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OIA-2023-4793

5 September 2023

[REDACTED]
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Dear [REDACTED]

I refer to your email of 9 August 2023 requesting, under the Official Information Act 1982 (OIA), the following:

Can I please get your working from home policies and find out:

- How many Wellington staff you employ,
- On an average day in 2023, how many Wellington staff work from home?
- And if you have any plans to change this (ie, increase working from home or working from the office).

The table below provides a headcount of New Zealand Defence Force (NZDF) Regular Force personnel and civilian staff who work in the Wellington CBD and the number of flexible working arrangements entered in the NZDF HR system for the area. The data is accurate as at 31 July 2023.

	Headcount	Flexible working arrangements
Regular Force	438	57
Civilian	745	121
Total	1,183	178

Flexible working arrangements continue to be considered on a case by case basis, in line with current policy and guidance. A copy of Defence Force Order (DFO) 3 Part 12, Chapter 1, which concerns flexible working arrangements, is at Enclosure 1.

You have the right, under section 28(3) of the OIA, to ask an Ombudsman to review this response to your request. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that responses to official information requests are proactively released where possible. This response to your request will be published shortly on the NZDF website, with your personal information removed.

Yours sincerely

AJ WOODS
Air Commodore
Chief of Staff HQNZDF

Enclosure:

1. DFO 3, Part 12, Chapter 1

Chapter 1: Flexible Working Arrangements

Overview

Introduction
12.1.1.

This Order provides guidance for commanders and managers regarding the application of flexible working arrangements.

Contents
12.1.2.

This Order contains the following sections.

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Section A: Background of Order

Overview

Introduction
12.1.3.

This Order provides direction and guidance about the application of the Flexible Working Arrangements Policy and its contribution to strategic outcomes.

Contents
12.1.4.

This section contains the following topics:

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Intent of the Order	4
Definitions	5

Scope of Order

Delegation
12.1.5. Heads of Portfolios, or their delegate, are delegated authority to approve flexible working arrangements for both members of the Regular Force and members of the Civil Staff within their portfolios.

Eligibility
12.1.6. Members of the Regular Force who have completed initial recruit or specialist training and all members of the Civil Staff may request a flexible working arrangement at any time.

Cancellation
12.1.7. This Order cancels:
DFO 4, Chapter 2, Section 6 *Reduced Hours Service*.
DFO 18/2008 *Flexible Working Arrangements (Civil Staff)*.
DFO 15/2002 *Flexible Working Arrangements Policy*.

Effective date
12.1.8. This Order is effective from 07 April 2010.

Point of contact
12.1.9. The Director of Human Resources Policy and Research, DHR is the point of contact for this Order.

References
12.1.10. The following references apply to this Order:
(1) Individual and collective employment agreements.
(2) [Defence Act 1990](#).
(3) [Armed Forces Discipline Act 1971](#).
(4) Employment Relations Act 2000 (ERA).

Intent of the Order

Intent 12.1.11.

The intent of this Order is to allow for the application of flexible working practices whilst ensuring that the resources required to deliver NZDF outputs are maintained.

The impacts sought by this Order are:

- (1) improved retention of members of the Regular Force and members of Civil Staff
 - (2) improved morale
 - (3) the ability of NZDF to deliver outputs is maintained, and
 - (4) compliance with the Employment Relations Act (for members of the Civil Staff).
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Principles to apply 12.1.12.

The following principles are to apply to this Order:

Principle	Description
Organisational Primacy	The needs of the NZDF are to take precedence over the needs of the member.
Merit	Members of the Regular Force and members of the Civil Staff who apply for flexible working arrangements will be assessed on the merits of their case. Applications will be assessed on a case by case basis.
Fairness and Equity	Decisions made will reflect the circumstances of the applicant. The process will be transparent and only relevant factors will be considered.
Partnership	Individual needs will be accommodated as far as possible, provided that organisational capability is not compromised.

Definitions

Definitions 12.1.13.

The following definitions apply to this Order.

Term	Definition
Flexible working arrangement	Any arrangements agreed that vary working conditions to meet the needs of members of the NZDF whilst still ensuring the work requirements can be met. This may include, reduced hours, job splitting, job sharing, working from home or other locations, and working outside of core hours. Arrangements are for a specified time and are subject to review.
Full-time working day	A full-time working day means the hours of duty in a 24 hour period that would normally be required to be worked in the position occupied by the member of the Regular Force or member of the Civil staff.
Job sharing	Job sharing is an arrangement in which one full-time permanent position is shared between two or more personnel, each working on a reduced-hours basis.
Job splitting	Job splitting provides for job outputs to be separated to form distinct areas of responsibility for two or more people; eg two or more personnel responsible for distinct tasks within a project team.
Reduced hours	A flexible working arrangement that incorporates a reduction in the number of hours a member of the Civil Staff or member of the Regular Force would normally be expected to work in their role.
Short-term flexible working arrangement	Any agreed arrangement that varies working conditions of service or employment for a person affected by domestic violence for up to two months.

Section B: The Policy

Overview

Introduction 12.1.14.

NZDF supports flexible working practices, which permit members of the Regular Force and members of the Civil Staff to balance their personal obligations and interests with their NZDF duties, provided there is no impact on NZDF operations.

Members may want to apply flexible working practices for a number of reasons, including:

- (1) to meet family/whānau responsibilities
- (2) to complete education/training
- (3) to pursue personal opportunities, or
- (4) to deal with the effects of domestic violence.

Contents 12.1.15.

This section contains the following topics:

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Establishment of Flexible Working Arrangements

Considerations when reviewing requests 12.1.16.

When considering an application for a flexible working arrangement the approving authority is to take into consideration the following:

- (1) That while the approval of a flexible working arrangement is to be encouraged, these arrangements are not an entitlement. Not all permanent positions are suitable for flexible working arrangements.
 - (2) Approvals must not compromise NZDF operational effectiveness or disadvantage others. Management considerations are to include the need to achieve, effectively and efficiently, the tasks and objectives set by, or on behalf of, the CDF.
 - (3) The ability for a unit to deploy on operations.
 - (4) Other methods of accommodating the request, for example the use of annual leave.
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Short-term flexible working to deal with the effects of domestic violence 12.1.17.

A member may request a short-term flexible working arrangement (two months or shorter) to their existing working arrangement including a variation to their hours, duties, workplace location or any other variation the member needs to deal with the effects of domestic violence.

Commanders/managers must respond to a request within 10 working days after receiving the request.

During the request process commanders/managers are to provide the member with information about appropriate domestic violence services.

Refer: [HR Toolkit](#) – *Flexible Working Arrangements*

Command Guidance 12.1.18.

Reduced Hours

Reduced hours are not normally to be granted to allow a member of the Regular Force or member of the Civil Staff to undertake secondary employment. It may however be appropriate in some circumstances; eg, a member is required to operate a family business for a short period due to sickness or death of another family member.

Working Remote

Members of the Regular Force or Civil Staff approved to work remotely are responsible for setting up, facilitating and maintaining the remote work environment. NZDF does not reimburse any costs incurred by the member, in relation to working remote.

Request process 12.1.19.

Members of the Regular Forces and Civil Staff are to raise requests for a flexible working arrangement through ESS to their Commander/Manager.

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Establishment of Flexible Working Arrangements, Continued

Notice to commence or end Reduced Hours
12.1.20.

The period of notice required to commence or end a reduced-hours arrangement will normally be three months.

Timeframes for responses
12.1.21.

Requests should be dealt with and responded to as quickly as possible but within one month of receiving a request.

Requests for a short-term flexible working arrangement to deal with the effects of domestic violence are to be dealt with and responded to within 10 working days after receiving a request.

Declining a request
12.1.22.

If a request from a member of the Civil Staff or a member of the Regular Force is to be declined then the reason and basis for that decision is to be set out in writing.

Commanders/managers are to ensure the reasons for declining a request from a member of the Regular Forces are communicated to that member in writing as soon as possible.

Commander/managers may refuse a request, made by a member of the Civil Staff, only if it cannot be accommodated on certain grounds specified in the Employment Relations Act 2000.

Commander/managers should contact a Human Resource Advisor before responding to requests for flexible working arrangements for members of the Civil Staff.

Refer: [HR Toolkit](#)

Refer: Employment Relations Act 2000

Recording flexible working arrangement
12.1.23.

If a request is approved or declined it is to be recorded in ESS.

Employment percentage
12.1.24.

Where the flexible working arrangement is job sharing, the combined employment percentage for the shared post is not to be greater than 100%.

Duration of arrangement
12.1.25.

Periods of flexible working arrangements are to have a fixed duration.

A short-term flexible working period, for the purpose of dealing with the effects of domestic violence, is not to exceed two months in duration.

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Establishment of Flexible Working Arrangements, Continued

Performance appraisals
12.1.26.

Members of the Regular Force and Civil Staff on flexible working arrangements are subject to their normal performance appraisal procedures.

Impact of reduced hours on management processes
12.1.27.

Unless otherwise specified, all conditions of service and employment associated with the employment or service of a member are unchanged.

Health and Safety
12.1.28.

Safety is to be considered if the working arrangements include work being performed at home or at another location. Members of the Regular Force and Civil Staff are to be offered advice and assistance to ensure that the work areas are safe and that hazards are managed.

Refer: guidance on location and health and safety on the [HR Toolkit](#) under *Flexible Working – Location*, and from HR Advisers.

Security
12.1.29.

Where members of the Civil Staff or members of the Regular Force are allowed to work from home, commanders/managers need to be cognisant of the security of documents as well as whether the workplace is safe.

Refer: guidance on location and document security on the [HR Toolkit](#) under *Flexible Working – Location*, and from HR Advisers.

Reviewing Arrangements

Reviewing Regular Force flexible working arrangements 12.1.30.

Three months prior to the end of the period, the flexible working arrangement is to be reviewed to consider if the agreement should be extended, ceased, or altered.

The member of the Regular Force is to be consulted when deciding whether the flexible working arrangement should be extended, ceased or altered, however the final decision rests with the commander.

Reviewing Civil Staff flexible working arrangements 12.1.31.

Flexible working arrangements for members of Civil Staff should be reviewed three months prior to their agreed end date.

The manager should consult with the employee in deciding whether the flexible working arrangement should be extended, ceased or altered. The final decision rests with the manager.

Arrangements in excess of 12 months 12.1.32.

Flexible working arrangements for both members of the Regular Force and members of the Civil Staff that are for a period in excess of 12 months, are to be reviewed by the member and the approving authority every six months to ensure that the arrangement continues to meet the needs of the NZDF and the individual.

Temporary suspension of reduced hours for members of the Regular Force 12.1.33.

Where work requirements demand, a period of reduced hours can be temporarily suspended for a period of up to 91 days at the discretion of the approving authority.

A period of suspension does not extend the agreed period of reduced hours. During this period the member of the Regular Forces will be eligible for all full-time pay and allowances and conditions of service. If work requirements necessitate a longer period than 91 days the reduced-hours arrangement is to end.

Termination of job sharing or splitting arrangements 12.1.34.

The success of flexible working arrangements involving job sharing or job splitting relies on the arrangement continuing to meet the needs of all parties involved. Where one of the parties to the arrangement resigns or wishes to change the arrangement, then the arrangement will come to an end unless the other party can arrange a mutually satisfactory replacement. The commander/manager will consult with the member; however the final decision to terminate the arrangement rests with the commander/manager.

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Reviewing Arrangements, Continued

Cessation of reduced hours for members of Regular Forces
12.1.35.

A member of the Regular Force may request the cessation of reduced hours at any time. However, reversion to a full-time arrangement is subject to approval by the commander/manager.

The Service may at any time require members of the Regular Force on a reduced-hours arrangement to change to full-time duties. Where a member of the Regular Force is required to return to full time duties, the Service is, wherever practicable, to provide the member of the Regular Force with three months notice of this requirement. In such situations, the member of the Regular Force may apply to take release.

Cessation of reduced hours for members of Civil Staff
12.1.36.

A member of the Civil Staff may request the cessation of reduced hours at any time. However, reversion to a full-time arrangement is subject to approval by the approving authority.

The NZDF may at any time request that a member of the Civil Staff subject to a flexible working arrangement revert to full-time duties. This request will be subject to consultation with the member, however the final decision rests with the manager.

Pay and Leave

Pay 12.1.37.	<p>Members of the NZDF with a flexible working arrangement will be paid their full time salary on a pro rata basis.</p> <p>Members of the Regular Force will have their Total Remuneration (TR) prorated based on actual hours worked.</p> <p>Members of the Civil Staff will have their salary prorated.</p>
Superannuation 12.1.38.	<p>Superannuation contribution rates are not changed as a result of a flexible working arrangement. Members of the NZDF employed on a reduced employment percentage shall continue to pay superannuation at the prescribed rate however the amount of their contributions will reflect their reduced employment percentage.</p>
Annual Leave 12.1.39.	<p>Members of the NZDF on reduced hours will have their annual leave entitlement prorated according to the hours or days worked.</p>
Sick Leave entitlement and Members of the Civil Staff 12.1.40.	<p>Members of the Civil Staff with a flexible working arrangement may have their sick leave entitlements above five days per annum prorated.</p>
Public Holidays 12.1.41.	<p>Members of the NZDF on reduced hours are entitled to Public Holidays only when the statutory leave day falls on a day that the member is required to work under his or her reduced-hours arrangement.</p> <p>Members of the Regular Force who are required by their CO to be on duty for any portion of a statutory holiday are entitled to one full day of Equivalent Leave. A full day of Equivalent Leave (EQL) allows a member of the Regular Force on reduced hours to take one full rostered day off.</p> <p>Members of the Civil Staff will be paid according to the Holidays Act.</p>
Command Guidance 12.1.42.	<p>The application of holiday entitlements is complex and entitlements will vary depending on the individual and the details associated with their flexible working arrangement. Commanders and managers are to consult with their HR Adviser before discussing entitlements with the member concerned.</p> <p>Refer: HR Adviser contact list on the HR Toolkit.</p>

Additional Hours and Duties (Members of the Regular Force)

Working routines for members of the Regular Force
12.1.43.

Nothing in this policy negates the ability of a commander to require members of the Regular Force to be on duty for any period outside, or in addition to, the prescribed normal working routine, if Service requirements so dictate. Normal working routine includes any agreed flexible working arrangements.

Regular Force additional hours
12.1.44.

Members of the Regular Force on reduced hours may be required to work hours additional to those specified in the reduced hours arrangement without additional remuneration.

Stand-Down (SD) or Time Off In Lieu should be used in the normal manner to compensate for any additional hours worked. In granting SD or Time Off In Lieu commanders must apply the same criteria as applied to members of the Regular Force working on a full time basis.

If the requirement to work additional hours becomes a regular occurrence, the reduced-hours agreement should be reviewed.

Secondary duties
12.1.45.

Members of the Regular Force on reduced-hours arrangements will be required to perform secondary duties appropriate to the member's rank and work arrangements.

General Conditions (Members of the Regular Force)

Seniority 12.1.46.

Seniority for service on reduced-hours arrangements will accrue at the full rate for the first 12 months. After 12 months, seniority will accrue at a rate proportionate to the service.

Members of the Regular Force will need to complete 12 months full-time service before a further period of reduced hours will accrue entitlement at the full rate. This 12 month period must be at 100 per cent and does not include LWOP or Parental Leave (PNL).

Promotion 12.1.47.

Members of the Regular Force on reduced hours are to be considered for promotion or for attendance at promotion or trade courses in the same way as any other member of the Regular Force.

Members of the Regular Force may temporarily be employed on a full-time basis if it is necessary to complete a course requirement. However, if this temporary arrangement is longer than 91 days, the reduced-hours arrangement is to end.

Postings 12.1.48.

Members of the Regular Force on reduced hours remain subject to posting on the same basis as any other member of the Regular Force. The Service will normally seek to give three months notice of posting to a member of the Regular Force on a reduced-hours arrangement.

Members of the Regular Force on reduced hours may elect to be posted unaccompanied in accordance with [DFO 3, Part 11, Chapter 2 Postings and Career Appointments](#).

Deleted.

Return of Service Obligations 12.1.49.

Members of the Regular Force on reduced hours with a Return of Service Obligation (ROSO) are to discharge that obligation at a rate proportionate to their current employment percentage.

Example: A member of the Regular Force has a one year ROSO and is on a 50% reduced hours. It will take two years to discharge the ROSO.

Medical and dental entitlements 12.1.50.

Members of the Regular Force on reduced hours are entitled to the normal range of medical and dental treatment.

Continued on next page

General Conditions (Members of the Regular Force), Continued

Accommodation assistance

12.1.51.

Members of the Regular Force on reduced hours remain eligible for Service housing and barrack accommodation.

Members of the Regular Forces, who are eligible for the Operational Enabling Allowance Posting Readiness (OEAPR) are to continue to receive this during any approved period of reduced hours.

Medallic recognition

12.1.52.

Periods spent on reduced hours arrangements do not affect the calculation of service for the purpose of medallic recognition.

Resettlement study assistance

12.1.53.

Members of the Regular Force on reduced hours will be required to suspend their reduced hours arrangement while on resettlement study assistance.

Disciplinary Matters (Members of the Regular Force)

Discipline
12.1.54.

Members of the Regular Force on flexible working arrangements remain subject to the Armed Forces Discipline Act at all times. Members of the Regular Force who are found guilty of any offence or offences and are subject to the following punishments are to have their flexible working arrangement suspended from the time the punishment is imposed until the punishment has concluded:

- (1) Imprisonment.
- (2) Detention.
- (3) Confinement to ship or barracks.
- (4) Stoppage of leave.

If a period of punishment is longer than 91 days the flexible working arrangement is to end.

Committing an offence
12.1.55.

Members of the Regular Force on flexible working arrangement who are found guilty of any offence or offences, and are subject to the punishment of extra work and drill, or extra duty are, at the discretion of their CO, to either:

- (1) have their flexible working arrangement suspended from the time the punishment is imposed until the punishment has concluded, or
 - (2) remain on their flexible working arrangement but undertake the extra work and drill, or extra duty on every day from the time the punishment is imposed until the punishment has concluded.
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Calculation of Terminal Benefits (Members of the Regular Force)

Calculation of reckonable service

12.1.56.

When calculating reckonable service for terminal benefits, any period of reduced hours is to be reduced to the equivalent period of full-time service.

This period and any period served on a full-time basis are to be aggregated to provide total reckonable service.

Calculation of retiring leave

12.1.57.

When calculating a retiring leave entitlement, the normal working week for the 12 months preceding retirement will be the basis for that calculation.
