**Workforce**

**And**

**Structure**

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# Service Management – Whakahaerenga ratounga

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| Safe service provision |
| **Purpose** | This section describes the correlation between the services delivered, staffing levels at any time, and the skills and competencies required to provide safe services to all the people engaged with our services.  |
| **Scope** | This section of this document applies to health care and support workers (includes employees (staff), volunteers, students/interns and contractors).  |
| **Policy** | We ensure the number of workers and their competencies meet the needs of the people we provide a service to and that our contractual obligations are met. We accept that people engaged with our service and their whānau (if applicable) determine what they need. This approach is consistent with the principles of mana motuhake.Our work environment is not static. We will be adjusting to an ever-changing demand on how services are delivered.  |
| **References** |
| **Legislation** | [Health Practitioners Competence Assurance Act 2003](https://www.legislation.govt.nz/act/public/2003/0048/latest/DLM203312.html)[Health and Disability Services (Safety) Act 2001](http://www.legislation.govt.nz/act/public/2001/0093/latest/DLM119975.html) |
| **Standards** | [NZS 8134:2021; Ngā paerewa - Health and Disability Services Standards](https://www.standards.govt.nz/shop/nzs-81342021/) (2.3) |
| **Resource** **documents** | [Health Navigator – Health Equity](https://www.healthnavigator.org.nz/clinicians/e/equity/?tab=25114)[Government inquiry into mental health and addiction - He Ara Oranga - Recommendations](https://mentalhealth.inquiry.govt.nz/inquiry-report/he-ara-oranga/recommendations)[Mental Health and Wellbeing Commission - Te Hiringa Mahara - Reports](https://www.mhwc.govt.nz/)[Platform – Atamira: A Sound Investment](https://www.platform.org.nz/what-we-do/ngo-capability-impact-and-value)[Te Pou](https://www.tepou.co.nz/e-learning)[Guidance](https://www.health.govt.nz/publications/sector-guidance-for-nga-paerewa-health-and-disability-services-standard-nzs-81342021) |

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| Staff levels and skill mix |
| **Services we provide:** |
| **Service** | **Capacity** | **Service Setting**  | **Times of Service Delivery** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **Administration and Operational Management** |
| **Area/department** | **Staff number**  | **Staff roles** |
|  |  |  |
|  |  |  |
|  |  |   |
| **Components of service provision (Includes contractual obligations.)** |
| **Service delivered** | **Delivered by** | **Staff/contractor/external service provider/visitor** |
| Acute inpatient alternative [ ] Recovery [ ] Rehabilitation [ ] Respite [ ] Supported housing [ ] Co-existing issues [ ]  | AoD practitioner |[ ]  Choose an item. |
|  | Cook/chef |[ ]  Choose an item. |
|  | Counsellor |[ ]  Choose an item. |
|  | Cultural practitioner |[ ]  Choose an item. |
|  | Dietician |[ ]  Choose an item. |
|  | Kaumatua/Kuia |[ ]  Choose an item. |
|  | Lived experience advisor |[ ]  Choose an item. |
|  | Mental Health Support  |[ ]  Choose an item. |
|  | Mirimiri practitioner  |[ ]  Choose an item. |
|  | Occupational Therapist |[ ]  Choose an item. |
|  | Peer practitioner |[ ]  Choose an item. |
|  | Psychologist |[ ]  Choose an item. |
|  | Psychotherapist |[ ]  Choose an item. |
|  | Registered Nurse |[ ]  Choose an item. |
|  | Rongoā practitioner |[ ]  Choose an item. |
|  | Social Worker |[ ]  Choose an item. |
|  | Tohunga |[ ]  Choose an item. |
|  | Wellbeing coach |[ ]  Choose an item. |
|  | Whānau advisor |[ ]  Choose an item. |
| Spiritual support | Tohunga |[ ]  Choose an item. |
|  | Kaumatua/Kuia |[ ]  Choose an item. |
|  | Matua |[ ]  Choose an item. |
|  | Minister |[ ]  Choose an item. |
|  | Priest  |[ ]  Choose an item. |
|  | Rabbi |[ ]  Choose an item. |
|  | Imam |[ ]  Choose an item. |
|  | Spiritual guide |[ ]  Choose an item. |

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| **The rationale to decide on skill mix and staff levels** |
| **Employment.** |
| **Rationale** | **Responsibility** | **Method** |
| Contractual obligations. |  | * Adhering to contractual obligations.
* Re-negotiating contracts/agreements with funding agencies.
 |
| Needs of the people engaged with our service.  |  | * Service Delivery Pathways.
* Equity for Māori and Pasifika.
 |
| Vacancies.  |  | * Advertising & recruitment processes:
	+ Consider equity and diversity.
 |
| Labour market.  |  | Provision of incentives when hiring.  |
| Financial considerations. |  | Yearly budget. |
| Ngā paerewa – Health and disability services standard requirements. |  | * Responsibility to fulfil requirements in relation to the workforce.
 |
| **Rosters and Shifts** | **Responsibility** | **Method** |
| Contractual obligations.  |  | Consider daily/weekly/monthly rosters.  |
| Acuity of clients. |  | * Service coordination.
* Extra staff.
* One-to-one staff.
 |
| Risk/safety issues. |  | * Safety assessment.
* Provide information on on-call staff, crisis, and emergency services.
* Positive behaviour support/ de-escalation training
* Health and safety measures.
 |
| The number of people engaged with the service.  |  | Service co-ordination.  |
| Gender mix. |  | * We employ a diverse workforce.
* Diversity of the workforce matches people engaged with our service.
* People’s preferences.
* Equity consideration.
 |
| Ethnic/cultural mix. |  |
| Age mix. |  |
| A number of people with special needs (disability). |  | * Consider staff experience and skills.
 |
| Daily/weekly schedules and activities. |  | * Roster staff that match requirements for service provision.
 |
| Staff qualifications and skills. |  | * In line with contractual obligations.
* In consideration of the needs of people engaged with our service.
 |
| First Aid certificate. |  | Staff with First Aid certificate on each shift. |

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| **Staff Levels**  |
| **Service:**  | **Address:**  | **Capacity:**  | **FTE’s**  |
|
| **Minimum Staff Per Shift** | **Minimum Staff per shift** | **Minimum Staff per shift** |
| **Shift 1** | **FTE** | **Shift 2** | **FTE** | **Shift 3** | **FTE** |
|  |  |  |  |  |  |
| **Skill mix** | **Skill mix** | **Skill mix** |
|  |  |  |
| **Service:**  | **Address:** | **Capacity:** | **FTE’s** |
|
| **Minimum Staff Per Shift** | **Minimum Staff per shift** | **Minimum Staff per shift** |
| **Shift 1** | **FTE** | **Shift 2** | **FTE** | **Shift 3** | **FTE** |
|  |  |  |  |  |  |
| **Skill mix** | **Skill mix** | **Skill mix** |
|  |  |  |

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| **Managing shortfalls**For staff shortfalls arising from health emergencies refer to continuity/contingency or emergency plans. |
| **Staffing shortfalls:** | When the minimum requirement of staff per roster is not met because: * A staff member calls in sick or needs unforeseen leave.
* A staff member does not turn up for work.
* Vacancies have not been filled.
 |
| **We manage this situation by:** | * Having a casual pool.
* Employing staff that agree to work across our services.
* Ask part-time staff if they are willing to increase their work hours.
* Ask the on-call person to do a shift.
* Having arrangements with other similar services to contract their staff for a short period.
* Engaging peer practitioners and or peer support.
* Engaging volunteers.
* Decrease the number of people we provide a service for.
* Stop accepting new people who wish to participate in our service.
 |
| **Staff wellbeing** | Our organisation will consider staff wellbeing during staff shortages by:* Implementing the ‘[five ways of wellbeing at work’](https://mentalhealth.org.nz/resources/resource/five-ways-to-wellbeing-at-work-toolkit).
* Ensuring staff take breaks.
* We do not coerce staff to work unreasonable hours per day or week.
* We ensure staff take regular breaks when working.
* We ask staff what they need.
* We listen and respond to staff if they struggle with their workload.
* We arrange internal and external support that staff can contact.
* Our Leadership members will proactively keep in touch with staff at specified intervals.
* We acknowledge staff for the work they do.
 |
| **Communicating staff changes and shortages to people engaged with our service** |
| **Staff absence** | * When a worker is sick or unable to come to work as planned, people engaged with our service who are affected by this will be informed of the situation.
* We also discuss with the people affected how to address the issues that might arise from this situation.
 |
| **Staff shortages** | * We discuss the impact of staff shortages with those affected by this.
* Any changes in service delivery due to this situation will be discussed with those affected by staff shortages.
 |

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| Competencies and workforce development |
| **Purpose** | We support workers to attend workforce development and training activities to ensure that services provided are consistent with legislation, in line with current accepted practices, contractual obligations, and health equity strategies.  |
| **Scope** | All workers.We negotiate individually with volunteers the training and education they require. |
| **Policy** | * We have systems in place to ensure that our workforce is competent.
* Staff skills and knowledge will be promoted through workforce development and individual staff development plans. (‘[Real Skills](https://www.tepou.co.nz/initiatives/lets-get-real/seven-real-skills)’ (Te Pou) provides resources.)
* The values and attitudes of ‘[Real Skills](https://www.tepou.co.nz/initiatives/lets-get-real/seven-real-skills)’ (Te Pou) will inform all aspects of service delivery.
* We expect staff to share our organisation’s values, principles and approach to service delivery.
* Training is informed by contractual requirements, relevant standards, worker’s skills, role and interests.
 |
| **References** |
| **Legislation** | [Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018).](https://www.legislation.govt.nz/regulation/public/2018/0096/latest/whole.html)[Health and Safety at Work Act 2015](http://www.legislation.govt.nz/act/public/2015/0070/latest/DLM5976660.html)[Human Rights Act 1993](http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html)[Health Practitioners Competence Assurance Act 2003](https://www.legislation.govt.nz/act/public/2003/0048/latest/DLM203312.html)[Privacy Act 2020](https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html)[Code of Health and Disability Services Consumers’ Rights 1996](https://www.hdc.org.nz/your-rights/about-the-code/code-of-health-and-disability-services-consumers-rights/)[Health Information Privacy Code 2020](https://www.privacy.org.nz/privacy-act-2020/codes-of-practice/hipc2020/) |
| **Standards/****Guidelines/****Articles** | [NZS 8134:2021; Ngā paerewa - Health and disability services standard](https://www.standards.govt.nz/shop/nzs-81342021/)[Tātou tātou](https://www.tepou.co.nz/resources/tatou-tatou-being-with-people-and-whanau) [Creating an Indigenous Māori-centred model of relational health: A literature review of Māori models of health](https://onlinelibrary.wiley.com/doi/10.1111/jocn.15859) |
| **On-line training** | [Ko Awatea Learn and healthLearn](https://koawatealearn.co.nz/)<http://www.hma.co.nz/>[Te Pou e-learning modules](https://www.tepou.co.nz/e-learning)[Privacy Training](https://www.privacy.org.nz/resources-and-learning/online-privacy-training-free/)<https://healthify.nz/healthcare-providers/e/equity-hcps?tab=25114><https://teraumatatau.com/study-with-us/>[Massey University: on-line free te reo and tikanga courses](https://www.massey.ac.nz/student-life/m%C4%81ori-at-massey/te-reo-m%C4%81ori-and-tikanga-resources/toro-mai/) |

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| **Training Requirements** |
| **All workers** | Every worker has a training plan. Employees’ and volunteer’s plan is reviewed at least yearly. |
| **Mandatory training** |
| **Frequency** | **Content** | **External** | **Inhouse** | **Who** |
| Ongoing | Consumer’ rights |  |  | All workers |
| Ongoing | [Cultural competency](https://www.ecald.com/resources/cross-cultural-resources) |  |  | All workers |
| Yearly | Emergencies & fire safety |  |  | All workers |
| Two-yearly | First aid certificate |  |  | Service delivery staff |
| Once | Food safety |  |  | Workers involved in cooking and food preparation  |
| Ongoing | Health equity Māori and PasifikaDisability equity  |  |  | All workers &Board/Director(s) |
| Yearly | Health and Safety |  |  | All workers |
| Two-yearly | Identifying and responding to abuse  |  |  | Service delivery staff |
| Once | Induction/Orientation (refer to induction schedule) |  |  | All workers  |
| Yearly | Standard precautionsPandemic responses |  |  | All workers  |
| Ongoing | Let’s get Real competencies |  |  | Service delivery staff |
| Yearly | Medication management |  |  | Service delivery staff  |
| Three-yearly  | Positive behaviour support/SPEC |  |  | Service delivery staff |
| Three-yearly | Privacy including privacy of health information |  |  | All workers |
| Induction and ongoing | Rainbow awareness |  |  | All workers |
| Yearly | Security arrangements  |  |  | All workers |
| Two-yearly | Smoking cessation |  |  | Service delivery staff (as per Te Whatu Ora agreement) |
| Once | Supporting parents – healthy children |  |  | Service delivery staff |
| Once and ongoing | Te Tiriti O Waitangi [Te Tiriti –Take action](https://communityresearch.org.nz/webinar/webinar-te-tiriti-take-action/) |  |  | All workersBoard/Director(s) |
| Ongoing | Tikanga |  |  | All workers |
| Once | Waste and Hazardous Substance Management |  |  | All workers |
| Once and ongoing | [Working with families/whānau](https://www.tepou.co.nz/initiatives/lets-get-real/working-with-wh%C4%81nau)[Being with people and whānau](https://www.tepou.co.nz/resources/tatou-tatou-being-with-people-and-whanau) |  |  | Service delivery staff |
| Ongoing | [Understanding and using Māori models of care, health, and wellbeing](https://www.healthnavigator.org.nz/clinicians/m/m%C4%81ori-models-of-health/) |  |  | Service delivery staff |
| 3/6 monthly  | Fire evacuation |  |  | All workers |
| Role specific training | Fire warden role |  |  | Fire Warden |
| Formal health and safety  |  |  |  H&S representatives/officers  |
| Infection prevention and antimicrobial stewardship  |  |  | Infection prevention lead  |
| Sensory modulation |  |  | Click here to enter text. |
| [Mindfulness](https://mindfulnessinnewzealand.co.nz/two-day-mindfulness-facilitation-zoom-training/?gclid=EAIaIQobChMIwYDiuM6a-QIVEDUrCh20hQUoEAAYASAAEgJCivD_BwE) |  |  | Click here to enter text. |
| Regulated and Registered Health Professionals | Health Professionals are responsible: * To ensure that training as required by their registration body is completed.
* That their practicing certificates or registrations are current.
* To provide proof to the human resource manager that their practicing certificate is

 current. |
| Bureau and casual staffvolunteers | Bureau and casual staff and volunteers will have at least the following training completed:* First aid (bureau and casual staff only)
* Health and safety
* Standard precautions
* Cultural competencies
* Emergency processes/fire evacuation
* Medication competency if they are involved in managing medication processes ((bureau and casual staff only)
 |
| Mentoring and succession planning | We identify staff for promotion within our service/organisation and provide leadership and management training for them. Staff promotion is based on measurable performance indicators. We follow the conflict of interest processes We support staff to attend university studies to further their career by offering such staff flexible working arrangements.We offer student placements in the health and social fields as part of mentoring and recruitment strategies.  |
| **Audit and Evaluation** |
| * Staff are to provide evidence of training.
* Training will be evaluated.
* Training will include evidence of competency.
* Training records will be yearly reviewed against this policy through the performance appraisal/review process and staff surveys.
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| Consumer engagement – Quality and safety marker (QSM) framework  |
|  | **Partnership and shared leadership - Te mahi tahi me te kaiārahitanga ngātahi**  |
| **Engagement** | People with lived experience are involved in roles on all levels of our organisation. |
| Delivering services: | * We will pro-actively recruit people with lived experience.
* We will negotiate with funders to have peer support/peer practitioner contracts.
* We have people with lived experience represented on all levels of our organisation:
	+ manager,
	+ team leader,
	+ support worker,
	+ health/social worker,
	+ trainer,
	+ supervisor/coach,
	+ advisor.
* Representation is equitable and includes a broader understanding of health care and the wider determinants of health.
 |
| Policy and other documents: | * Our policies, procedures, guidelines and information are co-designed with people who have lived experience.
 |
| Governance: | * We ensure that appointments of people with lived experience are transparent.
* Our governance body includes people with lived experience.
* People with lived experience:
	+ Are board members.
	+ Participate in strategic and business planning.
	+ Lead models/approaches to service delivery projects.
	+ Participate in recruitment processes.
	+ Manage satisfaction surveys and service evaluations.
* We are using co-design to improve systems for workers and people engaging with our service.
 |
| **Responsiveness** |  |
|  | Systems to understand the experiences and views of people with lived experience:  | * We share satisfaction surveys and feed-back results:
	+ On our website.
	+ At meetings held at governance level, and any other meeting held at our service.
	+ Any stakeholder meetings.
	+ Our publications.
	+ With anyone who enquires.
	+ Annual general meeting and annual reports.
* We practice open disclosure in response to complaints and adverse events.
* We involve people with lived experience in improving our organisation and its services.
* We engage specific communities in providing feed-back and developing service improvements. For example:
	+ Māori
	+ Pasifika
	+ Older people
	+ Young people
	+ People who experience disability
	+ Rural and Urban populations
	+ LGBTQI+QI+I+
	+ People from different socioeconomic backgrounds
* Our website and written information are up to date.
* Our signage is clear for all groups that need to access our services.
* We keep track and document consultation and engagement with people with lived experience.
* We engage a lived experience advisor and/or a lived experience consultation group.
* Advisors and consultation groups will have a clear term of reference.

 (Refer to an example in the appendix.)  |
| **Experience** | Systems in place to measure experience: | Feed-back and consultation occurs by a variety of means:* Via social media.
* Through our website.
* Face to face.
* Via surveys – written, verbally, sign-language and other languages.
* Focus-groups
* Marama – Real time consumer feed-back.
* We acknowledge all feed-back and results of consultation processes.
* We inform people of the changes we have made in response to the feed-back/consultation.
 |
| (This framework has been adapted from the Health Quality and Safety Commission’s consumer engagement framework) |

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| Whānau and community engagement |
| **Whānau definition** | Whānau/family in this context is someone who has or had a whānau/family member with experience in engaging with mental health and/or addiction services. Family/whānau definition (from Ministry of Health publications):An individual or extended family/group who are important to the person engaging in mental health and/or addiction services. It is a set of relationships that is not limited to blood ties.Family/whānau may include:* Relatives – including a spouse or partner.
* A mixture of relatives, friends and others in a support network such as:
	+ Whānau, hapu and/or iwi.
	+ Nuclear or extended family.
	+ Families of a particular community (refugees, migrants, gender-based, group based, condition based such as the deaf community, identity based, religious groups).
	+ Families made up of specific interests such as a support group.

Each of these family styles requires its own recognition and considerations. |
| **Engagement** | Family/whānau are involved and/or represented in our organisation by having input in service planning, service provision, service improvement and evaluation.  |
| Delivering services: | * We will negotiate with funders to have family/whānau advisor or advisory group funded.

Our family/whānau advisors enhance overall service provision by supporting wellbeing and pae ora not only for individuals engaged with our service, but include those identified as their family and/or whānau.  |
| Policy and other documents: | * Our policies, procedures, guidelines and information are co-designed with family/whānau.
 |
| Governance: | * We ensure that appointments of family/whānau representatives are transparent.
* Our governance body includes people with lived family/whānau experience. For example, as:
	+ Board members
	+ Participants in strategic and business planning.
	+ Lead in family/whānau inclusive models/approaches to service delivery projects.
	+ Managing family/whānau satisfaction surveys and service evaluations.
* We are using co-design to improve systems for workers, people engaging with our service and their whānau/family.
 |
| **Responsiveness** |  |
|  | Systems to understand the experiences and views of people with lived experience:  | * We share family/whānau satisfaction surveys and feed-back results:
	+ On our website.
	+ At meetings held at governance level, and any other meeting held at our service.
	+ Any stakeholder meetings.
	+ Our publications.
	+ With anyone who enquires.
	+ Annual general meeting and annual reports.
* We practice open disclosure in response to complaints and adverse events if such sharing of information has been agreed on.
* We involve whānau/family in improving our organisation and its services.
* Family/whānau advisors and consultation groups have a clear term of reference. (Refer to an example in the appendix.)
* We engage specific communities in providing feed-back and developing service improvements. For example:
	+ Māori
	+ Pasifika
	+ People who experience disability
	+ Rural and Urban populations
	+ LGBTQI+QI+I+
	+ People from different socioeconomic backgrounds
 |
| **Experience** | Systems in place to measure experience: | Feed-back and consultation occurs by a variety of means:* Via social media.
* Through our website.
* Face to face.
* Via surveys – written, verbally, sign-language and other languages.
* Focus-groups
* Marama – Real time consumer feed-back.
* We acknowledge all feed-back and results of consultation processes.
* We inform people of the changes we have made in response to the feed-back/consultation.
 |

# Health care and support workers - Ngā kaimahi tiaki hauora me ngā kaimahi tautoko

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| Recruitment |
| **Purpose** | To ensure the selection of the right people, with the right skills and qualifications, at the right time for the right role and within best practice recruitment and equity processes.  |
| **Scope** | All vacant positions advertised and all job applications received. If we hire a recruitment agency, we ensure that the processes described below are complied with.  |
| **Guidelines** | [Hiring an employee. Business NZ](https://www.business.govt.nz/hiring-an-employee)[How to hire. Employment NZ.](https://www.employment.govt.nz/starting-employment/hiring)[Recruitment processes and mental health. Mental Health Foundation NZ – mauri tū mauri ora.](https://mentalhealth.org.nz/workplaces-v2/recruitment-processes-and-mental-health)  |

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| **Step 1 - Our organisation ensures the processes of advertising, selecting and hiring staff are consistent with New Zealand Employment Law** |
| Legal requirements - discrimination [Human Rights Act 1993](http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html) | We can’t hire (or choose not to hire) someone just because of their: |
| * age
* sex or gender identity
* race, colour or ethnicity
* religious or ethical beliefs
 | * sexual orientation
* disability
* marital status
* family status, or
* political opinions
 |
| Legal requirements –[Privacy Act 2020](http://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html) | We can only ask an applicant to give us personal information in an application or interview if:* It’s relevant to the job, and
* we need that information to make a hiring decision.
 |
| Legal requirements – [Employment Relations Act 2000](http://www.legislation.govt.nz/act/public/2000/0024/latest/versions.aspx) | * Throughout the recruiting processes we will implement the [good faith](https://www.employment.govt.nz/starting-employment/rights-and-responsibilities/good-faith) requirements of the Act.
* We will communicate openly and honestly with the future employee during the process in order to avoid disappointment, misunderstandings, unmatched expectations, and problems later on.
* We consider government policy and legislation in a wide range of areas, including immigration, health and safety, human rights, skills development, disclosure and privacy as well as contractual/funders requirements at each stage of the hiring process for example when:
	+ describing the job
	+ attracting suitable applicants
	+ interviewing
	+ choosing the best applicant
	+ making the offer and finalising the employment agreement
	+ induction/on-boarding and settling the employee into their job.
 |
| Legal requirements – [Immigration Act 2009](http://www.legislation.govt.nz/act/public/2009/0051/latest/DLM1440303.html) | * We only recruit and employ/contract people entitled to work in New Zealand. They are those who:
* Are New Zealand or Australian citizens (including people born in the Cook Islands, Niue and Tokelau), or
* have a New Zealand residence visa, or
* have a New Zealand work visa or a condition on their New Zealand temporary visa showing they are allowed to work here.
* We might check [VisaView](https://www.immigration.govt.nz/about-us/our-online-systems/visaview), to check whether a job applicant can work in New Zealand.
* We are a registered VisaView employer. We seek the job applicant’s consent, to check information, such as a passport number and surname against Immigration New Zealand’s records.
 |
| **Step 2 - We write or review the position description**  |
| Minimum content in the position description | * We are clear on what is essential, what an ideal job applicant is, and what our legal requirements are. Our ability to recruit may be affected by this. We include in the position description the following:
* Information about our organisation – what we do.
* Our values and mission statement.
* Job/position title.
* Wage or salary range.
* The type of employment (e.g. full-time, part-time, permanent, fixed term, casual).
* The purpose of the position.
* The tasks and responsibilities associated with the role.
* Who the new employee will report to – and anyone who reports to them.
* Hours of work.
* Place(s) of work.
* Any minimum qualifications – in line with our contractual obligations.
* Ideal skills and experience.
* How we measure performance.
* Key people or networks they’ll need to work with.
* Language or cultural knowledge.
* Fitness or physical requirements.
* Anything else they’d need to do the job, like a driver licence and computer literacy.
 |
| Hiring the right staff types | * There is a [guide to staff types](https://www.business.govt.nz/hiring-and-managing/deciding-to-hire/hiring-the-right-staff-types/#e-1312) on business.govt.nz.
 |
| **Step 3 – We plan the hiring process** |
| How we plan | * We have a clear idea of the costs of hiring someone. ([Employee cost calculator](https://www.business.govt.nz/employeecostcalculator) – business.govt.nz.)
* We follow a clear, consistent employment process.
* We have identified the requirements and skills needed for the job and communicate these to all job applicants.
* We maintain the privacy and confidentiality of applicants.
* Advertising, selection and hiring decisions are made fairly, and not on unlawful grounds, for example, discrimination.
* Communications with applicants are clear, with no outstanding areas of uncertainty.
* Offers of employment and employment agreements are in writing.
* Negotiation for the employment agreement is fair and complies with the Employment Relations Act 2000.
* We provide an induction/on-boarding process giving the employee a fair chance of reaching the expected standard of performance.
 |
| **Step 4 –** [**We advertise the position**](https://www.business.govt.nz/hiring-and-managing/hiring-people/advertising-positions-and-interviewing-applicants#:~:text=You%20don%27t%20necessarily%20have,be%20accurate%20and%20non%2Ddiscriminatory.) |
| Essential components | BenefitsSkillsUse bullet pointsTe reoParagraphsMissionValuesJob titletContact infoLevel of jobInterestingChallengesLocation Salary range |
| Approval | Positions advertised need to be approved by the Click here to enter text.. |
| Requirements that cannot be included | * We can’t state requirements for the role that would lead to discrimination, including anything related to a person’s:
	+ physical appearance, e.g. hair colour or skin colour,
	+ gender,
	+ race,
	+ religion,
	+ age.
 |
| Advertising | * We consider the type of person we want to recruit.
* Sometimes targeting a niche website or publication can be more effective (and cheaper) than casting our net wide.
* We Target advertising to industry websites. For example: DAAPANZ, Te Pou.

and general websites such as [Seek](http://www.seek.co.nz/) , [Trade Me Jobs](http://www.trademe.co.nz/jobs) or MyJobSpace,  [Māori Pacific Jobs](http://www.maoripacificjobs.co.nz), [Mahi.](https://www.mahi.co.nz/) |
| **Step 5 – Job/Position applications**  |
| **Topic** | **Respon-sibility** | **Time frame** | **Activity** |
| Applications requested by job seeker | Click here to enter text. | Within two working days of the requestorimmediately via our website | * We acknowledge all requests for a job application and send - or provide on our website - people applying for the advertised position an
	+ application form
	+ job description
	+ information about our service
* We keep all material provided by applicants confidential.
 |
| Job applications are being cognisant of people with disabilities(for details of recruiting and employing people with disabilities refer to: [employing disabled people](https://www.employment.govt.nz/starting-employment/hiring/hiring-disabled-people). | * When developing an application form, we make sure that the information gathered determines whether the person can perform the job essentials and that the application form is available in alternative formats.
 |
| How we ensure that recruitment websites are accessible to people with disabilities: | * By the use of test websites, as well as job boards.
* By making sure that images and non-text items have text labels.
* By ensuring people with vision impairment can use the website using screen reading software.
* Ensuring the websites have flexible automated scanning.
* When online applications are submitted, we need to make sure that sorting software such as spell checkers don’t discriminate.
* Position vacant pages are inclusive and show a commitment to employing disabled people. For example: “We welcome enquiries from everyone and value diversity in the workforce".
 |
| Applications received | Click here to enter text. | Within 4 weeks of job applications being closed | * We acknowledge the job applications we received.
 |
| Shortlist | Click here to enter text. | * We, including lived experience and Māori representatives, review the job applications and other submitted material in a systematic way using a score card that includes:
	+ essential job criteria
	+ desirable job criteria
	+ ethnicity matching with people engaged with our services
	+ errors made in the submitted documentation
	+ poor attention to detail
	+ inconsistencies
* We decide on the number of candidates we short list.
* We might screen candidates via phone call, or other telecommunication means.
* We check for red flags, for example the candidate:
	+ coming across being unprofessional
	+ missing arranged communication by email or call.
* The selected people will be invited for an interview.
 |
| **Step 6 - Interview** |
| **Topic** | **Responsibility** | **Time frame** | **Activities** |
| Interview conditions | Click here to enter text. | After having shortlisted | * We decide how we interview the shortlisted applicant. For example by:
	+ an one-on-one discussion
	+ an interview panel
	+ a written project or examination
	+ a skills testing service
* We have a list of open-ended questions we ask.
* We cannot ask questions that are not relevant to the role or that could lead to discrimination. For example:
	+ whether someone has children, or is planning to have children
	+ how old the applicant is
	+ whether they are religious.
* We are prepared to inform the applicant of the
	+ post-interview process
	+ likely range of employment conditions, including salary.
* We ascertain whether the interviewee wishes to have support people present during the interview.
* We consult on culturally safe interview processes.
* We decide on the duration of the interview.
* We arrange a time that suits the applicant and the interviewer (or panel).
* We arrange for breaks between interviews.
* We ensure the interview environment maintains privacy and confidentiality:
	+ Interviews are scheduled so applicants don’t meet each other.
	+ Paper based visitor logs of interviewees are completed by the person on reception.
	+ The interview room is sound proof and maintains visual privacy.
* We ensure there are no interruptions during the interview.
* We ensure the tikanga/kawa of the interview participants is honoured.
* We have Māori, people with lived experience and if relevant, whānau representatives being active participants in the interview.
* Other representation occurs based on the composition of the people we provide a service to.
 |
| Arranging an interview for a person with a disability(For details refer to: [interviewing people with a disability](https://www.msd.govt.nz/about-msd-and-our-work/work-programmes/lead-programme-work/information-and-support/interviewing-disabled-people.html)) | * The best way to ensure that any reasonable accommodations/adjustments are provided is to ask all candidates if they require accommodations, when explaining the recruitment and selection process.
* If an applicant conveyed they have a disability, they are contacted as soon as possible to make arrangements such as an accessible room; car parking; hearing loop; interpreter.
* Briefing the receptionist and co-interviewers on the specific requirements of the person will help put the applicant at ease.
 |
| **Sharing information about a job applicant with anyone not involved in the recruitment process, even by accident, is a breach of the Privacy Act.** |
| **Step 7 - Selection** |
| **Subject** | **Responsibility** | **Activities** |
| Using ratings | InterviewerInterview Panel | * We use our rating system to shortlist applicants.
* We need to be careful that the rating system is fair.
* We don’t rate applicants against components that amount to unlawful discrimination under the Human Rights Act 1993.
* We are cognisant that our process and supporting information may be examined if our decision is challenged by, for example, an unsuccessful applicant on the grounds of discrimination.
 |
| References | Click here to enter text. | * We ontact the referees of the two preferred job applicants.
* We contact at least two referees the job applicant has provided.
* We get the applicant’s agreement, preferably in writing, to contact referees or other sources of information.
* We cannot intrude unreasonably on the applicant’s personal affairs during reference checks.
* The information we obtain is relevant to the proper and safe performance of the job.
 |
| **Under the Privacy Act, we can only contact people applicants have specifically authorised us to speak to as referees. If they haven’t named someone we want to talk to, like a past employer, we can’t contact them unless we get permission first.** |
| Example referee questions | Click here to enter text. | * Confirm that their start and end dates of employment, job title and general duties match what the person has said on their CV/resume or at the interview.
* What were the person’s biggest achievements at work?
* How did the person get on with their workmates, are they a team player?
* What are the person’s strengths?
* What did they not do so well?
* What was their response to positive and not so positive feedback?
* How did the person handle conflict/stress/pressure?
* How much supervision did the person need? What management style did they work under best?
* Were there any issues or concerns, such as, lateness or absenteeism?
* If it was you hiring the person now, what would you want to know?
* Would you hire the person again? If not, why?
 |
| References for transgender person | * We cannot ask the referee a question about any previous names of the applicant unless it is for a legitimate purpose and is asked for all other applicants.
 |
| Deciding between applicants | Click here to enter text. | * If there are two applicants that seem suitable we consider in our choice for the final selection:
	+ Relevant experience — will the applicant be able to pick the job up immediately, or will they need training?
	+ Personality — how will they fit in?
	+ Attitude — do they seem passionate about the job?
	+ Is the person entitled to work in New Zealand?
	+ The results of the police vetting?
	+ The results of the referee check.
 |
| Criminal record checks and/orCarer safety checks | Click here to enter text. | * We need to obtain [Police vetting](https://www.police.govt.nz/advice-services/businesses-and-organisations/vetting) information from the applicant selected for the job.
* The selected job applicant needs to agree to this in writing.
* Some funding contracts identify the convictions that prevent a person working for a service they fund.
* If the selected job applicant works as a carer for a child, an MSD/ Oranga Tamariki release of information will be obtained with the agreement of the selected job applicant.
* We prefer to wait until the checks are completed before we make an offer of employment.
 |
| Hiring before the police check has been received | Click here to enter text. | * If we select and offer the position before the result of the police vetting are received, we:
	+ State on the application form that applicants must disclose all criminal convictions unless covered by the Clean Slate Act 2004 and tell the applicant to look at the Ministry of Justice website for further information.
	+ State on the application form what the consequences are if the applicant does not provide honest and complete information.
	+ State on our letter of offer and employment agreement that the employment is and remains conditional on us getting a satisfactory criminal record check.
	+ Include in the letter of offer or employment agreement a clause on the consequences of the applicant not being totally honest.
* If the employee provided false information, we need to follow a fair process and should seek an explanation from an applicant who becomes employed:
	+ We consider the employee’s explanation before any decisions are made.
	+ We may decide to use a clause in the letter of offer or employment agreement to terminate the employee’s employment.
 |
| **Step 8 – Making a job offer** |
| Subject | Responsibility | Activities |
| Required paperwork | Click here to enter text. | * We offer the position in writing.
* We include in the job offer letter the [employment agreement](https://eab.business.govt.nz/employmentagreementbuilder/startscreen/) for the person to consider before accepting the offer. For employment agreement, refer to our policy/procedure: Employment Rights.
* We give the candidate time to get independent advice and discuss or negotiate any parts of the employment contract. We must be fair in the discussions.
* Once we both agree, we and our new employee must sign the employment agreement before they can start work.
 |
| **Hiring Disabled People** |
| Our Organisation’s statement | * Our hiring process ends with the appointment of the person who best matches the job requirements.
* We increase the pool of applicants by including suitably skilled disabled people because it increases the chances of finding the best person for the job.
* We found that by employing disabled people, we are better able to understand and serve the people we provide a service to.
* Adapting our services to cater for the diverse needs of disabled people allows us to develop greater flexibility and build reputations.
* In living their every-day lives many disabled people have learnt adaptability and problem-solving skills that are readily transferrable to the workplace.
* Disabled people are as productive and as reliable as any other employees.
* Disabled people tend to have better attendance records, stay longer and have fewer accidents.
* We strive to be a good employer of disabled people as it promotes good morale among staff.
 |
| Who is an employee | An employee is a person who has agreed to be employed to work for some form of payment under a contract of service. This includes:* People who have been offered and have accepted a job, but are yet to start working.
* Permanent employees (full-time and part-time).
* Fixed-term employees (full-time and part-time.)
* Casual employees.
* Seasonal employees.
* Employees on probationary and trial periods.
* Employees in a [triangular employment situation](https://www.employment.govt.nz/starting-employment/types-of-worker/triangular-employment-situations).
 |
| **Unsuccessful candidates** |
| Timing | * We call, email or write a letter to each applicant as soon as we determine that the applicant is not the right person for the job.
* This is the only fair approach to rejecting a job applicant.
* We believe that it is disrespectful of the candidates and not congruent with the actions of an employer of choice not to get back to unsuccessful applicants.
 |
| Feed-back to unsuccessful candidates | We adhere to the following principles when giving feed-back:1. We tell the truth.
2. We treat the candidate with respect.
3. We provide the feedback out of a genuine desire to offer assistance.
4. We correlate our feedback with the job description, job posting, and job analysis that we created for the position.
5. The feedback is constructive and as clear as possible.
6. Candidates need examples so that they can incorporate the feedback we provide.
7. We stick with factual feedback.
8. If a skill test was part of the interview process, we tell the candidate how they did on the test.
9. We restrict our feedback to activities, responses, and experience that the candidate can change.
 |
| Volunteers  |
| Clarification | * We make it clear that the worker does not expect payment and does not receive payment. Otherwise, the worker may be judged to be an employee and will be entitled to minimum entitlements. For example, they will have to be paid minimum wage and cannot be dismissed unless it is justified.
 |
| Legal position  | * A volunteer is not an employee/staff and therefore is not covered by employment law (with the exception of Health and Safety law).
* For somebody to be a volunteer they must not expect payment and they must not receive payment.
 |
| Payment | The term payment does not include: * Reimbursing the volunteer for the expenses they incurred when performing the volunteer work.
* Koha or honoraria.
* Any personal satisfaction a volunteer may get from the work.
 |
| Police vettingand/orCarer safety checks | * Volunteers will have to have those checks and any positive result might result in not engaging the person volunteering for us.
* We will adhere to our contractual requirements with our funding agencies.
* We will assess the safety of workers and people engaged with our service, as well as our reputation if we consider a volunteer with a positive vetting result. Such a decision can only be made by an executive or the Board.
 |
| Unpaid work experience, trials and internships |
| Processes we put in place | * We clarify that those positions are volunteer positions and that the person does not expect payment or other rewards. We do this in writing.
* We make sure that the person does not receive any payment.
* We avoid getting an economic benefit from the work done by the unpaid person.
* We avoid having the person do work which is integral to the business, such as work that an employee would ordinarily do.
* We limit the duration of work and the hours worked by the person. The longer a person is working for free and the more hours they work, the more likely they are to be an employee.
 |
| Police vettingand/orCarer safety checks | * People on unpaid work experience, trials and internships will have to have those checks and any positive result might result in not engaging the person volunteering for us.
* We will adhere to our contractual requirements with our funding agencies.
* We will assess the safety of workers and people engaged with our service, as well as our reputation if we consider unpaid workers with a positive result. Such a decision can only be made by an executive or the Board.
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| Diversity and Inclusion at Work |
| **Purpose** | * To provide a framework that supports:
	+ A diverse workforce.
	+ Inclusion of the diverse individuals working for us.
	+ Equal employment opportunities.
* To express our belief that a strong diversity and inclusion strategy helps our organisation to attract talented people and drive innovative results.
 |
| **Scope** | Our organisation’s workers, Board of Trustee’s/Director(s) and contractors. |
| **Policy** | We are committed to meeting our responsibilities under the Treaty of Waitangi and to the principle and practice of equity. Non- discriminatory, diversity supportive and inclusive practices will inform the following processes:* When recruiting and selecting employees.
* Setting terms, conditions and benefits offered as part of employment.
* Determining who receives training and what sort of training is offered.
* Deciding who is considered and selected for transfer, promotion, retrenchment or dismissal.

**Discrimination for the following reasons will not be tolerated:**  |
| * ethnic or national origins
* disability
* age
* gender identity
* family status
* employment status
 | * ethical belief
* religious belief
* marital status
* political opinion
* sexual orientation/identity
* race
 |
| **Māori**‘Hīkoia te kōrero’ | We acknowledge the status of Māori as tāngata whenua. The way we acknowledge this is:* We do not discriminate during recruitment and all employment processes against Māori with cultural tā moko/moko kauae.
* Te reo Māori is one of the official languages in Aotearoa. We encourage its use at our workplace to enhance the relationship within the teams and with the people who engage with our services. (Resource: [Māori at work](https://www.penguin.co.nz/books/maori-at-work-9780143773344))
* We pro-actively recruit a Māori workforce using Māori recruitment agencies and websites.
* We pronounce people’s names correctly. (We never use an abbreviation or name that we find easier to pronounce or remember.)
 |
| **References** |
| [**Legislation**](https://www.employment.govt.nz/assets/_generated_pdfs/legislation-238.pdf) | [Health and Safety at Work Act 2015](http://www.legislation.govt.nz/act/public/2015/0070/latest/DLM5976660.html)[Human Rights Act 1993](http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html)[New Zealand Bill of Rights Act 1990](http://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html)  | [Employment Relations Act 2000](http://www.legislation.govt.nz/act/public/2000/0024/latest/DLM58317.html) [Equal Pay Act 1972](http://www.legislation.govt.nz/act/public/1972/0118/latest/DLM407770.html) |
| **Guidelines****and****Standards** | [Diversity Works NZ](https://diversityworksnz.org.nz/why-diversity/)[Inclusive language](https://www.digital.govt.nz/standards-and-guidance/design-and-ux/content-design-guidance/inclusive-language/)[NZS 8200:2015 Rainbow-inclusive workplaces: A standard for gender and sexual diversity in employment](https://www.standards.govt.nz/shop/nzs-82002015)[Tracking equality at work, national equal opportunity network](http://www.neon.org.nz/trackingequalityatwork/)[Workplace Diversity Case Model](https://diversityworksnz.org.nz/media/3663/dw-case-model_web.pdf) |

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| **Age diversity at work** |
| People at all ages: | * Are keen to learn and develop new skills.
* Want to contribute to the workplace in different ways.
* Look for a new job, including after a break from employment.
* Look after others, e.g. young children or elderly whānau.
* Want time out for work/life balance.
 |
| Employees of all ages value: | * Meaningful work.
* Flexible working arrangements.
* Learning opportunities to keep skills up to date.
* Fair treatment.
 |
| Learning | * All our workers benefit from continuing to learn.
* We explore with each worker about how they prefer to learn new tasks or information.
* We consider each worker’s preferred learning style. For example, do they prefer to lean by:
	+ reading,
	+ trying something out,
	+ watching a co-worker in action,
	+ working on a project with others.
 |
| Challenging stereotypes | * We make it our business to know about our employees’ skills rather than make assumptions.
* Common assumptions are for example:
	+ Older people aren’t tech savvy.
	+ Younger people know how to promote our service on social media.
	+ ‘You can’t teach an old dog new tricks.
* Young or older, some people embrace new challenges and others don’t.
 |
| Working conditions | * We check our premises for ways to make it easier for all people to get around, do their work, and understand what’s required.
* Workers of all ages benefit from:
	+ Plenty of light to work.
	+ Easy-access work places.
	+ Option to stand or sit using work stations.
	+ Larger text in documents.
 |
| **Diversability** Disabled people are throughout our community: women, children and men, employers and workers;students and teachers; people of all ethnicities and religions; tāngata whai ora and other citizens. No two people are the same, and no two people with the same impairment/disability experience it in the same way ([MSD toolkit](https://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/initiatives/disabilityconfidentnz/toolkit-employing-disabled-people.pdf)).Tāngata whaikaha: “*Tāngata whaikaha means people who are determined to do well or is certainly a goal that they reach for. It fits nicely with the goals and aims of people with disabilities who are determined in some way to do well and create opportunities for themselves as opposed to being labelled, as in the past.”* Whāia Te Ao Mārama The Māori Disability Action Plan 2018 to 2022. |
| Disability | A disabled person is a person with an impairment who experiences disability. There are different kinds of disability, For example:* physical,
* sensory,
* intellectual or
* mental health related.

A disability may be visible or hidden, permanent or temporary and could have a minor or major impact on a person’s life. A disability may affect * mobility,
* ability to learn,
* ability to see,
* ability to communicate easily.
 |
| We are a disability confident organisation: | * Our managers and staff understand disability and know what people with an impairment/disability can do.
* Our managers know it is important for our organisation to employ people with an impairment/disability.
* Our organisation follows inclusive policies and practices.
* We address barriers to employment and promotion for people with an impairment/disability.
* We think about the needs of people with an impairment/disability when arranging activities, tasks and services.
* We attract a wider pool of job applicants by being inclusive.
* We retain talented employees with an impairment/disability.
 |
| **The Diversability processes we are implementing (**We ensure that the requirements below are met by the recruitment agency we hire.) |
| Recruitment – Position/job descriptions | We use an approach that allows both impaired/disabled and non-impaired/ disabled applicants to discuss how they can meet the requirements of the job by:* Making sure all qualified candidates have the opportunity to highlight their relevant skills and expertise.
* Grouping job criteria into ‘essential’ and desirable aspects.
* Ranking the criteria in order of importance.
* Considering whether minor tasks could be reassigned to another person.
* Not including blanket requirements that exclude people with health or disability issues.
* Focussing on objectives rather than methods.
 |
| Recruitment – Advertising jobs | * We encourage impaired/disabled applicants by specifically inviting them to apply.
* Online recruitment websites are accessible to impaired/disabled people.
* We ensure that people with vision impairments can access the online recruitment websites by using screen reading software.
 |

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| --- | --- |
| Job application | * We ensure that our application forms:
	+ Gather information that determines whether the job applicant can perform the job.
	+ Are available in alternative formats.
 |
| Selection | * We ensure that during the selection process we will not place barriers in the way of qualified impaired/disabled candidates.
 |
| Interview | * When arranging interviews, we ask all interviewees whether they have any specific requirements; for example:
	+ A wheelchair-accessible interview room.
	+ A sign language interpreter.
	+ Longer time to answer questions.
	+ Hearing loop.
* If an applicant declares an impairment/disability we will contact them as soon as possible to make sure any accessibility requirements are met.
* We brief the receptionist and interviewers on the candidate’s specific requirements.
* When interviewing impaired/disabled candidates, we ask the same questions that would be asked of a non-disabled person.
 |
| Adjustments to tests | * We ensure assessments are in an accessible format and relate to the requirements of the job.
* We may make adjustments to tests; for example:
	+ Allowing extra time to complete a test.
	+ Allowing an oral test where a candidate has difficulty with manual dexterity.
	+ Using technology for blind people.
	+ Letting a reader or scribe help with reading or writing during a test.
 |
| Induction – on-boarding | * We assigning another staff member to support a new employee for a specified time. (This is good practice for inducting both impaired/disabled and non-disabled employees).
* We will have identified modification of the workspace before the person starts working.
* We check that the work environment is accessible to the person.
* If unexpected issues concerning accessibility or reasonable modification arise, we will discuss and resolve them as soon as possible, to enable all workers to be successful.
 |
| Development | * We make courses and training fully inclusive.
* We ensure venues are accessible and training material is appropriately presented – the [Accessible Meetings and Events checklist](https://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/lead-programme-work/accessible-meetings-form.pdf) can assist.
* We offer open and flexible learning as an alternative to venue-based learning.
* We check trainers are aware of the needs of impaired/disabled people.
* We vary the learning methods, as different people learn in different ways.
 |
| Performance management | * We manage the performance of impaired/disabled workers by using the same processes like we use for other employees.
* We support disabled employees to participate the performance review and management processes.
* We have reasonable accommodations in place; for example:
	+ Flexibility around breaks and timeframes.
	+ We may assign extra time for meetings.
	+ We use sign language interpreters.
	+ We provide additional training or coaching.
	+ We might reallocate work that is not a core requirement.
* We are cognisant that activities and tasks do not need to be undertaken exactly the same way – it is the results that matter.
* If we identify difficulties that result from an impairment, whenever possible we discuss these separately from any discussion of performance issues.
 |
| Retention | * Being proactive about retaining disabled staff has a number of benefits for our organisation; for example:
	+ Adaptability: by learning to manage their disability or health issues, disabled people have learned problem solving skills that are readily applicable to any modern workplace.
	+ Increased staff morale: By treating all employees fairly, including disabled people, we demonstrate that we are a good employer.
	+ Lower costs: improving retention through providing reasonable accommodation always costs less than having to recruit and train a new employee. It also increases the number of employees returning to work after a short- or long-term absence and reduces the costs associated with absences in the workplace.
	+ Public reputation: Being recognised as a good employer enhances our reputation with the New Zealand public. Feeling valued is important to all employees. Ensuring that training and career development opportunities exist is one way to demonstrate how we value all employees, including disabled employees.
 |
| **LGBTQI+QI+ (**lesbian, gay, bisexual, transgender, queer, intersex)  |
| Our LGBTQI+ mission  | * We do not tolerate workplace discrimination.
* We communicate this to all employees.
* We review and evaluate our existing employment processes to ensure that work life for LGBTQI+ staff is constantly improving.
* Our code of conduct includes the requirement of non-discriminatory behaviours at the workplace and on social media.
* We create and maintain an inclusive work environment.
* **We know that an inclusive environment accepts personal differences among employees while focusing on the organisation’s mission to provide an excellent service to people.**
 |
| We take LGBTQI+ discrimination seriously | * Our HR processes and practices identify a strong anti-discrimination stance.
* We ensure that all employees know what is not tolerated in the workplace, and in cases of homophobic bullying, we promptly recognise the problem and take action.
 |
| We develop support programmes for LGBTQI+ employees | * We offer mentoring, employee networking groups, seminars, and conferences to become a more inclusive place to work for LGBTQI+ employees.
* We support employees with measures such as LGBTQI+ competency trainings, and employee resource groups.
 |
| We promote allies of LGBTQI+ people  | * We drive initiatives to promote allies of LGBTQI+ employees, who can act as support networks to LGBTQI+ employees and help champion the message that diversity is part of our organisation's mission.
 |
| We ensure the support from senior staff | * We have senior staff champions, who help implement diversity initiatives, mentor junior LGBTQI+QI+ colleagues, and act as sponsors of employee network groups.
 |
| We support the local LGBTQI+ community | * We show support to the local LGBTQI+ community by providing information to employees about local events and groups.
* We invite speakers from the LGBTQI+ community.
 |
| We offer LGBTQI+ friendly benefits  | * We offer equal benefits to all employees, regardless of their sexual orientation, including parental leave, adoption leave, and time off to take care of dependants.
* We use terminology in our employment contract and other employment related records and documentation using gender-neutral terms in order to be inclusive of all employees.
 |
| We foster a gender-neutral environment | * We create and maintain a gender-neutral environment by providing unisex toilets and using gender-neutral language, like 'partner' instead of husband or wife.
 |
| We keep track of success | * We celebrate our successes in maintaining an inclusive and diverse work environment.
* We monitor your progress by tracking things such as number of employee grievances, completion rates of diversity training, LGBTQI+ hires and promotions, and how many employees have come out.
 |
| **Trans and non-binary inclusive workplaces (**[**guideline for employers**](https://outline.org.nz/workplace/)**)**  |
| Acknowledgement | * Employment can be a significant source of stress for trans and nonbinary people. Hiring discrimination, workplace bullying, access to bathrooms, privacy violations, appearance requirements, and other people’s incorrect assumptions are all things that a trans or nonbinary person may face in the work environment.
 |
| Hiring | * We do not ask a potential employee if they are trans, unless it is a job that specifically requires a trans or gender diverse person.
* We only ask trans or nonbinary people for previous name details if these are required from all applicants for a specific purpose; for example, police vetting.
* We reassure applicants that this information will only be used to verify identity and not for any other purpose.

*An employer cannot refuse to hire a trans person because they are trans or because “they won’t fit in”.* |
| Maintaining the wellbeing of trans and nonbinary employees | * We do not tolerate any discriminatory behaviour or bullying at the workplace.
* We let employees know that we expect respectful behaviour towards all staff.
* We encourage that any issues are flagged with the relevant employees/leaders as soon as they arise.
* We assign job duties, pay, and promote trans/nonbinary people just as we do with any other employee.
 |
| Dress codes | * Our dress code will ensure that people can wear the style or items that feel right for them.
* Our dress code is not based on gender stereotypes; it is applied equally to all employees.
 |
| Bathrooms and changing facilities | * All staff, including trans employees, have the right to expect privacy and safety when using these facilities.
* We will have unisex toilets in the work environment. This will help nonbinary employees who feel uncomfortable using either men’s or women’s bathrooms or may also be more comfortable for a trans person early in their transition.
 |
| Normalise using pronouns in the workplace | * We ask employees which pronouns they would like to be used when referring to them.
* We encourage all staff to include their preferred pronouns in email signatures. This is a way to normalise pronouns instead of assuming and possibly misgendering people.
 |
| Supporting transitioning employees | * If an employee indicates that they are going to transition, we discuss with them whether or how to inform other employees.
* We take the employee’s lead on how much and what other information they want shared.
* We do not share any personal information without their consent.
* We ask what name and pronoun they want to use, and if they want to formally change these.
* We arrange to change workplace records (e.g. ID cards, email, phone lists, payroll) if the employee agrees to this.
* We treat the need for appointments as part of the transitioning process the same as other necessary appointments.
* We might consider allowing transitioning employees to work flexibly to support their process and to avoid them having to use sick leave or unpaid leave.
* We provide access to an Employment Assistance Programme or counselling support if relevant and desired by the employee.
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| **Religious/cultural diversity** We discuss and aim to reach an agreement in regards to religious/cultural expressions and activities at the time when the terms of employment are negotiated. |
| High days and holidays | * We will accommodate the sacred calendars with different religious holy days and holidays if our employees negotiate this with us one year in advance and we can arrange alternative cover during this time.
 |
| Compassionate bereavement leave | * Additional to the 1-3 days bereavement leave entitlement we are open to discuss that our employee can use holiday or unpaid leave if their religious bereavement rituals requires this.
 |
| Prayer times and facilities | * We consider in good faith the practicable provision of facilities to allow prayers to take place.
* Our employees can choose to pray during their rest and meal breaks.
 |
| Dress codes and appearance | * Health and safety requirements to ensure protective and safe clothing or equipment need to be met before we approve specific religious dress codes or appearances.
* We consider finding practical and acceptable solutions to any dress or appearance requests by an employee.
* Our employment agreement will include dress and/or appearance requirements.
 |
| Public religious displays at work | * We consider the wearing of religious insignia, or the discreet decoration of work spaces with religious items or artefacts acceptable as long as it does not interfere with safe work practices or the safety of fellow workers.
* We expect that employees respect others as this is essential in the workplace.
* We expect that employees are aware that some actions may offend others.
* We foster that employees discuss any issues or concerns they have in regards to this subject.
 |
| Religious/cultural related forbidden activities  | * During work functions we will consider the religious/cultural eating and drinking requirements of our workforce.
* We will not tolerate that employees are pressured to drink alcohol or eat foods that are not compatible with the employee’s religious/cultural practices.
* We offer routinely alcohol-free drinks and vegetarian food at work functions.
 |
| The promotion of religion in the workplace | * We protect staff from unwanted, significant or repeated religious advances at work.
* We do not allow that explicit religious literature is disseminated at work.
* Work notice boards cannot be used for religious purposes or messages.
* We uphold New Zealand law, namely the right to have a religious belief or not to hold religious beliefs.
* We acknowledge that is not always easy for an employee to withdraw from group activities such as a religious karakia.
* We are aware that for some employees karakia and waiata at work can raise religious concerns. We provide opportunities to discuss this concern with employees.
* We have a karakia and waiata statement that provides a guide on how we approach this aspect of our bi-cultural practices.
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| On-boarding: Induction/Orientation |
| **Purpose** | The purpose of the on-boarding process is that new workers: * Become comfortable and familiar with the organisation/services.
* Understand the objectives of the organisation, structure, roles and communication within the organisation.
* Gain a sound understanding of the expectations for their role, the people accessing and using the service, and the services they work with.
* To ensure all statutory documentation and other commencement documentation is completed and submitted to the person responsible to oversee the process.
 |
| **Scope** | The processes described apply to all new workers (employees, volunteers, student placements, bureau staff, interns).  |
| **Policy** | It is the responsibility of the Manager to ensure that the worker has enough general information to understand what the organisation will expect of them and what they can expect of the organisation. |
| **Definitions** |
| **On-boarding** | The process of orienting and training a new worker. |
| **Induction** | The new employee getting familiar with the job context internally and externally. |
| **Orientation** | The new employee being introduced to the immediate job and organisational internal processes.  |

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| **Tasks prior to worker commencing work** |
| Responsibility | Activities |
| Choose an item. | Ensure the following is completed: * Police vetting.
* ID badge provided.
* Worker’s agreement is signed.
* Personnel records established.
* Keys, security code provided (only selected workers)
* Induction/orientation check list commenced.
* IRD registration (only workers who get paid).
* Kiwi Saver (only workers who get paid).
* Worker’s details and emergency contacts.
* Worker’s bank account details on record (only workers who get paid).
* Make arrangement for appropriate cultural welcome on first day of work.
* Arrange a ‘buddy’ for the worker (at least for one month).
 |
| **Orientation/Induction Programme** |
| **First day at work** |
| Responsibility | Activities |
| Click here to enter text. | * Welcome celebration for the worker and their whānau and friends.
* Introductions to the team and people engaged with the service.
* Introduce the worker to their ‘buddy’, health and safety representative/officer, privacy officer and, if relevant, the union representative.
* Tour of the building and surroundings including pointing out immediate health and safety and emergency processes.
* Discussion about the orientation/induction programme.
* Confirm employment agreement and position description.
* Go through code of conduct.
* Arrange access to the work computer.
 |
| **First to sixth month at work** |
| Click here to enter text. | The worker will:* Meet relevant internal and external service providers and agencies.
* Get familiar with the roles of internal and external service providers.
* Complete training modules as documented in the Workforce Development and Training policy/procedure.
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| Employment relationships – resolving issues |
| **Purpose** | To provide a guideline on how to prevent and how to manage workplace issues. |
| **Scope** | In line with the Employment Relations Act 2000 employment relationships are those between:* An employer and an employee employed by the employer.
* A union and an employer.
* A union and a member of the union.
* A union and another union that are parties bargaining for the same collective agreement.
 |
| **Policy** | Our organisation has a commitment to respond prompt, fair and in ‘good faith’ to workplace issues. Employees will be made aware of the processes in this document during on-boarding. Employees have access to this policy for ongoing reference. We believe that everyone in the workplace should understand what is expected of them by having current position descriptions, employee contracts and access to the organisations policies and procedures.  |
| **Definitions** |
| **Employment relation issues**  | A problem that includes anything that harms or that may harm an employment relationship.  |
| **‘Good faith’**  | [As per Employment Relations Act 2000](http://www.legislation.govt.nz/act/public/2000/0024/latest/DLM58328.html)  |
| **References** |
| **Legislation** | [Employment Relations Act 2000](http://www.legislation.govt.nz/act/public/2000/0024/latest/DLM58317.html) |
| **Guidelines** | [Bullying prevention tools](http://www.worksafe.govt.nz/worksafe/toolshed/bullying-prevention-toolbox)[Employment Court NZ](http://www.justice.govt.nz/courts/employment-court)[Employment Relations Authority](http://www.era.govt.nz/)[Solving Problems at Work](https://www.business.govt.nz/hiring-and-manage/getting-the-best-from-people/resolving-employment-issues/) |

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| **Stop issues before they start**  |
| We implement and encourage practices that makes relationships smoother and prevent problemsRole responsible:Click here to enter text. | * We take time to communicate clearly. Poor communication often causes disputes and misunderstandings.
 |
| * We raise concerns when they first come up and encourage our employees to do so.
 |
| * We make sure workplace policies, practices and/or work rules are well communicated and easy to understand.
 |
| * We implement effective systems and processes for setting performance expectations.
 |
| * We provide routine monthly staff updates about what is going on throughout our organisation.
 |
| * We implement processes to address and investigate complaints that employees raise, such as complaints about
	+ bullying,
	+ discrimination,
	+ sexual harassment.
 |
| * We promote a culture where everyone shares the responsibility for preventing and clearing up confusion or mistakes.
 |
| * We respond to any employee problem openly, honestly and without misleading the employee.
 |
| * We treat employees consistently and without favouritism.
 |
| * We keep ourselves and employees well informed about employment rights and responsibilities.
 |
| Catch-ups | * We have regular and ongoing communication with employees. This should include at least 3-monthly catch-ups to review individuals and the team’s progress, and discuss successes and challenges.
 |
| * Regular contact means the person the employee reports to knows what projects or tasks the employee is working on and the challenges they face.
* Regular catch-ups on performance:
	+ Enable issues to be raised early on.
	+ Promote an atmosphere of trust and understanding.
	+ Can avoid problems by addressing issues early.
 |
| * Our managers and employees can build an effective working relationship by accommodating each other’s individual working styles.
 |
| * Our leaders/managers model a productive workplace in which people:
* Feel safe (within agreed boundaries) to experiment and challenge.
* Feel valued and value each other.
* Share information.
 |
| * At the end of the catch-up we write down what has been agreed on or send an email to confirm.
 |
| * We are mindful that the credibility of the catch-up process can be undermined if conversations on progress are only held occasionally or are only held when there is a concern or negative feedback.
 |
| * If issues are not resolved after these steps, we arrange independent mediation or go to the [Employment Relations Authority (ERA).](http://www.era.govt.nz/)
* If we don’t resolve the issue, it could get worse or our organisation could expose itself to a personal grievance case.
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| **Employer and employee must do’s** |
| Good faith | * Employees, employers and unions are obliged to deal with each other at all times in good faith.
 |
| Three elements of good faith | * Parties must not act in a misleading or deceptive way.
* Parties must be responsive and communicative.
* Before making a decision, which may result in employees losing their job, we must give the affected employee sufficient information:
	+ To be able to understand the information.
	+ Give them a proper opportunity to comment.
 |
| Good faith requirements for employers, employees and unions  | * Raise issues in a fair and timely way.
* Work constructively and positively together.
* Give each other relevant information:
	+ Ahead of when it is needed.
	+ As soon as possible.
	+ All information given should be carefully considered.
* Be fully honest with each other.
* Raise concerns or issues as soon as possible and respond to these quickly.
* Keep an open mind, listen to each other and be prepared to change an opinion about a particular situation or behaviour.
* Treat each other with respect.
 |
| Consequences of breaching good faith | * If we do not follow the rules of good faith an employee may take a personal grievance.
 |
| * When the Employment Relations Authority or the Employment Court find that good faith rules were not followed by our organisation they may award a penalty to the employee for a breach of good faith.
 |
| * [Good faith in collective bargaining](https://www.employment.govt.nz/fair-work-practices/unions-and-bargaining/collective-bargaining/good-faith-in-collective-bargaining) has more information on freedom of expression in collection bargaining.
 |
| Decisions which might cause job loss(disciplinary or change processes) | * Good faith requires us to provide information to employees and give them an opportunity to comment before job loss decisions are made.
 |
| * Information to include, for example, the following evidence:
	+ Interview notes.
	+ Statements about behaviour from other people.
	+ Video surveillance footage, financial information.
	+ Change proposal.
 |

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| **Steps to resolve issues** |
| **Informal actions - Advise to employees - Talk to us – your employer** |
| Prepare for your discussion | * Before having a discussion with your ‘boss’, make sure you are clear on what you:
	+ Want to discuss.
	+ Why you want to discuss it.
	+ What you would like the outcome of the discussion to be.
* It can be helpful to talk to someone you trust to get a different perspective about the situation.
* Write down everything that you want to say so you don’t forget.
 |
| Arrange the meeting | * Don’t surprise the employee you report to.
* If there is something you want to raise with them, give your ‘boss’ time to prepare.
* For example, if you want to talk about your pay, let them know what your concerns are before you meet so that they can bring the right information.
* It is usually better to do this in person.
* Make sure you can talk uninterrupted in a private area and that you are talking to the right person.
 |
| Meeting |
| Be professional | * Try to be confident and assertive.
* A support person or representative could help you with this.
 |
| * Focus on the issue, not the person, or people, involved.
 |
| * Be objective. If you feel your emotions (e.g. nervousness, anger, frustration or fear) are getting the better of you, take some deep breaths, ask for a break.
 |
| * Think about your future relationship. Try not to say anything that will damage the relationship with your employer.
 |
| * If the other person’s behaviour becomes inappropriate, for example, shouting, making you feel ridiculed or uncomfortable, keep calm and end the meeting.
* A break will help cool things down and give both parties a time to reflect on the situation.
* Use this time to seek advice on what to do next.
 |
| * Be prepared to take notes during the conversation.
* If you want to record the meeting on your phone, advise that you would like to do so. Don’t do it secretly.
 |
| Explain the issue | * Be clear and to the point. Sticking to your discussion plan may help you stay on topic.
* Use specific examples and tell your employer what impact the issue is having on you and on your work.
* Stick to the facts.
* Don’t assume that the issue happened deliberately or maliciously, it may have been a misunderstanding, mistake or oversight.
* If your employer interrupts you, politely ask if they can let you finish explaining the issue first and that they can then give you their response.
 |
| Listen to your employer | * When you have finished explaining the issue, let your employer give their response to you.
* Listen without interrupting, take notes instead.
* If your employer is speaking too fast or uses technical language, or other language you don’t understand, ask them to slow down and speak more plainly.
* If there is something you feel you need to say or respond to, make a note of it so you remember to say it later.
* In some cases, your employer may need time to consider their response, or check facts and any documentation you have provided. If this happens, it may be helpful to arrange a follow up meeting.
 |
| Look for solutions | * Work with your employer to find possible solutions to the issue.
* Remember that no solution can take away your minimum entitlements under the law, even if you agree to it.
* Suggesting different and realistic ways to resolve the issue shows that you are keen to move forward.
* Be open to solutions that your employer comes up with and consider them realistically.
* Be prepared to accept that your employer may not admit fault or apologise, even if they are at fault. If this happens, try not to react.
 |
| Agree on how to move forward | * Agree on action points with your Choose an item. and any next steps. This could include:
	+ A summary of what you and your Choose an item. agree and disagree on.
	+ Details of what you both need to do to resolve the issue.
	+ A date for any follow-up meetings.
* Make sure you both understand the next steps.
	+ Write them down and make sure you have agreed who is responsible for what
	+ Keep notes in case you need to refer back to what was said or agreed to at a later date.
* If you can’t agree on the issues, or a solution, then you should agree that you have different views and end the discussion.
* In some situations you may have to take further steps to fix the problem, this could include asking your Choose an item. to attend mediation (link: [Mediation](https://www.employment.govt.nz/resolving-problems/steps-to-resolve/mediation/))
 |
| End the discussion | * Once you have agreed on a solution, or that you have different views, try to end the discussion positively.
* Thank your Choose an item. for meeting with you and listening to what you had to say.
 |
| After the discussion | * Think about the conversation you had with your Choose an item..
* Be discreet and do not to gossip about the discussion with your workmates.
* Make sure you do the things you agreed with your employer to do.
* Even if the discussion didn’t go as you had hoped, remain professional at work and keep communication lines open with your Choose an item.
 |
| If you didn’t resolve the problem | * If you haven’t been able to reach an agreement with your employer, you can:
	+ Seek advice from your Human Resources representatives in your workplace, if you have one.
	+ Seek advice from your union, if you have one.
	+ Seek advice from a lawyer or employment advocate.
	+ [Use the Early Resolution Service](https://www.employment.govt.nz/resolving-problems/steps-to-resolve/early-resolution/).
	+ [Request a free mediation](https://www.employment.govt.nz/resolving-problems/steps-to-resolve/mediation/).
 |
| **Misconduct** |
| Definition | * Misconduct is when an employee does something wrong either by:
	+ Doing something (for example taking records from people engaged with our service home).
	+ Not doing something (for example not completing required records).
	+ Behaving in a certain way (for example bullying and harassment).
* Such situations may justify disciplinary action by our organisation.
 |
| * Our response to misconduct is fair and reasonable in all of the circumstances. For example:
	+ Some lesser misconduct may lead to a warning.
	+ More serious misconduct may lead to a dismissal.
 |
| Identify misconduct | * The key question we ask is: Does the misconduct undermine or destroy the trust and confidence we have placed in the employee.
* This is more likely if the misconduct could impact on the employee’s ability to perform the job.
* Serious misconduct usually involves the employee acting deliberately.
* There may be circumstances in which an employee acts so carelessly that it amounts to serious misconduct.
* The table below shows examples of behaviour that may be considered either serious misconduct or misconduct.
* We will conduct a fair investigation and disciplinary process for both misconduct and serious misconduct.
 |
| Misconduct | Serious misconduct |
| * Using inappropriate language.
* Internet misuse.
* Minor instances of failing to follow reasonable and lawful instructions.
* Minor breaches of the employment agreement.
* Lateness.
 | * Violent behaviour.
* Bullying.
* Harassment.
* Theft or fraud.
* Behaviour that endangers the health and safety of the employee or others.
* Dishonesty.
 |
| Employment agreements and serious misconduct | * Our employment agreements list examples of serious misconduct.
* Even if an employee does one of these examples this doesn’t necessarily mean that serious misconduct occurred.
* We can dismiss an employee for serious misconduct even if their employment agreement or workplace policies don’t list the behaviour as serious misconduct.
* The question to ask is whether the misconduct has undermined or destroyed the trust and confidence our organisation has placed in the employee.
 |
| Repeated misconduct | * We carry out a fair investigation and disciplinary process for each instance of misconduct, whether it’s for the same behaviour or for something different.
 |
| * We issue warnings for misconduct.
 |
| * If the misconduct is serious enough, we may issue a final warning that the employee will be dismissed if the same behaviour happens again.
 |
| * There is no set number of warnings we need to issue before an employee can be dismissed.
 |
| * If it is serious enough, we can give a final warning for the first instance of misconduct.
 |
| Misconduct outside work | * Misconduct outside work could lead to disciplinary action or dismissal if:
	+ The conduct damaged the relationship of trust and confidence between the employee and us.
	+ The conduct brought our organisation into disrepute.
	+ The conduct is not appropriate for the employee as it prevents to be doing their job properly.
* Employees who behave badly outside of work may be at risk of dismissal if their actions can be linked back to their work and cause concern for our organisation.
* Employees who practice under the HPCA Act or belong to a professional body, will need to adhere to the professional body’s code of ethics, competency requirements and social media guidelines at work and outside of work.
* Our ‘Professional Boundaries’ policy/procedure identifies situations of misconduct outside work.
 |
| Summary dismissal | * Summary dismissal is when we dismiss an employee without notice. This means they are not:
	+ Able to work out their notice period.
	+ Paid out for their notice period.
 |
| * We can summarily dismiss an employee if, after a fair investigation and disciplinary process, they are found guilty of serious misconduct.
 |
| * This is conduct that deeply impairs or is destructive of the relationship of trust and confidence between us and the employee.
 |
| Malicious complaints | * We investigate malicious complaints under the following circumstances:
	+ When a complaint has been made by another employee, and we determine that the behaviour complained about didn’t happen.
	+ The investigation concludes that the person who made the false complaint had been knowingly lying.
 |
| **Disciplinary process and action** |
| Principles | * All disciplinary action for misconduct must be carried out fairly.
* The employee may have a personal grievance claim against our organisation if the process is not fair.
* If an employee is performing poorly this might be a performance issue not a disciplinary one.
* We follow the processes for disciplinary action, including warnings or dismissal as identified in the employment agreement.
 |
| We consider if there is a valid reason to start the disciplinary process | * We conduct a preliminary investigation to decide whether a disciplinary process is required. This may include:
* Reading emails.
* Speaking with the person who witnessed what happened.
* Speaking with the employee who might be disciplined.
 |
| * If we talk with any employee we will not embarrass the employee being investigated.
 |
| * We ensure that there is an issue to be resolved or addressed.
 |
| * We will have a conversation with the employee about the issue once we believe that there is a problem.
 |
| We inform the employee of the issue | * We send the employee a letter advising what we know about the matter and why we think there is a problem.
 |
| * We detail the proposed process to be followed, including:
	+ How we investigate the matter.
	+ Advising the employee of their opportunity to comment on the process.
 |
| * We inform the employee about the possible consequences they are facing (e.g. the outcome of the investigation could result in disciplinary action or dismissal).
 |
| * We advise the employee that they should participate in the process.
 |
| * We advise the employee to seek representation or bring a support person.
 |
| * In certain serious situations, we may consider whether suspension is necessary.

(This decision should not be made by one person. Some organisations might want to include the governance/board in the decision-making process.) |
| We investigate the issue | * We will sufficiently investigate the problem or allegation before taking any action against the employee.
 |
| * If the issue is minor, we may decide to just have a conversation with the employee:
	+ We document the conversation.
	+ We inform the employee why we document the conversation.
* We give a copy of our notes to the employee for comment.
* We let the employee know that if the issue happens again, we may consider a disciplinary process.
 |
| We arrange a formal meeting | * If, after investigating the problem, we consider that the problem may amount to misconduct or serious misconduct we send the employee a letter inviting them to a meeting.
 |
| * We identify the misconduct or serious misconduct and all of the evidence.
 |
| * We include the investigation report and witness statements (if not provided during the investigation process).
 |
| * We request a meeting to hear the employee’s explanation and feedback.
 |
| * We give the employee two to three working days’ notice before the meeting.
 |
| * We set a time, date and place for the meeting:
	+ This may need to be flexible to ensure that the employee’s representative or a support person can attend.
	+ The employee’s request should not be unreasonable or extend the meeting too far out.
 |
| * We advise the employee of potential outcomes if allegations or concerns are proven (e.g. it could result in disciplinary action, such as a written warning or dismissal).
 |
| * We advise the employee to bring a support person or representative to the meeting.
 |
| * We offer the employee attending an Employee Assistance Programme or a similar counselling option.
 |
| The formal meeting | * A decision-making member of our staff will lead the meeting.
 |
| * We put the full allegations, concerns and investigation results to the employee.
 |
| * We give the employee and/or their representative a chance to respond to the concerns.
 |
| * Once the employee has responded to our initial findings:
	+ The meeting will end.
	+ Our organisation’s decision maker(s) will take some time to consider all the information and reach a decision.
 |
| * The decision maker must not decide upon an action before hearing the employee.
 |
| * The decision maker must not give the employee a pre-typed letter informing them of the decision immediately after hearing their comments.
 |
| * If our organisation wants to raise a new issue, we need to give the details in writing to the employee and then delay the meeting to another time so the employee has time to consider those new matters before responding.
 |
| * We keep a written record of what is said in all conversations and at all meetings.
 |
| If necessary – further investigate | * If the employee gives an explanation or information that was not available before or that requires further investigation, we have to check this to make sure it is (more likely than not) true or correct.
* We need to tell the employee of the intention to investigate in the same way that we did at the start of this process.
 |
| If necessary – second formal meeting | * If we need to have a second formal meeting after further investigation:
	+ We give the employee an opportunity to comment on any new information.
	+ The employee can bring a representative or support person
* We maintain a record the meeting.
 |
| We consider what action to take | * If we think that disciplinary action might be an option, then:
	+ Take time to consider your employee’s response and/or explanation.
	+ Have an open mind as to what your decision should be.
	+ Remember that disciplinary action must be what a fair and reasonable employer could do in the circumstances.
 |
| We ask ourselves: | * Are our expectations reasonable?
 |
| * Do we believe the employee committed the misconduct (do we feel that, when considering all the information, it is more likely than not that the employee did the action alleged)?
 |
| * Do the facts confirm what we believe?
 |
| * Is the employee fully aware of the issues?
 |
| * Has the employee had a genuine opportunity to respond to all of the information we provided?
 |
| * Are there mitigating factors to consider (e.g. workplace challenges, health or family issues)?
 |
| * Are there any alternatives to your decision?
 |
| * Did we consider anything irrelevant?
 |
| * Did we treat any other affected employees in the same or similar fashion (unless there is good reason to treat them differently)?
 |
| Preliminary decision | * We provide the employee with a ‘preliminary decision’, including details of any proposed disciplinary action.
 |
| * We allow the employee to respond to the ‘preliminary decision’ before a final decision is made.
 |
| * We send a letter to the employee with our preliminary decision and the reasons behind it.
 |
| * We give reasonable time for the employee to give written feedback.
 |
| * We consider the employee’s feedback, if any, with an open mind before making a final decision.
 |
| * We show how we have taken the employee’s comments into account by recording this in the decision.
 |
| Final decision | * We:
* Meet the employee and give them our final decision.
* Explain why we have made the decision.
* Make sure the employee is given an opportunity to have their representative or support person present.
* Confirm our final decision in writing.
 |
| We avoid common mistakes | We avoid making the following mistakes when carrying out a disciplinary or dismissal process:  |
| * Making a decision before a proper investigation.
 |
| * Not explaining the process that will be followed to the employee.
 |
| * Not telling the employee that they are allowed to bring a representative or support person to the meetings.
 |
| * Not interviewing all relevant people or having a biased process.
 |
| * Waiting too long after the incident to interview people, so that their memories are no longer fresh.
 |
| * Conducting interviews in an unfair manner, such as asking biased questions.
 |
| * Not telling the employee what the possible disciplinary outcome might be at the start of the process.
 |
| * Treating an employee differently to others who have acted the same.
 |
| * Making decisions based on feelings rather than the facts.
 |
| * Handing the employee, a typed letter of disciplinary action or dismissal straight away at the end of a discussion about the problem.
 |
| * Not giving employees enough time to get advice or prepare a response.
 |
| * Failing to consider the employee’s explanations for their behaviour.
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| **Investigations** |
| There are situations when we have to investigate an issue involving an employee. We have to investigate before any disciplinary action. |
| Fair investigation process in ‘good faith’ | * Investigations:
	+ Are done in good faith and by using natural justice principles.
	+ Are based on facts.
* We will not jump to conclusions before the investigation.
 |
| Elements of a fair investigation | * We inform the employee of the details of the allegations.
 |
| * The person who gathers the facts/does the investigation:
	+ Will be neutral.
	+ Doesn’t take sides.
	+ Considers all information in a balanced way.
 |
| * We need to have enough information to feel confident that there is an issue.
 |
| * We might need to resolve matters before a conversation with the employee. For example, where there is information:
	+ That could be destroyed.

 Or * + People could be threatened.
 |
| External investigation  | * We may choose to go external when an investigation involves:
	+ Difficult or complex issues – e.g. a fraud or theft allegation.
	+ A risk of a toxic work environment – e.g. a complex bullying allegation.
	+ Sensitive allegations - e.g. sexual harassment allegation.
	+ An organisation-wide issue.
 |
| Prepare for the investigation | * Check the employment agreement and policies.
* Identify the investigator.
* Plan the investigation and draft the terms of reference.
* When it is known who the investigation is about, share the draft terms of reference with these employees (and if there is someone who has made a complaint that affects them personally e.g. bullying, then share with them also) and get their feedback.
 |
| Terms of Reference | * The Terms of Reference document is a roadmap for the investigation. It should:
	+ Identify the matters to be investigated (and the limits of the investigation, including what is outside the scope of the investigation).
 |
| * + Set out the nature of the issues/allegations/complaint.
 |
| * + State who the investigator will be.
 |
| * + State what process will be followed (if using an independent investigator our organisation is still responsible for the investigation).
 |
| * + Refer to the employment contract, position description, codes, work instructions, policy and procedure.
 |
| * + Identify who need to be interviewed.
 |
| * + Include timeframes.
 |
| * + Set out that the role of the investigator is not the same as the role of the decision-maker – this is to make it clear that the investigator’s role is to determine the facts, not decide any disciplinary outcome.
 |
| * + Make it clear that anyone can have a support person or representative in interviews at any time in the process.
 |
| * + Set out what the report at the end of the process will contain.
 |
| * + Advise who gets the draft report for comment, prior to finalising it.
 |
| * + Advise who is responsible for the investigation and who the contact person is.
 |
| * We give the draft terms of reference to the complainant and any employees whose conduct is under investigation for any feedback before finalising it.
 |
| **The investigation** |
| Witnesses | * Witnesses are other people who saw the act or behaviour and/or have direct knowledge or experience of the act or behaviour that has been said to have happened.
 |
| * Our employees are entitled to know the identity of witnesses so they can to respond them fully (fair process).
 |
| * Witnesses should not be anonymous or be able to make off the record comments.
 |
| * We tell witnesses that the information they give will be confidential to the investigation, but that the person whose conduct is under investigation will be given the notes/summary of meeting notes and this will identify them.
 |
| * In very rare cases it may be acceptable for witnesses to be anonymous:
	+ There needs to be a good reason for this and enough information, without identification, for the employee to give a reasonable response.
* We will consider to get expert advice if such an action is necessary.
 |
| Interviewing witnesses | * We identify the people to be interviewed.
 |
| * We are clear with the person being interviewed what the purpose of the interview is and what the information will be used for.
 |
| * We ask open-ended questions and follow up with clarifying questions.
 |
| * We record the interview – this can be done electronically (only if we get permission from the person being recorded) or by taking notes, or a mixture of these.
 |
| * We confirm the meeting notes back with the witness before we give these to the employee concerned.
 |
| Interview the employee concerned | * We provide documents and summaries of what the other people interviewed (witnesses) said in advance.
 |
| * We invite the employee to have a representative.
 |
| * We record (with permission) or take notes of the interview.
 |
| * We request comments and confirmation of notes.
 |
| * We follow up with further questions if needed.
 |
| The report will: | * Contain a careful balanced assessment of what has been learned and whether the allegation(s) are more likely true than not.
 |
| * Address each concern or issue raised.
 |
| * Contain the reasons for the findings keeping emotions and moral judgements out of the process.
 |
| * Have a clear link/reference back from the findings to the evidence.
 |
| * Be provided to the employee for comment and any other person as identified in the terms of reference before being finalised.
 |
| * Not contain a decision or recommendation on a disciplinary action to be taken.
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| Things to remember | * When interviewing we use who, what, when, how and why questions, and then listen.
 |
| * We don’t end the interview just because we have no more questions. At the end of the interview, we ask if there is anything the employee and/or their support want to ask or tell us or think we should know.
 |
| * We ensure that the investigation supports the report findings.
 |
| * We put all the information we have relied on in the report.
 |
| * We take meeting notes.
 |
| * We do not have ‘off the record’ conversations.
 |
| * We don’t talk to people about potential findings while we are investigating.
 |
| * We will not ignore facts because they are inconsistent with other information.
 |
| * We ensure that the report is complete, fair and neutral.
 |
| Incompatibility |
| Definition | * A fundamental breakdown in the relationship between two or more individuals in the workplace, so that they can no longer work together.
 |
| Responding to incompatibly-issues | * We support our employees to resolve problems between themselves. We:
	+ Pay for supervision sessions.
	+ Ensure that at least monthly staff meetings occur.
	+ Ensure that meetings are arranged in such a manner that all staff can attend (refer to employee rights procedures).
	+ Pay for an external facilitator if employee relationships deteriorate.
 |
| * If the parties can’t resolve the problem by themselves, we will enable external mediation.
 |
| * In situations where problems occur over a period of time that are so severe and the disharmony so serious that it becomes unworkable for the employees to stay in their roles.
* In those circumstances disciplinary action or dismissal of that employee is a possibility if:
	+ The situation is not solvable because the employee has a serious breakdown in the relationship with another employee who is acting badly towards them, despite warnings to stop their unacceptable behaviour, and where attempts to mediate between the two have been unsuccessful.
	+ The breakdown is largely the employee’s fault.
	+ We have followed a fair process in taking action.
 |
| * If the breakdown is largely due to our organisation’s response to the situation (e.g. if we have failed to get involved in a timely and reasonable manner), we may not be able dismiss the employee for something that we contributed to.
 |
| * Incompatibility is an area where external formal advice should be taken by both sides.
 |
| **Medical incapacity** |
| Definition | * When an employee is no longer able to do their job due to illness or injury.
 |
| Considerations | * The law does not require that we keep an employee who is unable to fulfil their role, due to illness or injury, or inability to do their work.
 |
| * We need to discern how long our organisation should keep the role open for the employee to return to.
 |
| * Before making a decision on what to do, we need to understand:
	+ How long the employee is likely to be off work.
	+ Whether they’ll be able to do their job again.
 |
| * We work in a supportive and positive way with the employee when obtaining this information.
 |
| * We make sure that any investigation into understanding the medical situation for the employee is not viewed as a disciplinary investigation - the employee has not done anything wrong.
 |
| * We follow a fair and reasonable process that includes considering the range of factors from those below.
 |
| Deciding to end the employment relationship | * To end the employment relationship, we need to reasonably believe that an employee can no longer do their job.
 |
| * That we cannot reasonably keep the job open for them.
 |
| * We consider a range of factors, including:
* The terms of the employment agreement.
* The nature and extent of the problem, including how long the employee has been away from work.
* Where the incapacity is caused by a health issue, we request appropriate medical advice.
* It may be appropriate to ask for independent or specialist advice.
* Employees have the right to refuse to provide us with access to their medical information unless this is required in their employment agreement (however, even then they can decline).
* If an employee is not willing to provide this information, we can make a decision based on the information we have.
* The nature of the employment and how important the employee’s role is to our organisation. Consider:
	+ The size of our organisation.
	+ If we have been able to manage for long periods of time without the employee or we had to bring in someone else to do the job.
	+ What the financial impacts of the employee’s absence are on our organisation.
* The chance of recovery and the likely timeframe for returning to work (which should be based on objective information such as a doctor's report).
* The employee's entitlement to sick leave (paid and unpaid).
* How long an employee has been employed with the employer?
* Steps the employer can take to help with rehabilitation, such as providing part-time or light duties.
* How long the employee would have been employed if not for the problem?
* If there are any alternatives to dismissal that are reasonable in the circumstances – such as part-time or reduced hours, or medical retirement.
* If our organisation is at fault for the employee’s problems in any way. For example, where we may have failed to provide a safe workplace causing mental stress to the employee, who then has to take a lengthy period of time off to recover.
 |
| * After making the decision that it is reasonable for the employment relationship to end, we decide which process to take.
 |
| * There are two possible options:
	+ Medical retirement.
	+ Dismissal due to medical incapacity.
 |
| Agreeing on medical retirement | * Medical retirement needs to be agreed by us and the employee.
* We follow a fair process with the employee when discussing the option of medical retirement.
* We will ask the employee to bring a support person to the discussion.
* We understand that this is a difficult area and we will get professional advice to avoid a personal grievance later.
 |
| Unable to agree | * If the employee does not agree to medical retirement, and doesn’t want to resign or otherwise leave their employment, and we conclude there is no alternative but for the employment relationship to end, then we may need to use dismissal for medical incapacity.
 |
| Dismissal for medical incapacity | * We follow the principles of a fair process.
* We make sure that both parties have had an opportunity to present evidence and give feedback, and to ensure that all alternatives have been considered.
* We seek professional advice before deciding on or starting a process for dismissal for medical incapacity.
 |
| **Suspension** |
| Circumstances for suspension | * We can only suspend an employee in limited circumstances, which include:
	+ Where an employee’s behaviour is under disciplinary investigation and having them at work may compromise the investigation or cause further issues.
	+ Where the employee poses a risk to health and safety.
* We have a clause in the employment agreements.
* Suspension is not used as a disciplinary tool.
* The length of the suspension will reflect the time needed to conduct the investigation or the time needed to reduce the health and safety risk.
 |
| Process of suspending an employee | * We follow a fair process when deciding to suspend an employee.
* There may be some rare exceptions when we may not have to give the employee an opportunity to comment on the concerns because:
	+ There could be an immediate danger to the employee or to others.
	+ The employee is unable to perform safety-sensitive work.
* If our organisation does not follow a fair process or has a good reason for the suspension, the employee may have a personal grievance against us.
 |
| Pay while on suspension  | * Any suspension is on full pay unless the employment agreement states otherwise.
 |
| **Workplace change** |
| Starting the process | * We review our employment agreement/s and workplace policies to make sure that we adhere to these.
 |
| We document our business case | * Our business case will identify:
	+ The objectives of the proposed change.
	+ How the objectives will close the identified ‘gaps’.
	+ Why the objectives can only be achieved by a structural change.
	+ The potential business risks/issues and how these will be managed.
	+ The potential opportunities and how this would happen.
	+ Costs of change e.g. possible recruitment, assessment, outplacement, training, and redundancy costs.
 |
| We document our change proposal | * Our change proposal will clearly explain:
	+ Our genuine business needs to make the workplace change. This will include evidence.
	+ Types of jobs proposed. This will include high level position descriptions.
	+ The new structure. This will include an organisation chart with key functions explained.
	+ How the change will impact the current structure.
	+ The comparison between the proposed structure with the current structure.
	+ The potential impact.
	+ Jobs that are being disestablished or substantially changed in this proposed restructure.
	+ The process our organisation will go through to make decisions.
	+ The proposed assessment and selection procedures, training and support available to staff.
 |
| We present our proposal to our employees | * We will:
	+ Invite everyone whose jobs might be affected or potentially affected.
	+ Make sure that we invite those staff that are on parental leave, secondment, sick leave and holidays – if they can’t attend, we make arrangements for them to receive the information.
	+ If there are a smaller number of employees whose jobs will not be in the new structure we speak with these employees privately, before speaking with other affected staff.
	+ We give these staff the option of not attending the meeting with the rest of the staff.
* The meeting can be with everyone at once, (including the union if there is one).
* We will not hold the meeting on a Friday afternoon as staff may leave the office without having a chance to talk about the proposal, ask questions or seek support.
 |
| The meeting | We will: |
| * Provide the proposal as a handout to ensure everyone has consistent information.
 |
| * Talk employees through the proposal document.
 |
| * Outline the consultation process that we will use to gather the feedback on the proposal.
 |
| * Provide clarity on the jobs that are affected under our proposal:
	+ What can be confirmed.
	+ Suitable alternative jobs.
	+ Jobs that will no longer exist.
 |
| * Outline the feedback process:
	+ Explain how employees can provide feedback to us.
	+ Give options how this can occur (in writing, email, in person through a private meeting, with a support person or representative).
 |
| * Encourage staff to contribute their views to the consultation process. Often, they can come up with creative solutions that we had not thought of.
 |
| * Allow time for questions. If we don’t have the answer on hand, we let employees know when we get back to them with the information.
 |
| * Make clear what the next steps are and by when, how and to whom, feedback must be given.
 |
| * Meet employees significantly affected one to one.
 |
| * Remind people of the support that is available (EAP, career counselling and other supports) and that Click here to enter text. door is open to discuss concerns or take feedback.
 |
| **Managing performance issues** |
| Definition of performance issue | A performance issue is where an employee:* Fails to perform all, some or one of the duties of the position to the standards required; this can be issues of
	+ speed,
	+ quality,
	+ quantity, or
	+ how they are delivering services.
* Doesn’t adhere to work rules or work procedures.
* Shows negative and disruptive behaviour that impacts on co-workers and the people we provide a service to.
 |
| Possible reasons for performance issues | There are many reasons why an employee may perform below expectations. Some of the common reasons include: |
| * An employee doesn't know what is expected because goals and/or standards or workplace policies and consequences are not clear or have not been set.
 |
| * There is a mismatch between an employee's capabilities and the job, or they don’t have the knowledge or skills to do the job.
 |
| * The employee doesn’t have the tools, clear guidance, delegated authority or permission needed to go ahead with their work.
 |
| * An employee doesn’t know whether they are doing a good job because there is no, or insufficient constructive, feedback on their performance.
 |
| * Lack of personal motivation, low morale in the workplace and/or poor work environment, interpersonal differences.
 |
| * Personal issues such as family or financial stress, physical and/or mental health problems, or problems with substance use.
 |
| * Cultural misunderstandings. (Refer to ‘Diversity and Inclusion at Work” policy/procedure.)
 |
| * Workplace bullying, discrimination or harassment.
 |
| Systems to manage performance | * Management of performance issues policy/process.
* Using performance improvement plans.
* Management training on offering constructive feedback and using performance tools.
* Position descriptions.
* Process for resolving problems.
* Supervision and coaching.
 |
| How we manage performance issues  | * We identify the problem.
 |
| * We assess and analyse the problem by defining:
	+ How serious is the problem.
	+ How long has the problem existed.
	+ How wide the gap between what is expected and what is being delivered.
 |
| * We meet with the employee informally to discuss the issue:
	+ The meeting will take place in private and in an environment that is comfortable and non-threatening, away from distractions and interruptions.
	+ We have a discussion with the employee to explain the problem in specific terms.
	+ From this conversation, the employee should be able to clearly understand:
		- What the issue is.
		- Why it is an issue.
		- How it impacts on the workplace.
		- Why there is a concern.
 |
| * Together we develop a solution. We will:
	+ Explore ideas by asking open ended questions.
	+ Emphasise common ground.
	+ Keep the discussion on track.
	+ Focus on positive possibilities.
	+ Offer assistance, such as further training, mentoring, flexible work practices or redefining roles and expectations.
 |
| * We develop a clear plan of action with the employee to implement the solution. This can:
	+ Reflect an understanding of performance expectations and what is to be achieved over the specified time period.
	+ Clarify roles and responsibilities of the employee.
	+ Include strategies for training and workforce development.
	+ Include achievable timeframes for improvement.
	+ Reinforce the value and worth of the role being performed.
	+ Set a date for another meeting with the employee to review progress and discuss the employee's performance.
 |
| * We stay in touch and monitor performance:
	+ We continue to provide feedback and encouragement.
 |
| * We keep records of the meetings and performance improvement plans.
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| **Personal grievance** |
| What is a personal grievance | A personal grievance is a type of complaint that an employee may bring against a current or former employer.  |
| Personal grievancesexamples | * Unjustifiable dismissal.
* Unjustifiable action which disadvantages the employee.
* Discrimination.
* Sexual harassment.
* Racial harassment.
* Duress over membership of a union or other employee organisation.
* An employer’s failure to comply with obligations relating to continuity of employment for employees affected by restructuring.
* Disadvantage to an employee due to the employment agreement not meeting legal requirements for:
	+ Agreed hours of work.
	+ Availability provisions.
	+ Reasonable notice periods to be given before cancellation of a shift.
	+ Reasonable compensation to be paid if a shift is cancelled.
	+ Secondary employment provisions.
* Unfair treatment of an employee who has lawfully refused work in certain circumstances.
* Where an employer engages in adverse conduct for a prohibited health and safety reason in relation to an employee or tries to force or persuade an employee not to perform a function, exercise a power or undertake a role under the Health and Safety at Work Act 2015.
* Where an employer, or former employer, takes retaliatory action against an employee who has made a protected disclosure of information.
* Where an employer does not agree to protecting an employee’s employment while the employee in participating in Reserve Forces service or training.
 |
| Time frame | * Employees must raise the grievance within 90 days of either:
	+ The date the incident took place.
	+ The date they first became aware of the situation.
 |
| Submitting the grievance | * Employees can give their grievance:
	+ In writing.
	+ Face-to-face.
	+ Sufficiently clear to make the organisation aware that there is a grievance.
 |
| Resolving the grievance through internal dispute resolution  | * We prepare for the meeting by:
* Making sure the employee knows they can bring a support person (like a friend or partner, a lawyer or a union representative).
* Inviting our own lawyer or industry association representative.
* Setting the meeting up with enough time to prepare beforehand and choose a time when we won’t be rushed.
* Making sure the meeting takes place in a location where there is privacy.
 |
| The meeting | * We clarify the facts; ensure the problem isn’t based on an assumption or a misunderstanding.
 |
| * We discuss the problem fully so that everyone understands exactly what happened and how.
 |
| * We consider whether we need help to resolve the problem.
 |
| * If we can’t resolve the issue internally, we seek mediation.
 |
| * We take detailed notes of everything that’s discussed, and share them afterwards with all parties.
 |
| Record of settlement | * We will draw up a record of settlement if we and the employee have come to an agreement.
* To make sure the agreement can be enforced we submit it to the Employment Mediation Services to check and sign.
 |
| Resolving the grievance using mediation services | * [How to request mediation link.](https://dispute.employment.govt.nz/app/Extra/Employment/Default.aspx?sid=638863406742654281)
 |
| [Pre-mediation preparation](https://www.employment.govt.nz/assets/uploads/documents/resolving-problems/employment-mediation-what-to-expect.pdf) | * We will attend mediation prepared.
* We will provide an opening statement in summary form.
* We ensure the person attending on behalf of our organisation has the appropriate decision-making authority.
* We inform mediation services of specific needs. For example:
	+ Cultural needs.
	+ Language needs.
	+ Mobility needs
	+ A location that both parties feel comfortable in and confidentiality can be maintained.
* [Preparing for mediation.](https://www.employment.govt.nz/assets/uploads/documents/resolving-problems/preparing-for-employment-mediation-workbook.pdf)
 |
| The mediation meeting  | * A mediation meeting is a semi-formal process. It is not like going to court. Participants are not under oath nor will they be cross-examined.
* Anything said throughout is confidential and cannot be used against us in any later proceedings in the Employment Relations Authority (ERA) or the Employment Court.
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| Employment Rights |
| **Introduction** |
| **Purpose** | To support our organisation and its employees to maintain their relationship within the law and in ‘[good faith](https://www.employment.govt.nz/starting-employment/rights-and-responsibilities/good-faith)’.  |
| **Scope** | Employees of our organisation. |
| **Policy** | Minimum employment rights must be met regardless of whether they are included in agreements. Employees can’t be asked to agree to less than the minimum rights.  |
| **Legislation** | [Employment Relations Act 2000](http://www.legislation.govt.nz/act/public/2000/0024/latest/DLM58317.html)[Employment Relations Amendment Act 2018](http://www.legislation.govt.nz/act/public/2018/0053/latest/LMS8116.html) [Health and Safety at Work Act 2015](http://www.legislation.govt.nz/act/public/2015/0070/latest/DLM5976660.html)[Human Rights Act](http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html) 1993[Holidays Act 2003](https://www.legislation.govt.nz/act/public/2003/0129/latest/versions.aspx)[Home and Community Support (Payment for Travel Between Clients) Settlement Act 2016](http://www.legislation.govt.nz/act/public/2016/0002/latest/DLM6600910.html)  |
| **Guidelines** | [Minimum employment rights and obligations](https://www.employment.govt.nz/starting-employment/rights-and-responsibilities/employee-rights-and-responsibilities)[Breast feeding in the workplace](https://www.employment.govt.nz/assets/uploads/documents/pay-and-hours/breastfeeding-in-the-workplace-guide-for-employers.pdf)[Employment for disabled people](https://www.employment.govt.nz/starting-employment/hiring/hiring-disabled-people)[Family violence leave](https://www.employment.govt.nz/leave-and-holidays/family-violence-leave/taking-family-violence-leave#scroll-to-1) [Going to the Employment Relations Authority](http://www.era.govt.nz/)[Holidays and leave entitlements](https://employment.govt.nz/leave-and-holidays/)[Mediation](https://www.employment.govt.nz/resolving-problems/steps-to-resolve/mediation/)[Minimum wages](https://www.employment.govt.nz/pay-and-hours/pay-and-wages/minimum-wage/minimum-wage-rates-and-types)[Parental leave guide](https://employment.govt.nz/leave-and-holidays/parental-leave/)[Pay and wages](https://www.employment.govt.nz/pay-and-hours/pay-and-wages)[Resolving problems](https://www.employment.govt.nz/resolving-problems/) [Unions and collective bargaining](https://www.employment.govt.nz/fair-work-practices/unions-and-bargaining/collective-bargaining) |

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| **Overview of employees’ minimum rights** (follow the links for details) |
|  | A written employment agreement. |  | Get 4 weeks of paid [annual holiday](https://www.employment.govt.nz/leave-and-holidays/annual-holidays) each year, after having been employed for 12 months. |
|  | Get advice or support from someone before the contract is signed. |  | Be treated fairly and to a proper process if an employee loses the job through being fired or made redundant. |
|  | Have the contract updated and a right to have a copy.  |  | Be protected from adverse treatment (being treated badly or unfairly) because you might be affected by family violence. |
|  | Be paid at least the [minimum wage](https://www.employment.govt.nz/pay-and-hours/pay-and-wages/minimum-wage).  |  | Be protected from unlawful discrimination because of age, ethnicity, sex, disability or religious beliefs |
|  | Get [rest and meal breaks](https://www.employment.govt.nz/pay-and-hours/hours-and-breaks/rest-and-breaks) according to the law. |  | Ask the employer for details of the time worked, leave and holiday entitlements. |
|  | Take [public holidays](https://www.employment.govt.nz/leave-and-holidays/public-holidays) off work on full pay, if they are days normally worked. |  | Ask at any time for short-term flexible working arrangements for up to 2 months to help the employee deal with the effects of [family violence](https://www.employment.govt.nz/leave-and-holidays/family-violence-leave/taking-family-violence-leave). |
|  | Get paid 1.5 times the normal pay rate plus another day off, if working on a [public holiday](https://www.employment.govt.nz/pay-and-hours/pay-and-wages/leave-and-holiday-pay/public-holiday-pay) that is otherwise a normal working day. |  | Get [parental leave](https://www.employment.govt.nz/leave-and-holidays/parental-leave) for up to 12 months and parental leave payments to care for a new baby if the 6-month or 12-month rule is met. |
|  | Be entitled to [10 days sick leave](https://www.employment.govt.nz/leave-and-holidays/sick-leave/taking-sick-leave) a year. |  | Work in a safe workplace with proper training, supervision and equipment |
|  | Get up to 3 days [bereavement leave](https://www.employment.govt.nz/leave-and-holidays/bereavement-leave/taking-bereavement-leave#scroll-to-1) in specified circumstances. |  | Get up to 10 days paid [family violence leave](https://www.govt.nz/browse/work/family-violence-leave/) a year. |
| **Employment agreements** |
| Employment agreements state the terms and conditions of employment. Every employee must have a written employment agreement. ([Employment agreement builder](https://eab.business.govt.nz/employmentagreementbuilder/startscreen/).) |
| **Agreement processes** | * We must provide an employee with a copy of their individual employment agreement.
 |
| * Failure to ensure the employment agreement is in writing may result in a fine.
 |
| * The employment agreement can be either an individual agreement or a collective agreement. If there’s a relevant collective agreement, we must provide an employee with the [Form for new employees to indicate if they intend to join a union](https://www.employment.govt.nz/assets/uploads/documents/starting-employment/form-to-indicate-intention-to-join-union.pdf) within first 10 days of the employee starting their new job.
 |
| * The type of employment agreement an employee is on depends on whether or not they are members of a union. It is the employee’s choice whether they join a union, and an employer can’t unduly influence their choice. If an employee chooses to join a union, they will be covered by the relevant collective agreement, if there is one.
 |
| * An individual employment agreement is signed by the employer and employee, although it can still be valid even if it isn't.
 |
| * There are some things that must be in the employment agreement and other things that are usually in employment agreements but don’t have to be, such as the notice period.
 |
| * Minimum rights (such as the minimum wage and annual holidays) are legal requirements and apply even if they’re not in the employment agreement. The employment agreement can’t reduce these or trade them off for other things.
 |
| * Employers are required to keep a copy of the employment agreement (or the current signed terms and conditions of employment). The employer must keep an 'intended agreement' even if the employee hasn’t signed it. Employees are entitled to a copy of their agreement on request.
 |
| * Employers need to think carefully about the needs of the organisation before they draft an employment agreement. For example, if there’s a possibility that they may need to cancel an employee’s shift, then the reasonable compensation and period of notice for this needs to be in the employment agreement.
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| **Types of agreement** |
| [**Collective employment agreements**](https://www.employment.govt.nz/fair-work-practices/unions-and-bargaining/collective-agreements) | Collective employment agreements are negotiated by registered unions (representing employees who are members of the union) and employers.  |
| Employees who are union members and covered by the collective agreement coverage clause must be on the collective agreement. |
| Employers must not unduly influence employees to join or not join a union. |
| A new employee who is a union member can show they agree to the terms and conditions of an existing collective employment agreement by signing an offer of employment (the collective agreement will apply even if they don’t). |
| If the employee is covered by a collective employment agreement, they can also have additional individual terms. These should be set out in writing and signed by the employer and employee. |
| Pay rates will need to be included in collective agreements. |
| [Collective bargaining](https://www.employment.govt.nz/fair-work-practices/unions-and-bargaining/collective-bargaining) has more information about individual terms and agreement options. |
| [**Individual employment agreements**](https://www.employment.govt.nz/starting-employment/employment-agreements/collective-and-individual-employment-agreements#scroll-to-3) | Individual employment agreements are negotiated by an employer and an employee; they should discuss the terms and conditions of employment fully and put these in the employment agreement **before** the employee starts work. |
| If an employee isn’t happy with something in the intended agreement, they should tell their employer this as soon as possible, and try to negotiate the issue they’re not happy with. |
| An individual employment agreement should be signed by the employee and the employer to show they both agree with it. If an employee doesn’t sign their employment agreement, but also doesn’t say they don’t agree to it, the employer might take their silence and their other conduct as being an agreement. |
| The employment agreement could apply to the employee, even if they haven’t signed it, unless:* They can show they didn’t agree to all or part of it, or
* some part of it is unlawful.
 |
| **Minimum rights and entitlements** | **There are minimum rights and entitlements that must be met even if they’re not in the employment agreement or the agreement has a lesser entitlement. The employee’s individual employment agreement:** |
| Is just between the employee and their employer (even if its terms and conditions are similar to a collective agreement). |
| Can be based on a current collective agreement as long as there is no intent or effect to undermine collective bargaining or the union agrees. |
| Can be similar to other individual employment agreements in the workplace or unique to that employee. Employees on individual employment agreements don’t have to have the same terms and conditions even if they do the same job in the same workplace. |
| Must be in writing and contain at least the terms and conditions of employment that have to be in an employment agreement. |
| Can’t have anything in it that is less than the minimum required by law, or is inconsistent with the law. |
| Should be kept in a safe place by the employee and employer (an employee can ask their employer for a copy if they lose theirs). |
| Can be changed by agreement by the employee and employer. |

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| **The agreement must contain** | **Employment agreements must have the following clauses:** |
| The names of the employer and the employee (to make clear who the parties to the agreement are). |
| A description of the work to be performed (to make clear what the employee is expected to do). |
| An indication of the place of work.  |
| The agreed hours or an indication of the hours that the employee will work, this includes agreement on any or all of the following:* The number of hours.
* The start and finish times of work.
* The days of the week the employee will work.
 |
| The wage rate or salary payable (must be equal or greater than the relevant minimum wage) and how it will be paid. |
| An explanation of how to help resolve employment relationship problems including advice that personal grievances must be raised within 90 days. |
| A statement that the employee will get (at least) time-and-a-half payment for working on a public holiday. |
| For relevant employees, an employment protection provision to apply if the employer’s business is sold or transferred, or if the employee’s work is contracted out. |
| Any other matters agreed on, such as trial periods, probationary arrangements, or availability provisions. |
| The nature of the employment.  |
| If an employee and employer agree to better terms and conditions than minimum rights contained in the Act, these should be recorded in the employment agreement. |
| Trial periods  | An employer with 19 or fewer employees can use a trial period for up to 90 days as long as this is agreed in the written employment agreement before the employee starts work.For details on trial periods we refer to [Employment NZ Govt](https://www.employment.govt.nz/starting-employment/hiring/trial-and-probationary-periods).  |
| Minimum wage rates | We will refer to the latest information on minimum wage rates on [Employment NZ Govt](https://www.employment.govt.nz/hours-and-wages/pay/minimum-wage/minimum-wage-rates/). |
| Rest and meal breaks | Employers must pay for minimum rest breaks but don’t have to pay for meal breaks. Rest breaks must be a minimum of 10 minutes, and meal breaks at least 30 minutes.We refer to [Employment NZ Govt](https://www.employment.govt.nz/hours-and-wages/breaks/rest-and-meal-breaks/). for details. |

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| Debriefing  |
| **Purpose** | We support workers by arranging processes to ensure workers’ wellbeing after an adverse event/incident related to work. |
| **Scope** | Workers who have been affected by an adverse event/incident. |
| **References** | [Critical Incident Stress Debriefing.](https://www.nzsar.govt.nz/assets/Downloadable-Files/Critical-Incident-Stress-Debriefing.pdf)[NZNO: Incident debriefing 2021](https://www.nzno.org.nz/Portals/0/publications/Guideline%20-%20Incident%20debriefing%2C%202021.pdf). |
| **Policy** | * Workers challenged or upset by an incident can determine that they need to debrief.
* Significant/serious adverse events will always result in a debrief process described in this procedure. Such events include for example:
* A death or poor care/support outcome.
* When a situation is reported as a significant event.
* When considerable team learning need to occur.
* After the investigation of an event/incident where it seems that:
	+ Workers have not seen the full picture.
	+ Different versions of the event are being discussed.
* Individual workers need ‘closure’.
 |
| **Processes** |
| **Demobilisation**  |
| Significant events/incidents may trigger a wide range of physical and psychological symptoms, including increased heart rate, high blood pressure and anxiety. Demobilisation (rest, information and time out) is a way of calming workers following a significant event/incident and ensuring that their immediate needs are met. |
| **Responsibility** | **Actions** | **Time frame** |
| An employee in a leadership position who was not involved in the incident, or affected by it, carries out the demobilisation. | * Convene a meeting for those involved as soon as possible.
* Summarise the event/incident and clarify uncertainties.
* Invite questions and discuss issues of concern.
* Show care and support.
* Draw up a plan of action, taking into account the needs of the workers.
* Make short-term arrangements for work responsibilities.
* Offer information on defusing and debriefing.
 | A demobilisation takes place before the end of a shift or before those involved in the incident disperse. |
| **Defusing** |
| Defusing (immediate small group support) is designed to bring the experience of the significant event/incident to a conclusion and provide immediate personal support. The aim is to stabilise the responses of workers involved in the significant event/incident and provide an opportunity for them to express any immediate concerns.  |
| **Responsibility** | **Actions** | **Time frame** |
| Employee who had training in debriefing processes. | * Review the event.
* Clarify workers’ questions and concerns.
* Encourage workers to talk about what happened.
* Identify current needs.
* Offer advice, information and handouts on referrals to support agencies.
* Arrange debriefing and follow-up sessions to provide additional information about the event when available.
 | This step should take place within 12 hours of the incident. |

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| **Debriefing** |
| Debriefing (powerful event group support) is usually carried out when staff have had enough time to take in the experience. Debriefing is not counselling. It is a structured voluntary discussion aimed at putting a significant event into perspective. It offers staff clarity about the event they have experienced and assists them to establish a process for recovery. |
| **Responsibility** | **Actions** | **Time frame** |
| Employee who had training in debriefing processes. | The debriefer(s) help staff to explore and understand a range of issues, including:* The sequence of events.
* The causes and consequences.
* Each person’s experience.
* Any memories triggered by the incident.
* Normal psychological reactions to significant events.
* Methods to manage emotional responses resulting from a significant event.
 | Carried out within three to seven days of the significant event. |
| **Follow-up support** |
| Stress responses can develop over time and follow-up support may be required for some workers. Perspectives may change after the first debriefing session and additional sessions may need to focus on new aspects of the significant event/incident or stress reactions.It is also common for significant events/incidents to bring up a range of personal issues for workers. Short-term counselling may be required to prevent further difficulties. Where counselling sessions identify other or more complex needs, it may be important to refer a worker to an appropriate service for additional support. |
| **Responsibility** | **Process** | **Time frame** |
| Employee in a leadership position | The manager, team leader and health and safety officer will be alert to the psychological needs of staff after debriefing. Ongoing assessment of staff members’ needs will occur. If a staff member needs further support, this will be initiated by the business manager who refers the staff member for example to:* Individual supervision.
* Employee Assistance Programme.
* Spiritual/religious leader.
* Kuia.
* Kaumatua.
* Tohunga.
* Counsellor/psychotherapist/psychologist.
 | Monthly check of staff needs for six months. |
| **Venue** |
| * A location:
* That is large enough to accommodate the group.
* That can be secured to assure privacy and no interruption.
* That is well ventilated.
* Refreshments will be provided for the participants of the meetings.
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| Worker’s information and records |
| **Purpose** | To ensure processes are in place to meet the principles of the Privacy Act.  |
| **Scope** | Current and past workers of our organisation. Within the context of this policy/procedure workers are: employees, volunteers, people on an internship, and contractors.The Privacy Act applies to any person, organisation, or business that collects and holds personal information about other people. |
| **Policy** | We will comply with privacy legislation and the requirements of Ngā paerewa. Our Privacy Officer will manage all privacy related issues. The [Privacy Officer](https://www.privacy.org.nz/responsibilities/privacy-officers/) has completed the Privacy Commissions ‘Employment and Privacy” e-learning module. |
| **References** | [HISO 10001:2017 Ethnicity Data Protocols](https://www.health.govt.nz/publication/hiso-100012017-ethnicity-data-protocols)[Privacy Act 2020](https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html)[Privacy Commission: Your privacy responsibilities](https://www.privacy.org.nz/responsibilities/your-obligations/) |
| **Privacy principles** | The privacy principles apply to all information and records we have about our workers:* [Principle 1   - Purpose for collection](https://www.privacy.org.nz/privacy-principles/1/)
* [Principle 2   - Source of information - collection from the individual](https://www.privacy.org.nz/privacy-principles/2/)
* [Principle 3   - What to tell the individual about collection](https://www.privacy.org.nz/privacy-principles/3/)
* [Principle 4   - Manner of collection](https://www.privacy.org.nz/privacy-principles/4/)
* [Principle 5   - Storage and security of information](https://www.privacy.org.nz/privacy-principles/5/)
* [Principle 6   - Providing people access to their information](https://www.privacy.org.nz/privacy-principles/6/)
* [Principle 7   - Correction of personal information](https://www.privacy.org.nz/privacy-principles/7/)
* [Principle 8   - Ensure accuracy before using information](https://www.privacy.org.nz/privacy-principles/8/)
* [Principle 9   - Limits on retention of personal information](https://www.privacy.org.nz/privacy-principles/9/)
* [Principle 10 - Use of personal information](https://www.privacy.org.nz/privacy-principles/10/)
* [Principle 11 - Disclosing personal information](https://www.privacy.org.nz/privacy-principles/11/)
* [Principle 12 - Disclosure outside New Zealand](https://www.privacy.org.nz/privacy-principles/12/)
* [Principle 13 - Unique identifiers](https://www.privacy.org.nz/privacy-principles/13/)
 |
| **Workers’ Records**  |
| **Ethnicity** | We collect ethnicity data of our workers in order to:* Measure the ethnicity match of workers and the people we provide a service to.
* Identify trends so we can respond to them in a timely manner.
* Consider specific needs of the worker.
 |
| **Keeping information** | We only keep information that is relevant to the worker’s employment or role. The records are up to date. Records include:* Recruitment records.
* Employment agreement or contract.
* Position description.
* Record of Qualifications.
* Annual practicing certificate (where this applies).
* Ongoing training and personal development records and training plans.
* Performance discussions/reviews.
* Two-yearly police vetting and any other required vetting processes.
* Performance management records.
* Minutes of catch-up meetings.
* Documentation as noted in the ‘Employment right’ section of this document.
* Emergency contacts.
* Kiwi-saver and IRD records.
* Leave records.
* Supervision contracts.
 |
| **Confidentiality** | Paper and electronic records are kept secure and only at the following places:* On our HR data base that has its own secure access.
* Current paper records are kept in:
	+ Click here to enter text.

Only the following employees have access to workers’ records: * Click here to enter text.

We monitor access to workers’ records.Our Privacy Officer reports [privacy breaches](https://www.privacy.org.nz/responsibilities/privacy-breaches/) to the Privacy Commissioner as required. |
| **Information sharing** | The current [information sharing](https://www.privacy.org.nz/privacy-act-2020/information-sharing/) processes are available on the Privacy Commissioner’s website. |

# Appendix

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| Example: Lived experience advisor contract |
| **Contract Between**  | Click here to enter text. **and** Click here to enter text. |
| **Whereby** | It is agreed as follows: We engage Click here to enter text. to provide services as specified in this contract. Click here to enter text. agreed to provide the services as identified below. |
| **Contract** | Consumer /Lived Experience Advisor |
| **Purpose of this role:** | To ensure that our organisation works in partnership with people who have or had lived mental health and/or substance use issues in order to be responsive to the needs of people and communities engaged with our service.  |
| **Scope of the role:** | Our mental health and alcohol and other drug/addiction services. |
| **Services to be provided:**  |
| **Participation and advisory** | Be an active member of the organisation’s governance.Participate in strategic and business planning.Participate in recruitment processes.Participate in and establish consumer networks. |
| **Quality** | Participate in policy and procedure development.Lead projects on approaches to service delivery.Lead quality improvement projects.Participate in quality meetings. |
| **Surveys and feedback**  | Manage satisfaction surveys and service evaluations and provide a yearly report that includes an analysis of the data and recommendations.  |
| **Fee’s** | The advisor shall be entitled to be paid for services at the following rate: |
| $ Click here to enter text.per meeting including meeting records |
| Policy/procedure consultation Policy/procedure development(Dependent on the size and complexity of the document).Negotiation of payment will be confirmed before the task is started. | $ Click here to enter text. per policy. |
| Managing the review of service users’ satisfaction surveys.  | $ Click here to enter text.per yearly review.  |
| Staff interview and selection processes. | $ Click here to enter text. per job selection and interview processes. |
| **Supervision** | We pay for monthly external supervision up to $ Click here to enter text. |
| **Confidentiality** | All documents, records, or files, about our organisation, including people engaging with our services and employee matters, are strictly confidential and are not to be disclosed in any form either during or after termination of this agreement. |
| **Conflict of interest** | Click here to enter text.must not have or acquire any interest (financial, professional or personal) that directly or indirectly is or may be in conflict with the responsibilities or obligations under this contract.The lived experience advisor role is not a consumer advocate role and it would be a conflict of interest if those two roles would be performed by one and the same person.  |
| **Reporting** | Click here to enter text.will provide a report on the activities and their outcomes on the last day of each month. This report will be submitted to Click here to enter text. |
| **Duration of the Agreement:** | Start Date: Click here to enter a date. End Date: Click here to enter a date. |
| **Review of the Agreement:** | Date: Click here to enter a date. |
| Click here to enter a date. | **Signature of the contractor:** |  |
| Click here to enter a date. | **Signature and printed name of the person hiring:** |  |

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| Example: Whānau/family advisor contract |
| **Between**  | Click here to enter text. **and** Click here to enter text.  |
| **Whereby** | It is agreed as follows: Click here to enter text.engages Click here to enter text.for the provision of the specified services andClick here to enter text.has agreed to provide the services as documented below. |
| **Contract** | Family/Whānau Advisor |
| **Purpose of this role:** | To ensure that we are responsive to the needs of family/whānau who have experiences with mental health/addiction services as a family member.  |
| **Scope of the role:** | Our mental health and alcohol and other drug/addiction services. |
| **Services to be provided:**  |
| **Participation and Advisory** | 1. To advise the Board of Trustees/Directors, Management Team, Health Professionals and Support Workers on family/whānau matters and interests in regards to the organisations strategic direction and service development.
2. To advise family/whānau of relevant networks and of their right to participate in their family members’ service delivery within the law and guidelines.
 |
| **Quality** | 1. Provide advice and comment on policy and procedure development and documentation.
2. Attend the Quality Forum/Meeting when requested.
 |
| **Family/whānau Satisfaction Surveys** | 1. To distribute satisfaction survey yearly to family/whānau.
2. To ensure that the surveys provide the service provider with essential information on
	1. the quality of contact with staff
	2. effectiveness of information exchange
	3. support offered/provided
	4. perceived strengths/weakness of the service/organisation
3. To analyse the result of the surveys and advise on service improvement measures.
4. To monitor the implementation of service improvement measures.
 |
| **Fee’s** | The advisor shall be entitled to be paid for services at the following rate: |
| Board meeting attendance to discuss: * Strategic Planning
* Service Development

Quality Forum/meeting attendance to: * Ensure quality systems and processes are responsive to family/whānau needs
 | $/per meeting incl. documented feedback and comments. |
| Policy/procedure consultation (Dependent on the size and complexity of the document).Negotiation of payment would be confirmed before the task is started. | $ per document |
| Managing the review of family/whānau satisfaction survey.  | $ /per yearly review  |
| Staff Interview participation and selection. | $ per interview |
| **Supervision/****Mentoring** | Click here to enter text.will be supported to attend monthly external supervision/mentoring sessions. |
| **Confidentiality** | All documents, records, or files, our organisations processes and matters pertaining to people engaged with our service and employee matters, are strictly confidential and are not to be disclosed in any form either during or after termination of this agreement.  |
| **Conflict of Interest** | Click here to enter text.must not have or acquire any interest (financial, professional or personal) that directly or indirectly is or may be in conflict with the responsibilities or obligations under this Contract.The Family/Whānau Advisor role is not an advocate role and it would be a conflict of interest if those two roles would be performed by one and the same person.  |
| **Reporting** | Click here to enter text.will report on activities on the last day of the month the activity occurred.This report will be submitted to Click here to enter text. |
| **Duration of the Agreement:** | Start Date: Click here to enter a date. End Date: Click here to enter a date. |
| **Review of the Agreement:** | Date: Click here to enter a date. |
| **Date** | **Signature of the Family/whānau Advisor** |  |
| **Date** | **Signature of name of service Manager** |  |