in touch.



Case study: Understanding the current state of flexible working

Inland Revenue

Flexible working has been a key part of IR's workforce strategy and business transformation since 2016. Good progress has been made on building the foundations that enable a modern, future-fit workforce through capability-based role design and workplace tools and technology. Parts of IR are already working in a highly flexible way, but it isn't consistent across the business. To understand what's driving this, people from various roles and disciplines across the business were brought together to explore IR's current state.

IR used a design sprint approach because it is ideal for bringing diverse perspectives together to work through issues collectively. Thirty representatives across IR were invited to a 2-day sprint. The attendees included representatives from our three unions, people with expertise in functions that help enable flexible working (e.g. Security, Health and Safety, Technology, Business Continuity) and people from a range of different business groups, levels of roles, genders and ethnicities. This helped to ensure diverse perspectives were heard and considered.

The group worked in multi-disciplinary teams to explore our current state from a range of perspectives. The teams then used flexible working scenarios to map each step of a user's journey – their goals, the actions they needed to take, the tools they needed to find and use and their experience at each step of the journey. This helped to identify what was working well and where there were challenges that needed to be addressed.

Improved user journeys were then conducted on the same scenarios, seeking to leverage the strengths and remove the barriers or challenges. Each change in the journey was expressed as an action that the wider group voted on according to agreed criteria to identify the actions with the most potential.

IR's three unions were engaged very early on in the planning for the sprint because of the important role they play, both in terms of representing the perspective of their members, and in supporting a shift in policy and practice to enable flexible working as a default position. Using a design sprint approach resulted in reaching a high level of alignment very quickly across very diverse perspectives on what IR is doing well, where there are challenges and what might be done to become more flexible-by-default.



Case study: Understanding the current state of flexible working

New Zealand Customs Service

Customs has had a flexible working policy since the introduction of flexible working legislation. Recent efforts have focused on understanding how many employees are taking advantage of the policy, what's stopping them if they're not, and how flexible working arrangements can be accommodated within a 24/7-coverage shift-work environment.

As part of an operational review in 2016, Customs took the opportunity to better understand people's individual needs related to flexible working and start developing solutions to accommodate those needs. The operational review was a significant piece of work and unions were well involved and had a good level of awareness about the challenge of accommodating flexible working arrangements into the new model.

Customs' work on this includes:

- Providing individuals requiring 'non-standard' hours of work with a formal process to request flexible working. This provided Customs leaders with an organisation-wide view of requests that had previously been made informally through the management line.
- As a result, Customs was able to formalise flexible working arrangements for existing employees and create a process to encourage new employees to identify their flexible working needs up front, to help Customs accommodate them. Union assistance was helpful in finding pragmatic solutions through this process.
- A carers' survey, which provided employees with the opportunity to share their needs related to balancing their work life with caretaking responsibilities, and their uptake of flexible working arrangements, which proved to be relatively high.
- Workshops and focus groups to understand real and perceived barriers to flexible working arrangements within Customs, provide a view of innovative flexible working solutions being used in other organisations, and start developing internal solutions to overcome barriers to flexible working.
- Customs continues to focus on flexible working arrangements as part of the broader work plan with union parties on the overall development of the Gender Pay Gap Action Plan, and this will continue into the work being undertaken in embedding flexible-by-default.

These activities have all contributed to a broader understanding of flexible working needs, opportunities, and future strategic work to embed flexible working across Customs – and put the flexible working policy into practice in unique, individualised and innovative ways.



Case study: Creating a job-share arrangement

Ministry for the Environment

At the Ministry for the Environment (MfE) we have approached workplace flexibility as an opportunity to enhance the employee experience for our people. We love innovation and doing things differently, and our leaders are openly supportive of flexible working. We give our employees the opportunity to lead the conversation about what flexibility means to them and are open to creating ways of working that allow our people to be their best.

Workplace flexibility is the way we do things around here. It supports our current growth and attraction of talent. It is a way for us to continue to build on our diverse and inclusive workplace and retain talent.

Currently, at the Ministry, we have two job-share situations at management level, and both these situations came about differently. However, there was one common element, an openness and willingness to explore job sharing as a flexible way of working and to test and learn as we go.

The first situation came about when an existing employee took the initiative to approach management with a proposal to job-share. They could see there was an opportunity to try something different that would create a win/win outcome for everyone. We had advertised for two different full-time roles within our Auckland team, and when the roles were advertised one of our existing part-time employees saw an opportunity to promote and demonstrate the benefits of job sharing. This resulted in them making a joint application with another business colleague who was external to the organisation, and their application included how they could make the job share situation work. As part of their application they requested having a joint interview.

The outcomes and benefits of this job share situation have been:

- Retaining a valued and key talent for MfE
- Appointment of an individual who is highly skilled and experienced in the space of Auckland regional growth and policy
- Combined 50 years of experience, as well as complementary skills and backgrounds creating greater synergies
- Greater engagement and wellbeing of key talent by allowing the individuals to have the work/life balance they were seeking
- Reducing the need for two FTE roles down to the equivalent of a 1.5 FTE job-sharing role at the management/leadership level. This meant we could reinvest into other resources.

The second job-share situation came about due to an employee wanting the ability to remain in a management role, while also having the flexibility to work reduced hours. They had previous overseas experience of working in a number of successful job-share situations. Job share was a common way of working for them previously and there were pools of people you could call on for job-share arrangements. That wasn't the case here in New Zealand, so after talking with their manager about how job share may work, they went to market to advertise the opportunity. The role was advertised as a job-share opportunity and the response was amazing, with 97 applicants.

The outcomes and benefits of this arrangement have been:

- The ability to challenge opportunities and ideas with an alto ego contributing to greater diversity of thinking and outcomes



- The work continues to progress when one job-share partner is not in the office due to good systems and hand-over processes
- Greater engagement and wellbeing of key talent by allowing the individuals to have the work/life balance they were seeking.

There have been some challenges around systems and processes not being agile enough to share across two people (e.g. being able to see and approve all of your teams leave requests). This has limited some aspects of the role being completely true job-share right from day one, as there were no systems and processes in place to support it. However, due to an experiential and flexible approach we have tackled the problems together as they have come up and identified solutions that work. It is the simple things like a shared mailbox for email communication, shared calendar, and using tools like Trello for assigning and tracking work tasks or OneNote for hand-over communication.

We have found the key to overcoming the barriers and challenges is strong communication. Making sure everyone you need to work and interact with is aware of the job-share arrangement and how it works. It is also about having ongoing open communication to work through the challenges and being in an environment that is open to explore and learn as we go.

When asked what the job-share situation has meant, one of our managers said, **“The job share arrangement has provided me with the opportunity to keep growing as an individual and developing my skills at a senior level whilst maintaining a healthy life-work balance.”**

When talking to members of the team they said they had some nervousness at the start. Lots of communication and checking in from their managers on how it is working has removed that barrier. The teams have commented on how great it is to have someone they can call on throughout the whole week and it has enabled a higher level of support for them.

Embracing these job-share arrangements has provided a great opportunity for MfE and we would not go back. Flexible working patterns are still evolving, and these are great examples of ‘why not’ and how this is the way we work here at MfE.



RESOURCE 2 FLEXIBLE WORKING OPTIONS

This is an overview of some of the more common types of flexible working. Most of these can be combined e.g. a person working part time may also vary the hours they work on any given day or work some days remotely.

Flexi-time Options that allow employees to vary their work hours or days either on a regular basis or from time to time	Flexi-leave Options that allow employees to vary their leave patterns to create more flexibility	Flexi-place Options that allow employees to work from locations other than their designated workplace	Flexi-role/career Options that allow employees to manage their roles and careers more flexibly
<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 • Flexible shifts – full time or part time • Fixed shifts –full time or part time • Combination of fixed shifts and flexible shifts – full time or part time 	<ul style="list-style-type: none"> • Leave without pay • Trading leave for salary • Term-time working i.e. working during school terms and taking leave during holidays • Other types of leave e.g. study leave, special leave 	<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 	<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 • Seasonal working i.e. to cover busy periods • Job sharing i.e. splitting a role with another employee • Taking career breaks



RESOURCE 3 THE BENEFITS OF FLEXIBLE WORKING

Eliminating the gender pay gap

Flexible-by-default will contribute to eliminating the Public Service gender pay gap. The Gender Pay Gap Action Plan includes the following milestones:

- by the end of 2019 at least 15 agencies will be piloting flexible-by-default approaches
- by the end of 2020 all agencies will be flexible-by-default
- flexible options will be equally available to men, women and gender diverse employees and will not undermine career progression or pay.

Flexible-by-default is one of the focus areas of the Gender Pay Gap Action Plan because women still take on most family caring work and are currently more likely to work flexibly than men. On the plus side, flexible working helps women remain in the paid workforce while also caring for family. On the downside, working flexibly can limit a women's career progression and reduce their life-time income, because:

- senior roles are traditionally less likely to be offered flexibly
- stereotypes exist that women working flexibly are less interested in their careers, and/or less able to undertake challenging work or senior roles.

Normalising flexible working for all types of roles will help break the association between working flexibility and stalled careers.

In addition, research suggests that men face barriers to accessing flexible working which limits their ability to invest more in family caring responsibilities. Increasing men's access to workplace flexibility therefore has the potential to even out the distribution of family-caring work and help close the gender pay gap.

Increasing diversity and inclusion

The Public Service is committed to increasing diversity and inclusion to ensure its workforce reflects, values and understands the communities it serves. Workplace flexibility is a big enabler of diversity and inclusion in the workplace and supports increased diversity in the leadership pipeline.

The New Zealand Workplace Diversity Survey⁷ found that 58 percent of respondents felt that flexible working is an important diversity issue in New Zealand workplaces.

Flexibility is one of the main tools for disabled people to secure and succeed in employment. Disabled people are currently less employed in the Public Service than the private sector.

Māori, Pasifika and Asian women face the compounding impact of gender and ethnic bias, leading to wider pay gaps than those experienced by Pakeha women. Normalising flexible working can help address ethnic as well as gender bias, by recognising and respecting the responsibilities employees have outside of their paid work, including cultural and/or religious responsibilities, and community and family/whānau care responsibilities.

⁷[New Zealand Workplace Diversity Survey 2019](#). Diversity Works New Zealand

The State Sector Act 1988 (see footnote 1 for obligations in the new Public Service Bill) and Crown Entities Act 2004 require employers to have personnel policies which consider the employment requirements of women, Māori, ethnic or minority groups, and disabled people. Flexible-by-default will strengthen the ability of agencies to meet these requirements.

Attracting and retaining talent

To ensure that the Public Service and wider State sector is an employer of choice in a highly competitive labour market, the sector will need to attract, develop and retain the best talent. Future-focused organisations understand that flexibility is a key part of their employee value proposition.

Research shows that expectations of flexibility and work-life balance have been growing among employees for some time. A survey of over 15,000 employees in New Zealand's Public Service found that, even in 2013, over 80 percent of people had an interest in working flexibly⁸. In a more recent survey, New Zealand employees noted that work-life-balance was the second most important factor in seeking an employer, after attractive salary and benefits⁹.

We also expect that the COVID lockdown period of enforced remote working will have changed the flexible working landscape. While the scale of this change is hard to determine at present, organisations will be returning to a different working environment and increased demand for remote working as part of their flexible working offer.

Flexibility is a key enabler of talent retention. It supports transitions between, or blending of, work across different life stages, study, professional development, parenting, ill health or rehabilitation, retirement and more. Rather than requiring people to 'opt in' or 'exit out' of the workforce, flexibility can create a phased or graduated transition, optimising succession management and maintaining business continuity by maximising the retention of skills and institutional knowledge. Work-life boundaries have become increasingly permeable. Most people have expectations that work will blend with other parts of their life – rather than dominating it. For all these reasons and more, people value working flexibility and will actively seek it when selecting an employer.



⁸Plimmer, G., Wilson, J., Bryson, J., Blumenfeld, S., Donnelly, N., & Ryan, B. (2013). [Workplace Dynamics in New Zealand Public Services](#). Wellington: Industrial Relations Centre, Victoria University of Wellington.

⁹Employer Brand research 2019: Country Report New Zealand. Randstad.



Increasing employee productivity and engagement

Engaged employees are more productive. Reciprocity is central to workplace relationships. Research shows that when people perceive that their employer cares about their wellbeing, job satisfaction increases, and the employee responds through greater discretionary effort and higher work output (Gallup, 2020). The reverse is also true, with workplace stress and poor organisational health, reflected in high rates of sick leave and low rates of employee engagement. Workplace flexibility enables work to be tailored to both the employer's and employee's needs and can be changed over time as required. The result is more engaged employees and a more agile workplace. For an employer, this translates into higher productivity.

Supporting business continuity

Flexible working allows for better business continuity during and after a disaster has occurred. Covid-19, and all of the work disruption it has caused, will not soon be forgotten by organisational leaders, managers or employees. A number of agencies were prompted to upgrade their flexible working capability after the Kaikoura earthquake of 2018. Those who had not, will have learnt during the lockdown period, about what worked and what didn't work and be compelled to be better prepared for the next earthquake, pandemic or other shock.



RESOURCE 4

ESTABLISHING FORMAL AND INFORMAL FLEXIBLE WORKING ARRANGEMENTS¹⁰

Below is a guide to establishing informal arrangements and requesting and considering formal arrangements, in the context of the agency's policy and framework on flexible working.

As you develop processes for establishing flexible arrangements, we suggest you frame your thinking around the Principles of flexible-by-default (**see Part one: page 3**) and your decisions about the constraints and opportunities of flexible working within different types of roles (**see Part one: page 11**). This framing sets out the balance that needs to be achieved between what works for employees, what works for teams and what works for the agency. It also establishes expectations of fairness for all; employees, team members, colleagues outside of immediate teams and managers – and of openness and flexibility on all sides.

Employment agreements are mechanisms for ensuring that policies and practices to establish flexible working arrangements are sustained.

Arrangements can be formal or informal, ad hoc or regular, temporary or permanent and this should be made clear at the outset of any flexible arrangement. If temporary, there should be clear start and end times agreed by both parties.

Establishing informal flexible working arrangements

Some flexible arrangements can be managed on an informal basis and agreed between employees and their managers without going through a formal request and response process. In all cases of informal flexible working arrangements, we suggest teams discuss and record any reciprocal expectations or norms of behaviour (such as in a team charter), to help flexibility operate smoothly across teams. (See Tips for employees and Tips for teams in **Resource 9**).

Informal arrangements:

- are generally appropriate for flexibility that doesn't involve changes to pay or employment agreements
- may be established at the request of an individual employee or by a manager proactively offering informal arrangements to everyone in their team
- may involve ad hoc arrangements which are agreed between managers and employees on an as-needs basis, such as variable start and finish times and/or working remotely on some days
- may also involve regular arrangements such as specific start and finish times on particular days, or regular days an employee will work remotely
- should involve give and take on the part of the employee, manager and team, to ensure team delivery is maintained.

¹⁰We have drawn heavily on a process developed by the Ministry for Primary Industries and we thank the Ministry for its support

These types of arrangements can be agreed verbally between managers and employees. We suggest, however, that if managers and employees agree on regular arrangements, they record these in an exchange of emails including regular review periods to provide more certainty and clarity for both parties. This may be especially helpful if a manager leaves or any issues arise with the flexible arrangement that need to be worked through.

Managers should approach employee requests for ad hoc or regular informal arrangements, in an open-minded and fair way, and focus on exploring all available alternatives that will work. We recommend that both employees making a request and their managers familiarise themselves with the agency's flexible-by-default policy, any limitations on flexibility relating to particular roles¹¹ (see Part one: page 11) and on the Principles of flexible-by-default (see Part one: page 3).

If an employee and manager fail to reach an agreement, we recommend they seek advice from their HR advisors to ensure all options have been considered. Employees who are union members may seek advice from their union. The employee may also consider making a formal request.

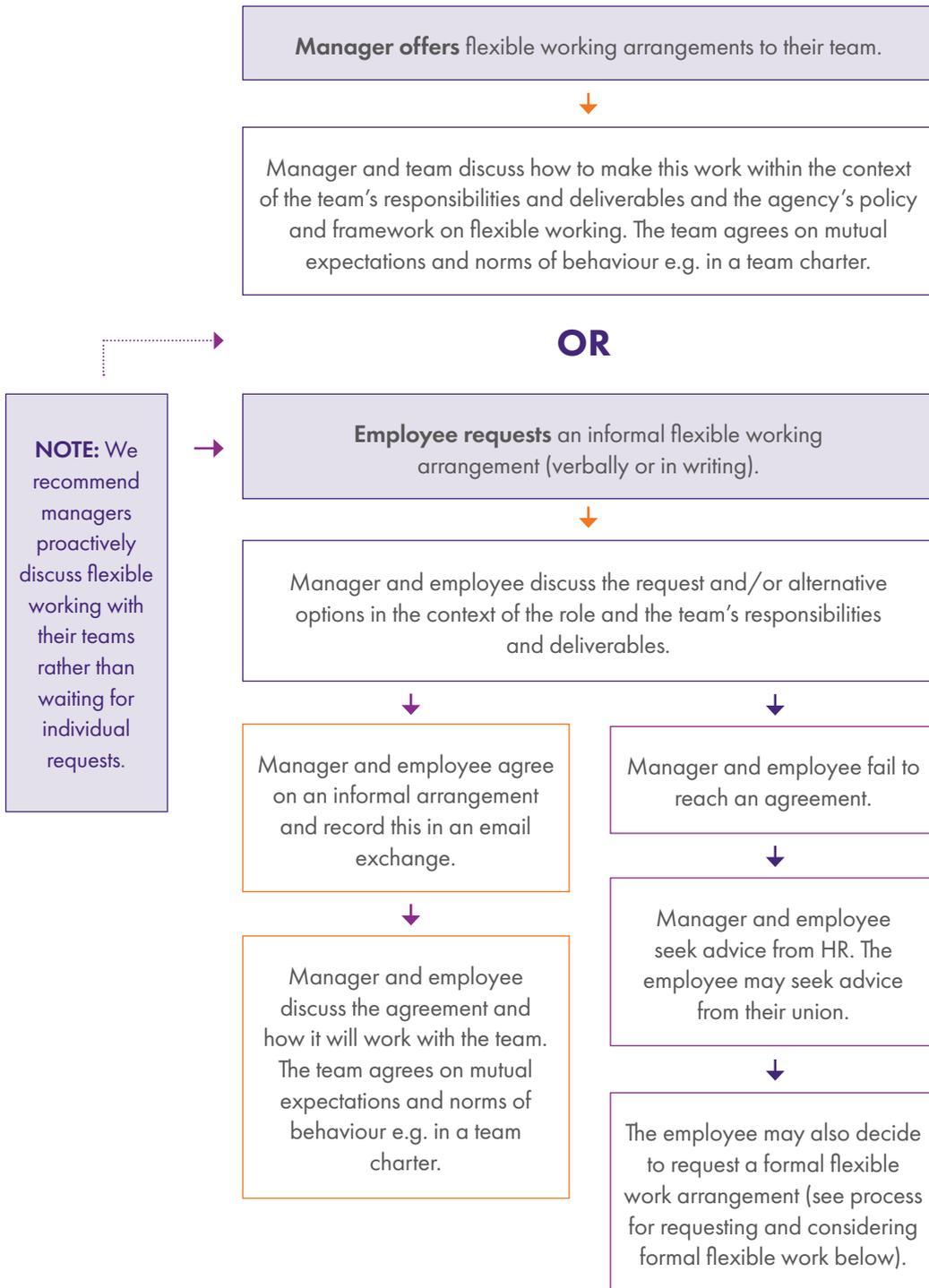


¹¹ Some employees work across multiple roles and those roles can be more or less suited to particular types of flexibility. In this situation employees and managers can explore whether a mixed approach to flexibility will work across the roles performed (for example, an employee might work remotely a few days a week while performing the administrative part of their role and then working onsite two days a week while performing the customer facing part of their role.

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Processes for establishing informal flexible working arrangements

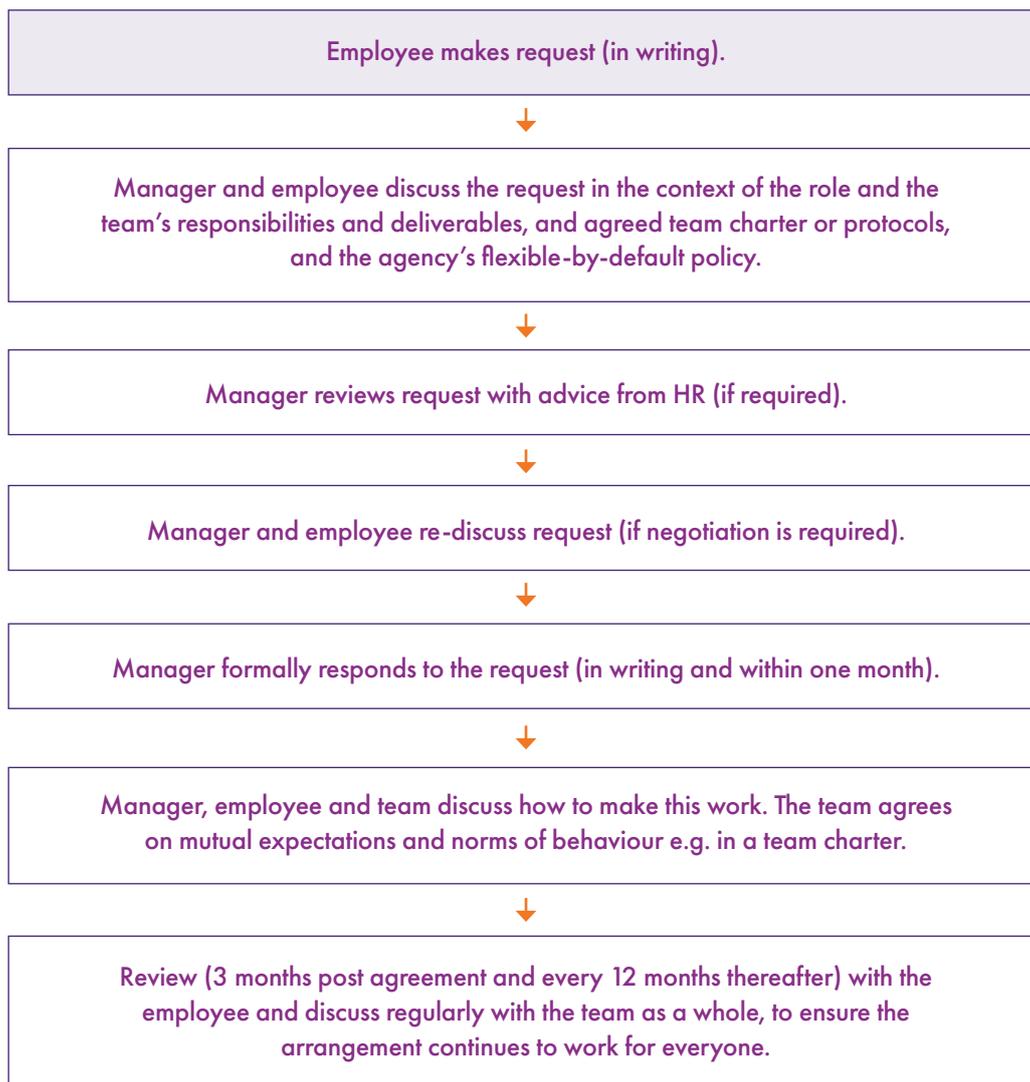


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Establishing a formal flexible working arrangement

Where a flexible working arrangement involves changes to employment terms and conditions, such as working hours, patterns, location etc., we recommend agencies create a formal request and response process along the following lines. We also recommend that managers proactively discuss flexible working with their teams rather than waiting for individual requests.

Formal flexible working request and response process¹²



¹²The formal flexible working request and response process outlined here is in line with Part 6A of the Employment Relations Act (ERA), but also incorporates the flexible-by-default principles outlined in this guidance, as well as approaches to enable effective flexible working discussions between managers and employees

REQUESTING a formal flexible working arrangement (employees)

Employees are responsible for applying in writing, making reference to Part 6AAC of the Employment Relations Act (ERA) 2000. The application should explain the arrangements you are seeking and whether it is permanent or for a set period and state the requested start date (and end date if applicable). It should also specify the date on which the employee proposes that the variation take effect and, if the variation is for a period of time, the date on which the variation is to end. It should also explain, in the employee's view, what changes, if any, the employer may need to make to the employer's arrangements if the employee's request is approved.

Tips for making a request:

1. Familiarise yourself with your agency's flexible-by-default policy and limitations on flexible-working options for your type of role (see **Part one: page 11**).
2. Talk with your manager about your interest in flexible working. This is a chance to talk about the requested work arrangement in depth. Focus on why you are seeking flexibility, rather than on one specific arrangement, as this will help both you and your manager 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.
3. Complete the request form provided by your agency and submit it to your manager. If no request form is provided, then ensure the above information is covered in an email.

Tips if agreement is not reached:

If you and your manager fail to reach an agreement, you can seek advice from your agency's HR advisors to ensure all options have been considered. If you are a union member you may also seek advice from your union.

CONSIDERING a request for formal flexible working (manager)

Managers must consider requests for flexible working arrangements in a fair-minded way and in good faith. Remember that the legislative requirements provide specific minimum requirements for responding and these are incorporated in this process, for instance, minimum periods within which you need to respond to requests.

As you work through the process of considering and responding to formal requests, we recommend that you are guided by:

- the principles of flexible by default, especially 'If not why not', 'Works for the role', 'Works for teams', 'Mutually beneficial' and 'Requires give and take' (see **Part one: page 3**)
- your agency's policy and framework and decisions on the constraints and opportunities of flexible working for different types of roles (see **Part one: page 11**).

You can also discuss requests with your HR advisor, if further advice is required.

1. Ensure the request includes all the information needed and, if it does not, ask the employee to re-send the request when complete.
.....
2. Acknowledge the request in writing.
.....
3. Meet face to face with your employee to discuss the requested working arrangement in depth and consider how it could fit with the employee's role and the team's functions and deliverables.
.....
4. Approach the request in an open-minded way, focusing on finding solutions that will work. To get the most from the meeting we suggest:
 - making a list of the issues you want to discuss at the meeting
 - familiarising yourself with your agency's flexible-by-default policy, the rest of this resource (**Resource 4**) and the tips for managers in **Resource 9**......
5. Some important questions to consider when making your decision.
 - Is reorganising work necessary, and if so, how can it be managed?
 - If the employee works as part of a team, does the employee understand their commitment to the team under the new arrangement?
 - Are there peaks and troughs of demand in the business that this new arrangement could meet?
 - Are there health and safety implications (for example if the employee is working from home or if they are working alone late/early or out of core-business hours).
 - If the form of flexible working requested can't be accommodated, which types could? Have these been fully explored with the employee?.....
6. Agree on a detailed arrangement with the employee, including a period during which the effectiveness of the arrangement will be tested e.g. 3 months, with annual reviews thereafter.
.....

APPROVING a formal request for a flexible working arrangement (manager)

1. Once you've considered your employee's request for flexible working arrangements, give them your decision in writing. You must deal with a request no later than one month after you receive it. **(Note: this is a statutory requirement).**
.....
2. Remember because this is a formal request it will signify a change to the employee's terms and conditions of employment, unless agreed otherwise.
.....
3. Once you have made your decision and advised the employee, we suggest you discuss the arrangement with your team. You are responsible for deciding on the request, but it is useful to engage with the team as soon as possible as team members share responsibility for making flexible arrangements work and may have questions and concerns that are best worked through collaboratively. As noted above, the team may find it useful to agree on some norms of behaviour to help the arrangement run smoothly, for instance in a team charter.
.....



4. Finally, we suggest you:

- inform HR so that they can update their HR records
 - talk with HR/Payroll to understand whether the new working arrangement means changing your employee's pay and what the impacts might be on holidays and leave
 - consider if health and safety requirements are still satisfied. This might be relevant if the employee is going to be working from another location or alone out of core-business hours.
-

DECLINING a request for flexible working arrangements (manager or higher level)

In a flexible-by-default workplace, you are encouraged to explore all options that may work for you, your employee, team and the agency before declining a request. This includes:

- talking to the employee who has made the flexible working request to ensure that all options and solutions have been explored
- consulting your manager to consider any options or solutions that may not be obvious or within your delegations
- talking to your HR advisor and/or manager if you still think it will not be possible to accommodate the request, to consider any possible solutions
- receiving approval to decline the request (if, for instance, your policy requires Tier 3 approval for requests to be declined).

You may not be able to approve the requested flexible working arrangement, as flexible-by-default does not mean all types of flexible working are always available for all roles.

Under the Employment Relations Act 2000, section 69AAF employers can only refuse a request on one or more of the following recognised business grounds:

- Cannot reorganise work amongst existing employees
- Cannot recruit additional employees
- Negative impact on quality
- Negative impact on performance
- Not enough work during the periods the employee proposes to work
- Planned structural changes
- Burden of additional costs
- Negative effect on ability to meet customer demand
- Employers must refuse a request that is inconsistent with a collective agreement that covers the employee.

Agencies are encouraged to examine their employment agreements (individual and collective) to look for provisions that can be a barrier to enabling various flexible-by-default options and practices, and where necessary seek to renegotiate these agreements.



Flexible working requests process under the Domestic Violence Victim Protection Act 2018

Remember that the Domestic Violence Victims Protection Act adds legal protections in the workplace for people affected by domestic violence.

Under Part 6AB of the ERA, all employees are entitled to make a request, or have a request made on their behalf, for a short-term change to working arrangements lasting up to 2 months, to enable them to deal with the effects of domestic violence (even if the domestic violence happened in the past).

If an employee is affected by domestic violence, they can ask for this kind of flexible working at any time.

Your agency will have policies on responding to these requests and we recommend they immediately request advice from your HR advisor. Your advisor will also highlight any clauses in collective agreements relating to support for employees affected by domestic violence that need to be complied with.

An employer must respond to a request for short-term flexible working urgently as an employee may wish to change their working arrangements to stay safe.

Under the ERA, when declining a request, managers must, in writing and no later than 1 month from receiving the request:

- state the ground/s for your refusal, referencing the agencies flexible-by-default policies
- explain the reasons for these ground/s
- also advise the employee of their right of review.

The provisions under the ERA to deal with unresolved flexible working requests (Part 69 AAG, 69AAH, 69AAI) are:

- informal discussion between employee and employer
- a formal complaint
- third-party assistance (a Labour Inspector or mediation)
- the Employment Relations Authority.

RESOURCE 5 AGENCY SELF-ASSESSMENT TOOL¹³

The following tool is designed to help you assess how developed your current approach to flexible-by-default is in seven key action areas and help determine where to target effort in your shift to flexible-by-default.

FLEXIBLE-BY-DEFAULT MATURITY MODEL

Limited	Basic	Embedded
<ul style="list-style-type: none"> • Not flexible-by-default • No recognition of how flexible working practices can promote gender equality and diversity • Flexible working policies/practices only exist to the extent they are required by legislation 	<ul style="list-style-type: none"> • Not flexible-by-default • Flexible working policies/practices are provided to meet the needs of specific groups or individuals • Typically, flexibility is seen as a human resource function only. 	<ul style="list-style-type: none"> • Considered to be flexible-by-default. • Flexibility becomes strategic in the mindset, systems and culture • Flexible working is expected, normalised and equitably accessible and does not undermine career progression or pay • Employment agreements may also include flexible- working policy and/or flexible working clauses to enable sustainable flexible-by-default work policies and practices • Flexible-by-default is enhancing agency agility and performance.

How to use the self-assessment tool

Agency staff responsible for the implementation of flexible working, and/or implementing the Gender Pay Gap Action Plan and/or diversity and inclusion, can seek input from a cross-section of senior leaders, line managers, diverse employees, unions, HR practitioners, employees who work flexibly for a range of reasons and in a range of ways, and employees who do not work flexibly. This will ensure that the assessment is as accurate as possible. This can be done through a series of conversations, meetings or workshops.

In each key area there are descriptions of agency policies, practices and/or culture under the maturity headings of 'limited', 'basic' and 'embedded'. In response to each question, select the description that is closest to your agency's practices, policies or culture.

¹³Adapted from the Australian Government Workplace Gender Equality Agency [flexibility diagnostic assessment guidance](#). For more information on the full assessment tool visit [Flexibility readiness assessment guide](#) © Commonwealth Government of Australia 2018



MEASURING AND MONITORING

Limited	Basic	Embedded
<ul style="list-style-type: none"> No deliberate recording or monitoring of flexible working arrangements (formal part-time arrangements solely for salary and conditions purposes). Little information gathered on employees' and managers' uptake, experiences of, and attitudes to flexible working. 	<ul style="list-style-type: none"> Basic recording of the uptake of flexible work arrangements, with an emphasis on formal arrangements. Some information has been gathered from managers and employees on their experiences of, and attitudes to, flexible working. 	<ul style="list-style-type: none"> Information is periodically gathered from managers, employees and unions on uptake of, experiences of, and attitudes to the full range of flexible working options. Information is reported to leadership, shared with managers, employees and unions, and used to strengthen flexible-by-default within the agency.

FLEXIBLE-BY-DEFAULT VISION AND GOALS

Limited	Basic	Embedded
<ul style="list-style-type: none"> Limited or no vision or goals around organisational flexibility or moving to a flexible-by-default approach. 	<ul style="list-style-type: none"> General strategy around flexible working but not about the move to a flexible-by-default approach. 	<ul style="list-style-type: none"> Clear vision and goals about moving to flexible-by-default, linked to the agency's wider strategic goals. The strategy covers all the actions involved in shifting to flexible-by-default.

FLEXIBLE-BY-DEFAULT PLANNING

Limited	Basic	Embedded
<ul style="list-style-type: none"> No plan to guide the shift to flexible-by-default. 	<ul style="list-style-type: none"> High-level plan includes some of the actions involved in shifting to flexible-by-default. 	<ul style="list-style-type: none"> A full plan guides all the actions involved in shifting to flexible-by-default.

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FLEXIBLE-BY-DEFAULT COMMUNICATIONS

Limited	Basic	Embedded
<ul style="list-style-type: none"> Limited or no communication on flexible working or the policies and guidelines related to flexible working. 	<ul style="list-style-type: none"> Some ad hoc communication on the availability of flexible working. Information on agency policies and guidelines regarding flexible working is available but not on a flexible-by-default approach. 	<ul style="list-style-type: none"> A communications plan supports a shift to flexible-by-default across the agency. Information is readily available and easily understandable to employees and unions on policies and practices related to flexible-by-default.

FLEXIBLE-BY-DEFAULT ENGAGEMENT

Limited	Basic	Embedded
<ul style="list-style-type: none"> No engagement with managers, leaders, employees and unions on flexible-by-default. No engagement to identify flexible working benefits, concerns and/or challenges. 	<ul style="list-style-type: none"> Some engagement with managers, leaders, employees and unions on moving to flexible-by-default. Engagement begun about the benefits of flexible working, as well as concerns/challenges and how to address these. 	<ul style="list-style-type: none"> Regular engagement with managers, leaders, employees and unions to build/maintain a flexible-by-default culture. Engagement is used to identify the benefits of flexible-by-default and how to address concerns and challenges.

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FLEXIBLE-BY-DEFAULT CULTURE AND CAPABILITY

Limited	Basic	Embedded
<ul style="list-style-type: none"> No communication from the executive leadership team about the benefits of flexible working for the agency. Low awareness of the benefits of flexible working for employees and agencies and traditional biases toward flexible workers are common. No support for managers to effectively manage flexible employees or teams. 	<ul style="list-style-type: none"> The executive leadership team supports flexible working but has made no statements about flexible-by-default. Some managers of high-functioning flexible teams are supportive of flexible working. Managers can seek learning and development around managing flexible teams, but it is not proactively provided by the agency. 	<ul style="list-style-type: none"> The executive leadership team clearly communicates how flexibility will help achieve the agency’s goals and the rationale for being flexible-by-default. Flexible-by-default widely understood and supported by leaders, managers, employees and unions. Flexible working is available regardless of gender and does not affect progression or pay. Learning opportunities available to managers to support them to manage flexible-by-default teams.

POLICIES, PROCESSES AND SYSTEMS TO SUPPORT FLEXIBLE-BY-DEFAULT

Limited	Basic	Embedded
<ul style="list-style-type: none"> Limited IT to support flexible working. The impact of flexible working on health and safety has not been considered. No consistent approach to making and considering flexible working requests. The impact of flexible working on data security and privacy of information has not been considered. 	<ul style="list-style-type: none"> Some flexible working-enabling IT is available. Health and safety policies and practices are being reviewed in the light of flexible working options. Processes in place for making and considering flexible working requests but do not include a flexible-by-default approach. Some safeguards are in place to maintain data security and privacy of information when employees work remotely. 	<ul style="list-style-type: none"> Flexible working-enabling IT in place across the agency. Health and safety policies and practices consider remote working and are communicated in guidelines and training resources. Consistent processes and practices for making and considering flexible working requests, consistent with a flexible-by-default approach, which may be included in employment agreements. Safeguards in place to maintain data security and privacy of information when employees work remotely.

RESOURCES



RESOURCE 6

EXAMPLE COMMUNICATION OBJECTIVES AND KEY MESSAGES

Example communication objectives

- Develop awareness and promote a consistent and complete understanding of flexible working and flexible-by-default at all levels of the agency.
- Demonstrate the benefits taking a flexible-by-default approach.
- Normalise flexible working practices for all employees, managers and leaders.
- Address conscious and unconscious bias towards employees working flexibly.
- Address other concerns and challenges surrounding flexible working, whether from team members, managers or leaders.

Example key messages:

You can share the Summary of flexible-by-default key messages with leaders, managers, unions and employees (page A) and the diagram of the Principles of flexible-by-default included in the summary. The summary and the principles can provide a foundation for your communications and engagement.

- All roles will be considered flexible unless there is a genuine business reason for any role not to be.
- Flexible working needs to work for the organisation, for managers, employees and teams. It requires give and take on all sides and there is a shared responsibility between the organisation and employees for making it work.
- It should be fair for everyone – employees, team members and managers – and approached with openness and flexibility on all sides.
- Not every type of flexibility will work for every role type, but some forms of flexibility should be workable for all roles (see Resource 2 for examples). The context and the demands of the role need to be considered.
- Flexible working is not just part-time work and working from home. There are many different types and forms of formal and informal flexible work.
- Flexible working is not new. A lot of flexibility already occurs, especially informal flexibility. Agencies have been supporting lots of types of flexible working for decades.
- Flexible work is not just for employees with family-caring responsibilities – there are many reasons why employees may want to work flexibly.
- Support is available to help managers, teams and employees get the best from flexible working.



FLEXIBLE-WORK-BY-DEFAULT GUIDANCE AND RESOURCES

Eliminating the Gender Pay Gap and Implementing the Gender Pay Principles

- Flexible working will help close the gender pay gap, help increase diversity and inclusion, make the agency a better place to work, drive productivity and employee engagement. As a result, flexible-by-default will help the agency to achieve its objectives.
- We welcome ideas and approaches to help make this work for everyone.

You can also draw on **Resource 7** which outlines some of the common concerns about flexible-by-default and suggested responses and **Resource 8** which outlines common challenges and suggestions for addressing these.



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RESOURCE 7 COMMON QUESTIONS, CONCERNS AND RESPONSES¹⁴

Employees and managers are likely to raise questions and may express concerns about the shift to flexible-by-default.

The table below outlines some common questions and concerns which are matched with suggestions to help you respond.

Common questions and/or concerns	Suggested Response
<p>Can I access flexible working if the technology is not there?</p> <p>How can I manage people working flexibly and still deliver when we don't have all the right technology?</p>	<p>Imperfect technology can make some types of flexible working harder for employees and managers than it needs to be, but it is not an insurmountable barrier if employees and managers consider workarounds or other types of flexibility. Technology that supports flexible working is increasingly available, as agencies work to enable ongoing delivery at times of crisis (such as major earthquakes). Agencies need to consider improvements if they are not fully set up.</p>
<p>Is flexible working only for working mums or study?</p>	<p>The approach of "if not, why not" democratises and normalises flexible working, regardless of the reason. For instance, flexible working can help reduce unnecessary stress on employees who seek to balance their paid work with a range of personal commitments, like caring for ageing parents, sick family members, or other whānau, community or religious responsibilities, or pursuing other interests. Lots of this type of flexibility takes place already, even though it might not be very visible to the agency as a whole.</p>
<p>Flexible working will only work in some roles, like back-office roles.</p> <p>You can't be a manager or leader and work flexibly.</p>	<p>While employees in service-delivery roles may not be able to work from home, there are other flexible working arrangements that should be possible, such as job-sharing or flexible rostering. Context matters. Flexible options that will work for a quarantine officer for example, may be different from those that can work for a policy analyst, but both employees can still have access to some flexible options. Teams working in these types of roles can develop their own processes to ensure delivery continues. There are already managers and leaders who work flexibly, either shifting their hours, or job sharing. The agency case studies in Resource 1 provide examples of how this is happening.</p>

¹⁴Resource 7 has been adapted from the NSW Public Service Commission resource for managers: 'typical misgivings about flexible working': <https://www.psc.nsw.gov.au/workplace-culture---diversity/flexible-working/requesting-and-considering-flexible-work/typical-misgivings-about-flexible-working> © State of New South Wales acting through the Public Service Commission.



<p>How I deliver outcomes if I can't see my team?</p>	<p>Full time, face to face is not the only productive way of working and long hours can reduce productivity. Performance can be measured through outcomes (delivering to time and to quality standards) rather than presenteeism. Whether they work flexibly or not, employees are more engaged in their work when managers set clear delivery expectations and trust them. Face-to-face time is still valuable, and employees and managers can discuss how this can be achieved. The tips in Resource 9 will help managers, employees and teams work flexibly, including remotely, and maintain delivery.</p>
<p>I would like to work flexibly but I'm worried it will have a negative impact on my career.</p>	<p>There are many successful leaders who have been promoted while working flexibly. By moving to flexible-by-default, and normalising flexible working it will be less likely to impact on career progression. We will be monitoring flexible-by-default to help ensure flexible working does not impact on career progression.</p>
<p>Will colleagues working flexibly mean I will have to cover for them?</p>	<p>Managers will be considering how flexible arrangements can work for the team as a whole. They will be talking with their teams about how it might work, while maintaining or enhancing delivery and without negatively impacting on team members who don't work flexibly. Flexible employees and managers also share responsibility for making flexibility work in an ongoing way. Teams can agree on some norms of behaviour (in a team charter, for instance) to ensure everyone plays their part. Resource 9 has tips for managers, employees and teams on reciprocal responsibility, having team conversations and agreeing norms of behaviour across the team.</p>
<p>Do I need to earn my right to flexible working?</p>	<p>Flexible working is not an entitlement, reward or something that needs to be traded off against salary or other conditions of work. Flexible work can be part of a role's design upfront and new starters can have the same conversation with their teams regarding flexible work as other employees.</p>
<p>Is flexible working just working from home?</p>	<p>Flexible working is about rethinking the where, when and how work can be done. It is more than just working from home or part time. It can include flexible hours, remote working, career breaks, job sharing, study leave, flexible rostering and much more. See Resource 2 for the types of flexible working.</p>
<p>We can't have everyone working flexibly</p>	<p>Flexible-by-default has to work for employees, managers, teams and the organisation. We recommend that managers and teams proactively discuss how flexibility might work, given the nature of their work, rather than waiting for individual requests. It is unlikely, for instance, that many teams could operate effectively if there was one day a week when no one worked. On the other hand, there may be times when the way teams work has to change markedly, like after earthquakes or during pandemics.</p>

RESOURCES



RESOURCE 8

FLEXIBLE WORKING CHALLENGES AND SUGGESTIONS FOR ADDRESSING THESE

Types of challenges	Examples	How to address
<p>Awareness and capability</p>	<p>Lack of understanding about:</p> <ul style="list-style-type: none"> • the range of flexible working and how common it already is • what flexible-by-default is and isn't • the business case for, and benefits of flexible working • the distinction between formal and informal flexible working • the rights and obligations related to formal flexible work requests (both managers and employees) • what a genuine business reason is for not agreeing to requests • the reciprocal roles and actions that employees, managers and teams can take to help flexibility work while maintaining team delivery. 	<p>Use the information and suggestions in this resource to raise awareness and support managers and staff through regular communications, engagement and learning opportunities.</p> <p>This resource has suggestions and examples to help agencies develop their own tools to address common challenges and ensure that everyone is on the same page.</p> <p>Resource 9 provides tips for managers, employees and teams on what they can all do to support effective flexible working in a way that maintains team delivery, including maintaining team communications when members work remotely.</p>
<p>Processes</p>	<ul style="list-style-type: none"> • Lack of appropriate agency policies and processes for requesting, considering, approving or declining formal and/or informal requests • Inconsistent decisions across the agency • Health and safety and/or information privacy and security policies and processes that are not fit for remote working • Lack of information about the take-up of informal flexible working and the request and approval/decline rates for flexible working. 	<p>Resource 3 has suggested processes for requesting, considering, approving or declining flexible working requests. Ensure these processes are widely socialised across your agency and are easily accessible and understandable to all employees and managers. Consider how to support managers to make consistent decisions, especially in the early stages of your shift.</p> <p>Resource 10 has suggestions on health and safety and information privacy and security policies and processes that are fit for remote working.</p> <p>Develop a method for tracking formal requests and approvals/declines, and for periodically gathering information on the take-up of informal flexible working (see Collectively explore our current state).</p>

Types of challenges	Examples	How to address
<p>Systems</p>	<ul style="list-style-type: none"> Lack of the technology that makes flexible working easier. 	<p>Work with HR, IT, health and safety, information security and privacy personnel to determine relevant criteria and information to be embedded in plans and communicated to staff.</p> <p>Develop a team charter to promote shared norms of behaviour and effective communications across teams.</p>
<p>Mindsets</p>	<ul style="list-style-type: none"> A culture of ‘presenteeism’ with managers concerned that employees can’t/won’t deliver work outside of the office Flexes – bias towards employees working flexibly Flexible working is hard to do in small teams if everyone wants to work flexibly A culture that expects 24/7 availability. 	<p>Give managers support and training to help them manage outcomes, rather than presenteeism.</p> <p>Ensure managers understand the processes and tips provided in this resource on managing flexible employees and teams (see Resource 9).</p> <p>Use the Summary of flexible-by-default key messages (page A) and the Principles of flexible-by-default (see Part one: page 3) to help ensure managers and employees understand what flexible-by-default is and isn’t and understand that flexibility needs to work for the employee, the team and the agency.</p> <p>Ensure managers and employees are familiar with your agency’s assessment of the constraints around some types of flexible working in some types of roles but also remain open to considering a range of options.</p>



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RESOURCE 9

TIPS FOR LEADERS, MANAGERS, EMPLOYEES AND TEAMS¹⁵

TIPS FOR LEADERS – leading flexible-by-default agencies: You are likely to be familiar with and already operate in many of the ways suggested below. If you are not already leading flexible agencies, however, we hope that some of these suggestions will be useful.

<p>Raise awareness and gain buy-in by:</p>	<ul style="list-style-type: none"> • promoting the benefits of flexible working for the organisation and for employees (see Resource 3 for the benefits of flexible working) • promoting the Principles of flexible-by-default (see Part one: page 3) putting flexible-by-default on the strategic and leadership team agendas.
<p>Lead culture change across the agency by:</p>	<ul style="list-style-type: none"> • visibly role modelling flexible working • modelling an ‘if not, why not’ approach when responding to flexible working requests from direct reports • ‘sense-checking’ for your own bias when responding to issues and making decisions related to flexible working • challenging resistance to flexible working and/or the emergence of any negative outcomes, like work intensification or expectations of employees being available 24/7 • sharing and working through any challenges you experience with employees and managers across the agency.
<p>Embedding flexible-by-default within your agency by:</p>	<ul style="list-style-type: none"> • aligning flexible-by-default with wider organisational strategy • nominating one of your leadership team to lead implementation • allocating resources to take the actions recommended in this resource • reviewing data and information to ensure flexible-by-default is operating effectively and contributing to organisational goals.

¹⁵Resource 9 has been adapted from the NSW Public Service Commission development guides for managers, leaders and employees: <https://www.psc.nsw.gov.au/workplace-culture---diversity/flexible-working> © State of New South Wales acting through the Public Service Commission.



TIPS FOR MANAGERS – managing flexible-by-default teams. You are likely to be familiar with, and already operate in many of the ways suggested below. If you are not already working with flexible teams, however, we hope that some of these suggestions will be useful.

<p>Raise awareness about flexible working by:</p>	<ul style="list-style-type: none"> • sharing the Summary of flexible-by-default key messages (page A) and the Principles of flexible-by-default (see Part one: page 3) especially the principles on ‘Works for the role’, ‘Works for team’, ‘Mutually beneficial’ and ‘Requires give and take’ • discussing benefits and opportunities presented by flexible working AND the challenges and how these can be addressed – don’t wait for individual requests to have these conversations • ensuring employees know where to find information on your agency’s flexible-by-default policy and how to make requests • sharing information on the types of flexible working available to your team (see Resource 2), any options that might be impractical or unworkable and why (see Part one: page 11) • ensuring that employees making the request know that involving the team is part of the process • ensuring that privacy considerations are met (e.g. the reasons for a request are only relevant when discussing what type of flex options might work and an employee may not want these reasons shared with others in the team).
<p>Foster cohesion by:</p>	<ul style="list-style-type: none"> • adopting a team-based approach to managing flexible working. For instance, when you have approved a request, discuss how it will be managed with your team. Enable team members to raise any concerns and work through these as a team • being aware that most teams work with other teams in an agency and ensuring that you and your team also consider the impact of flexible arrangements on other teams and how this aspect of your team’s responsibilities can be managed • involving the team in setting flexible working norms, such as clarifying when and where team members are working, when and how they can be reached • treating off-site employees as if they were in the office and avoiding shifting incidental or urgent work to employees you can see • avoiding siloed working. One team member may lead a piece of work while another team member in a supporting role can provide coverage when a flexible employee is not working. This will also provide coverage when an employee is sick or on leave • setting regular times when the team can meet face-to-face and if this is not possible use teleconferencing technology.

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<p>Clarify respective expectations and responsibilities with flexible employees by:</p>	<ul style="list-style-type: none"> • being clear that flexible arrangements need to work for the agency, the team and the employee • being clear that flexible employees are responsible for maintaining delivery and that you will trust them to do this • considering review periods to test how arrangements are working with the agency, the team and the employee • making regular times to review how things are going with employees working flexibly and the team, and whether adjustments or clarifications are needed • agreeing when and how flexible employees will be available, how they can be contacted and whether they can shift times and hours to cover unexpected work and/or times when face-to-face (kanohi ki te kanohi) engagement is important, such as in Māori settings, with Ministers, when establishing relationships with stakeholders, or when discussing sensitive or tough issues • recording agreements with your employee – an email may be sufficient.
<p>Support employee wellbeing when employees work remotely by:</p>	<ul style="list-style-type: none"> • maintaining regular professional and informal contacts, remembering that you will have fewer incidental opportunities to check the health and wellbeing of employees working remotely and ensure they continue to feel part of the team • encouraging regular informal interactions between team members working in the office and those working remotely • being clear that employees working remotely are not expected to be available at any hour • encouraging employees to take breaks and establish clear distinctions about when they are 'at work' and when they are not • additional tips for teams working remotely in emergencies are available at 8 Ways to Manage Your Team While Social Distancing and Leading teams during Covid-19.
<p>Foster inclusion within the team by:</p>	<ul style="list-style-type: none"> • taking an 'if not, why not' approach to requests for flexible arrangements from all team members • distributing work evenly – employees working flexibly need to share in both the urgent, unexpected work and the long-term, challenging projects • treating employees working offsite as if they were in the office and avoid shifting incidental or urgent work to employees you can see • distributing development opportunities equitably – flexible workers, especially part-time workers, can miss out on these opportunities and this can contribute to slower career progression • ensuring that in meetings you deliberately make space for the contributions of people who are participating remotely.



<p>Support culture change by:</p>	<ul style="list-style-type: none"> • considering how you can visibly model flexible working, if you don't already • 'sense checking' for your own bias when responding to requests. For instance, when an employee discusses their reason for wanting a flexible working arrangement, and you explore what options might work, is your response more positive when the reason is familiar (such as, female employees with caring responsibilities) and less positive when the reason is unfamiliar (such as, employees with cultural or religious responsibilities) • 'sense checking' for assumptions about flexible workers, such as that they are less committed to their work or able to take on stretch roles • guarding against the emergence of negative outcomes like work intensification or expectations of employees being available 24/7 • highlighting and sharing examples of flexibility working well • seeking support from other managers, your HR team and/or professional learning if you are facing challenges.
<p>Manage outcomes and trust by</p>	<ul style="list-style-type: none"> • setting clear expectations about quality standards and timelines for delivery • focusing on the outputs produced by team members, more than how, where and/or when they are achieved • communicating what you need from your team to feel confident their work is on track • discussing performance regularly, rather than waiting for formal review times, when the stakes are higher • planning work allocation with the team so everyone knows what work is being done by who. This can support accountability for delivery within the team • remembering that when you have many team members working remotely, the structure and processes that work naturally in an office need to be replaced with more deliberate communications and expectations.
<p>Distinguish between issues with the flexible arrangement and performance issues by:</p>	<ul style="list-style-type: none"> • regularly discussing how the flexible arrangement is working. This will help ensure solutions to any issues with the arrangement itself are addressed as they arise • having assured yourself that the flexible arrangement is not the problem. If there are performance issues with an employee who works flexibly, deal with them as you would for an employee who doesn't work flexibly.



Consider solving business problems by:	<ul style="list-style-type: none">• considering when flexible working may provide solutions to business problems (e.g. to help fill hard-to-fill roles, to extend coverage of service delivery or during peak work periods)• considering whether changes to the nature and scope of roles within your team might make flexible options more workable while delivering on team objectives.
Contribute to continuous improvement by:	<ul style="list-style-type: none">• sharing your experiences, including challenges, with other managers and human resources teams as part of the agency’s monitoring process.



Flexible work can support employees to balance their community life with work life in a way that supports the work of the agency too

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TIPS FOR EMPLOYEES WORKING FLEXIBLY. You are likely to be familiar with and already operate in many of the ways suggested below. If you are not already working flexibly, however, we hope that some of these suggestions will be useful.

<p>If requesting flexible working, prepare yourself by:</p>	<ul style="list-style-type: none"> • familiarising yourself with the Principles of flexible-by-default (see Part one: page 3), especially the principles on 'Works for the role', 'Works for the team', 'Mutually beneficial' and 'Requires give and take' • familiarising yourself with your agency's flexible-by-default policies including the flexible working options which might work for your type of role • reviewing the tips in this guide for managers and teams so you are familiar with shared expectations • being prepared to discuss any impacts with your manager and the team. You do not have to have the answers when you make a request but be prepared for this conversation.
<p>Clarify respective expectations and responsibilities with your manager by:</p>	<ul style="list-style-type: none"> • asking your manager what they need from you to feel confident that your work is on track • being aware of your work responsibilities outside your immediate team • letting your manager know if you can shift your hours or location when unexpected work arises or face-to-face engagement (kanohi ki te kanohi) is important and agreeing whether you can trade with other hours or days off • having ongoing review conversations with your manager about how the arrangement is working and helping find solutions to any issues if they arise • being aware that if the arrangement is no longer mutually beneficial, managers and employees should discuss what has changed and consider alternative arrangements.
<p>Contribute to team cohesion by:</p>	<ul style="list-style-type: none"> • sharing your hours and contact details with colleagues (including with colleagues you work with outside your immediate team) by: <ul style="list-style-type: none"> - using your calendar to show when you are working remotely - stating your hours/days in your signature block - using out of office email and voicemail when you are unavailable, include when you will respond in the message • maintaining professional and informal contacts with your colleagues, if you work remotely or different hours, remembering that you may have fewer incidental opportunities for updates and check-ins with colleagues.

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<p>Self-manage by:</p>	<ul style="list-style-type: none"> • developing your time management skills if necessary • talking with your manager about how they would like to be kept in touch with your progress and with any risks to delivery. If you are working remotely or different hours you may have fewer incidental opportunities for updates and check-ins with your manager • briefing your manager in advance if a work issue might arise in times or on days you are not working, including how you propose the issue be dealt with.
<p>Make the most of the available technology by:</p>	<ul style="list-style-type: none"> • seeking support to upskill in your agency’s technology, if you need to e.g. to support self-management, team collaboration etc. • seeking ‘workarounds’ where technology solutions are unavailable and sharing what you have learnt with other flexible workers.
<p>Contribute to continuous improvement of flexible-by-default by:</p>	<ul style="list-style-type: none"> • proactively discussing with your manager any issues with your flexible- working arrangement and helping to find solutions • considering recording the times you work if you work non-traditional hours or off site. This can help you identify if you are working more than your agreed hours and help you if you need to raise this with your manager • sharing your experiences, including challenges, with other employees across the agency as part of the agency’s monitoring process.



TIPS FOR WORKING IN FLEXIBLE TEAMS

<p>Prepare to work in a flexible team by:</p>	<ul style="list-style-type: none"> • familiarising yourself with the Principles of flexible-by-default (see Part one: page 3), especially the principles on ‘Works for the role’, ‘Works for the team’, ‘Mutually beneficial’ and ‘Requires give and take’ • familiarising yourself with your agency’s flexible-by-default policies including the flexible working options which might work for the types of roles in your team • ‘sense-checking’ any personal bias that might influence your responses to others’ flexible working • accepting that everyone should have equal access to flexible working, regardless of their personal situation or context.
<p>Take a team approach to making flexibility work by:</p>	<ul style="list-style-type: none"> • discussing how flexible arrangements might affect the work of the team and raising any concerns you might have • participating in finding solutions to any issues or concerns.
<p>Contribute to team cohesion by:</p>	<ul style="list-style-type: none"> • reviewing the above tips for managers and employees as a team so everyone is clear about the shared expectations associated with flexible working • considering developing a team charter or amending an existing charter to establish common norms of behaviour around flexible working • maintaining the same level of professional and social contact with off-site colleagues as you would if they were working in the office, remembering you may have fewer incidental opportunities for updates and check-ins with colleagues.



RESOURCE 10

ADDRESSING HEALTH AND SAFETY, AND INFORMATION SECURITY AND PRIVACY

Health and safety considerations

Under the Health and Safety at Work Act 2015, businesses and undertakings (known as 'Persons Conducting a Business or Undertaking' or 'PCBUs') have primary responsibility for their workers' health and safety, while they are working. That means that when employees¹⁶ ask to work from home, agencies must consider the risks their employees might be exposed to in that environment, the degree of harm those risks could cause, and how those risks can be mitigated.

You should develop a policy setting out the parties' respective obligations, including the steps to be taken if a concern arises about the employee's ability to maintain their physical health and safety and their mental health in their home working environment.

The policy could include

- **an employee agreement that they will:**
 - ensure that their home workspace is arranged so that it is comfortable and ergonomically sound
 - take regular breaks
 - ensure that the workspace is kept clear and free from obstacles or tripping hazards and well lit
 - ensure that all work-related information and data is kept secure.
- **an agreement between the manager and employee to ensure:**
 - regular breaks are taken
 - regular communication and proactive discussion of any problems that arise from working from home
 - proactive discussion of any risks to the employee's physical and/or mental health and safety arises about ways this harm can be eliminated or minimised.
- **an agreement between the agency and employee covering:**
 - an assessment of the home workspace to ensure its suitability from a health and safety perspective
 - identification of any health and safety hazards in the employee's allocated work area, and how any risks presented by these hazards will be mitigated
 - an agreed process for the employer and employees to communicate frequently about the remote working arrangements and how to raise any issues or concerns.

Managers should consult their agency's health and safety experts about the requirements and safeguards that are needed to ensure the agency's health and safety obligations are met.

¹⁶Including permanent and fixed-term staff, and consultants working within the business

Information security and privacy

When employees are working remotely, it is important that agencies ensure the security and privacy of information is maintained. There are common guidelines for agencies on how to keep private information safe, however each agency is responsible for its own security safeguards. **This may include an assessment of the following:**

- the work to be done at home
- procedures to minimise the security risk of storage and transmission of official information
- the classification of any information to be held at or transmitted from or to the home
- any security clearance requirements of the staff member
- the suitability (including past performance in security matters) of the staff member to work outside the usual environment
- requirements with respect to IT security/servicing and communications security, such as encrypted data, two-step authentication on electronic devices, and up-to-date protection software.

See also the Government Health and Safety Lead guidance: [Supporting workers to work from home.](#)



REFERENCES AND FURTHER READING

- [Australian Government Workplace Gender Equality Agency, Developing and implementing a flexibility strategy](#)
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- [Catalyst, The Great Debate: flexibility vs face time - Busting the Myths behind Flexible Working Arrangements](#)
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- [Diversitas, 5 reasons why your employee are afraid to work flexibly](#)
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- [Government Health & Safety Lead, Supporting workers to work from home](#)
- [Harvard business review, How we nudged employees to embrace flexible work](#)
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- [Heathrose Research Limited, Ministry for Women, Flexible work arrangements literature review](#)
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FLEXIBLE-WORK-BY-DEFAULT GUIDANCE AND RESOURCES

Eliminating the Gender Pay Gap and Implementing the Gender Pay Principles

V1.0 June 2020