

# Flexible Working Arrangements Policy

New Zealand

# Policy statement

At Event Hospitality and Entertainment Limited (“EVT”) we are committed to exploring and providing flexibility in the way that we work to achieve the optimum balance between work and personal responsibilities in order to assist our employees achieve their professional, personal, family and relationship goals.

## Scope

This Policy applies to all permanent employees of EVT and its associated entities and subsidiaries in New Zealand.

This Policy does not generally apply to managed/licensed hotel properties (with the exception of the legal obligations under the Employment Relations Act 2000 (“ER Act”). However, if a managed/licensed hotel property expressly chooses to adopt this Policy, then the terms of this Policy apply.

This Policy was developed to ensure that employees and managers are aware of the range of flexible working arrangements that may be available at EVT and understand the roles and responsibilities of each person involved in the application and approval process. The availability of these arrangements is subject to individual circumstances, and EVT’s operational requirements. This means that not every flexible working arrangement option will be available to every employee.

## Objective

Flexible working arrangements are about an employee and an employer making changes to when, where and how a person will work to better meet individual and business needs. Flexible working arrangements may not always be possible due to operational or other limitations and may be agreed upon on a temporary or permanent basis. Managers and employees need to be open to discussing and considering a range of flexible work options and undertaking this process in good faith.

Benefits of flexible working arrangements for employees	Benefits of flexible working arrangements for EVT
Greater job satisfaction	Attracting and retaining a diverse and inclusive workforce
Lower levels of workplace stress	Reduced turnover, absenteeism, employee stress, recruitment and training costs
Greater ability to meet family and personal commitments	Improved productivity, engagement and job satisfaction
Improved health and wellbeing	
Increased longevity of employment	

At EVT we recognise that we operate across a diverse range of brands and employ people in a wide range of roles. Flexible working arrangements available to an employee will vary based on whether the employee’s role is a site based/customer facing position or is office based where possible work from home arrangements may be accommodated.

# Legal requirements of flexible working arrangements

---

## **Part 6AA of the ER Act –**

### **General requests for flexible working arrangements**

In New Zealand, it is most common for employees to make any request for flexible working arrangements on an informal basis. However, there is statutory right to make a formal request for flexible working under Part 6AA of the ER Act, in which case the procedures and requirements as set out in the ER Act apply (described further below). From the commencement of employment, any employee can request a variation of their working arrangements and there is no limit to the number of times they can ask. The request must be in writing and set out certain specified information (including the variation of the work arrangements being requested and whether the variation is permanent or for a period of time).

The ER Act gives EVT and its employees a process to follow in relation to formal requests for a flexible working arrangement, and which requires EVT to respond to requests in accordance with specified timeframes, and provide specific information to employees, where such requests are refused (see further details below).

In considering the application, EVT should do so in good faith and genuinely think about how EVT might make the arrangement work for both EVT as the business and EVT'S employees. This may require a Manager from EVT to have discussions with the employee and may also need to involve other members of the team to come up with a suitable arrangement (bearing in mind privacy/confidentiality considerations before doing so). However, it may not be possible to grant all requests, or may be appropriate to agree to this on a temporary/trial basis in the first instance.

## **Part 6AB of the ER Act –**

### **Requests for flexible working arrangements for employees affected by family violence**

Employees who are affected by family violence have a statutory right to make, or to have made on their behalf, a request for a short term (2 month or shorter) variation of their working arrangements, for the purpose of assisting those employees to deal with the effects of family violence.

An employee who is affected by family violence can make a request for a short term flexible working arrangement at any time, regardless of when the family violence occurred, and even if the family violence occurred before the person became an employee. A request for a short term working arrangement, does not prevent the employee from making a general request for a flexible working arrangement under Part 6AA of the ER Act, as set out above.

An employee who is affected by family includes:

- an employee against whom any other person inflicts, or has inflicted family violence; or
- an employee who ordinarily or periodically resides with a child, against whom any other person inflicts, or has inflicted, family violence.

Under the ER Act / Holidays Act 2003, an employer may request proof that an employee is affected by family violence, and if so, must ask for it within 3 working days of receiving the employee's request. Generally, it will not be necessary for us to request or require this. However, if in a particular case, it would be of assistance in fully considering a request, appropriate proof where requested could include, but is not limited to:

- a letter or email about what's going on (to the extent it is necessary to consider the flexible working arrangement request) and how it affects the employee from either a:
  - a. Support organisation (for example, a family violence support service or Oranga Tamariki).
  - b. Support person.
- A letter from a doctor or nurse.
- A letter from a school.
- A declaration (a letter of evidence witnessed by an authorised person like a justice of the peace).
- Any court or police documents about the family violence.

This information would of course be treated as being strictly confidential.

## Types of flexible working arrangements

---

Flexibility comes in many forms, and different arrangements will suit different workplaces, jobs and workers. Managers are encouraged to think proactively about how work can be designed to support flexible work patterns and employees are encouraged to discuss requests with their managers to find the best fit. Common examples of flexible working arrangements include but not limited to:

**Appendix 1** outlines flexible working arrangements options for consideration.

**Appendix 2** provides examples of flexible working arrangements by division.

**Note: Appendix 2** has a column included specifically for the Manager's attention in relation to Payroll/Documentation Requirements.

## Trial period

---

A flexible working arrangement approved under this Policy may be subject to a trial of up to three (3) months to ensure the arrangements meet the business requirements of EVT and the flexibility required by the employee. If a trial is required, this will be disclosed to the employee when responding to requests for flexible working arrangements.

If EVT considers that the trial is successful and flexible working arrangements are adopted, managers must review these work arrangements on a regular basis to ensure:

- All deliverables are being met;
- The quality, quantity and timeliness of the work performed is to the standard required;
- The impact on other members of the work team is not detrimental to the overall performance of the team and company;
- The operational requirements of the area are being met;
- The employee is complying with the terms of the agreement;
- The flexible working arrangement is continuing to meet the needs of the employee;
- Work Health and Safety requirements continue to be met;
- EVT policies and procedures are being adhered to.

## Cancellation of a flexible working arrangements

---

Subject to business or operational changes that may occur within EVT during the period of the flexible working arrangement is in place, EVT may need to cancel or amend any flexible working arrangement with an employee. If this is required, EVT will discuss the changes with the employee and provide one weeks' notice of the cancellation.

Can Cancellation of a flexible working arrangement cannot automatically occur if there has been a permanent change to the employment status of the employee which has resulted in a new contract being issued. In such circumstances, please reach out to Lilyan Youkhanis (Legal Counsel-Employment Relations) on [lilyan\\_youkhanis@evt.com](mailto:lilyan_youkhanis@evt.com) before proceeding to action a cancellation of a flexible working arrangement.

## Roles and responsibilities

---

**Managers** are responsible for:

- Considering each employee application in conjunction with this Policy and relevant legislation:
  - a. s.69AA of the ER Act in deciding if a request can be accommodated and the terms of any arrangement.
  - b. s.69AB of the ER Act in deciding if a request can be accommodated and terms of any arrangement in relation to requests for short term flexible working arrangements from employees affected by family violence.
- Ensuring flexible working arrangements are in line with this Policy and the applicable legislation.
- Managing differences in work styles and practices e.g. managing employees on a working from home arrangement.
- Tracking the career progression of employees who are on a flexible working arrangement to ensure they have access to all training and other benefits and to ensure that they suffer no disadvantage in opportunities for promotion or career development because they have chosen to be on a flexible working arrangement.
- Providing the necessary resources and equipment to facilitate flexible working arrangements within the context of this Policy.
- Ensuring flexible working arrangements continue to meet our obligation to provide a healthy and safe workplace.
- Evaluating the outcomes of the flexible working arrangements and looking for improvements (where possible).
- Ensuring that all requests for flexible working arrangements are treated with an appropriate level of sensitivity (particularly in relation to requests for short term flexible working arrangements made by employees affected by family violence).

**Employees** are responsible for:

- Making requests for flexible working arrangements in accordance with the requirements of this Policy, and the applicable legislative requirements.
- Identifying personal needs and possible solutions, and being realistic about what is possible.
- Providing further details to support their proposed arrangements, where requested..
- Ensuring the security and confidentiality of EVT information and assets (whether physical or electronic) at all times when outside of EVT's premises.
- Taking responsibility for delivering their own workload as agreed with their manager.
- Reporting any workplace incidents, injuries or illnesses that occur whilst undertaking flexible working arrangements.
- Reporting any potential hazards that may exist in the home working arrangements environment as it changes from time to time.
- Ensuring that any home working arrangements comply with all EVT policies and procedures, including in relation to taking reasonably practicable steps to ensure their health and safety.
- Reviewing and modifying arrangements as their personal circumstances or operational requirements change from time to time.
- Ensuring that any home working arrangements comply with all EVT policies and procedures including but not limited to:
  - a. Code of Ethics and Business Conduct;
  - b. Anti-Bullying, Anti-Sexual Harassment, Anti-Discrimination and Anti-Harassment Policy;
  - c. Social Media Policy;
  - d. Information, privacy and security policies; and
  - e. Work Health Safety Policy.

## Responding to a request for flexible working arrangements

---

As EVT has chosen to implement best practice processes and procedures, we have chosen to handle all flexible working arrangements requests (regardless of whether the employee is entitled to make the request under the ER Act) in the same manner (with the exception of the grounds for refusal provided under the ER Act).

As such, when an employee makes such a request, the Manager must:

- consider their request
- discuss the request with the employee to try to reach an agreement about changes to their working conditions
- request any further details in order to properly consider the request
- respond in writing within:
  - 10 days for requests made under section 69AB of the ER Act;
  - 30 days for requests made under section 69AA of the ER Act.
- state whether the request is granted or refused, and provide reasons if the request is refused
- only refuse a request in accordance with the relevant legislative requirements.

## Manager's consideration of the flexible working arrangements request

---

If a Manager receives a request for a flexible working arrangement, the Manager should consider the following:

- What are the employee's key duties?
- Do any of these duties need to be done at set times or locations?
- Who does the employee interact with in the normal course of their work?  
Will the proposed arrangement affect these interactions?
- Are there any technology solutions, which could help? (e.g. video calling, instant messaging, email)
- Why is the employee requesting this new arrangement?
- Would the proposed arrangements provide a healthy and safe working environment for the employee/others?
- What are the consequences for the employee if the request is refused?
- What are the consequences for the parties, if the request is granted?
- Can another mutually agreeable outcome be reached?

## Manager refusing the flexible working arrangements request

---

### **Part 6AA of the ER Act –**

#### **General requests for flexible working arrangements**

Employers can only refuse a request for a flexible working arrangement if the request cannot be accommodated on one or more of the grounds set out in Part 6AA of the ER Act. These grounds are:

- Inability to reorganise work among existing staff;
- Inability to recruit additional staff;
- Detrimental impact on quality;
- Detrimental impact on performance;
- Insufficiency of work during the periods the employee proposes to work;
- Planned structural changes;
- Burden of additional costs; or
- Detrimental effect on ability to meet customer demand.

### **Part 6AB of the ER Act –**

#### **Requests for flexible working arrangements for employees affected by family violence**

Employers can only refuse a request made under Part 6AA of the Act if it determines either one or both of the following:

- That proof required to be produced by the employee was not produced within 10 working days after the employer received the request by the employee; or

- The employee's request cannot be accommodated reasonably on one or more of the grounds set out in Part 6AB of the Act, which are:
  - Inability to reorganise work among existing staff;
  - Inability to recruit additional staff;
  - Detrimental impact on quality;
  - Detrimental impact on performance;
  - Insufficiency of work during the periods the employee proposes to work;
  - Planned structural changes;
  - Burden of additional costs; or
  - Detrimental effect on ability to meet customer demand

In respect of requests made under Parts 6AA and 6AB of the ER Act, an employer must refuse a request if the employee is bound by a collective agreement, the request relates to working arrangements to which the collective agreement applies, and those working arrangements would be inconsistent with the collective agreement if the employer were to approve the request.

## General

---

This Policy is not a term of any contract, including any contract of employment and does not impose any contractual obligations, implied or otherwise on EVT. The Policy may be varied by EVT from time to time.

## Procedure to making a flexible working arrangements request

---

### New Zealand

- Step 1** Employee to review the Flexible Working Arrangements Policy.
- Step 2** Employee to determine eligibility under this Policy or Part 6AA or Part 6AB of the Act.
- Step 3** If an employee wishes to make a request for Flexible Working Arrangements, they must complete either:
- Form 1: Employee Flexible Work Application Form pursuant to Part 6AA or
  - Form 2: Employee Flexible Work Application Form pursuant to Part 6AB
- and provide it to their Manager for consideration.
- The employee will be required to provide relevant information to support their request.
- In respect of a request made under **Part 6AA** of the Act, this must include:
1. the employee's name;
  2. the date on which the request is made;
  3. that the request is made pursuant to Part 6AA of the ER Act;
  4. the variation of the working arrangements requested and whether the variation is permanent or for a period of time;
  5. the date on which the employee proposes that the variation take effect, and if the variation is for a period of time, the date on which the variation is to end; and
  6. any change that the employer may need to make to the employer's arrangements, if the employee's request is approved.



In respect of a request made under **Part 6AB** of the Act, this must include:

1. the employee's name
2. the date on which the request is made;
3. that the request is made pursuant to Part 6AB of the ER Act;
4. the variation of the working arrangements requested, and the period of time for which the variation is requested (which must be no longer than 2 months);
5. the date on which the employee proposes that the variation take effect, and the date on which the variation is to end;
6. an explanation of how, in the employee's view, the variation will assist
7. the employee to deal with the effects of being a person affected by family violence; and
8. an explanation, in the employee's view, what changes, if any, the employer may need to make to the employer's arrangements if the employee's request is approved.

**Step 4** Manager to consider the request. If required, Manager to speak with the employee to seek clarification.

**Step 5** Manager to respond (in writing) to the request within:

- 30 days for requests made under Part 6AA of the ER Act; and
- 10 days for requests made under Part 6AB of the ER Act.

Manager must complete:

- Form 3 – Employer Response Form pursuant to Part 6AA or
- Form 4 – Employer Response Form pursuant to Part 6AB

The request can only be refused on the grounds set out in Part 6AA, or Part 6AB of the ER Act (depending on the nature of the request). If there is a refusal, then written responses must include the reasons for the refusal.

**Step 6** Manager to save finalised documentation in the appropriate Division Upload files so that Payroll can upload them to the employee's personnel file. This includes any of the following:

- the employee's flexible working arrangement request (i.e. Form 1 or Form 3);
- any file notes of conversations with the employee; and
- the response to flexible working arrangements (i.e. Form 2 or Form 4).

**Note:** If there is a permanent change to employment status, an updated contract will need to be issued through HROnBoard CrossBoard in addition to the abovementioned Forms. Managers should send the completed Forms and any file notes of conversations with the employee to Payroll so they can be stored on the employee's personnel file.

**Note:** If there is a work from home arrangement, then the Working from Home (WFH) Checklist and Confirmation must be completed.

## Forms and other documentation

---

1. **Form 1:** Employee Flexible Work Application Form pursuant to Part 6AA
2. **Form 2:** Employee Flexible Work Application Form pursuant to Part 6AB
3. **Form 3:** Employer Response Form pursuant to Part 6AA
4. **Form 4:** Employer Response Form pursuant to Part 6AB
5. Working from Home (WFH) Checklist and Confirmation.

## Appendix 1 – Forms and other documentation

The following options may be considered for flexible working arrangements. Please note that these options will depend on the brand or division you work in and the type of role you perform. They may also be dependent on the time of year given that many of the EVT brands have strong seasonal demand where working flexibly may not be an option.

The table on the following page indicates what options may be suitable for each division however this will depend on the individual circumstances and can be discussed with your Manager.

<b>Flexible Working Arrangement</b>	<b>What this looks like</b>
Changing hours of work	Flexible start and finish times: A regular work pattern where the staff member's start and finish times are different from core business hours within the work area or where a staff member's days of the week are different from core business hours.
Changing patterns of work	An agreed work arrangement where a staff member chooses to reduce their employment status, commonly from full-time to part-time, on a temporary basis for personal reasons or on an ongoing basis.
Changing the location of work	An arrangement where a staff member performs some of their duties from home or another location, property or site.
Changing work arrangements, including job share	An employment arrangement where two (or more) staff members, each working part-time, share all the duties and responsibilities of a full-time position. Job shares may split days, weeks or alternate weeks.
Compressed working weeks	A staff member may work the same number of weekly, fortnightly or monthly working hours, compressed into a shorter period. For example, a 38 hour week may be worked over 4 days instead of 5 days.
Gradual increase or decrease in work hours	A staff member returning from parental leave or transitioning to retirement may undergo a gradual increase or decrease in working hours.
Work and leave arrangements	A staff member can consider taking leave at half pay, special leave without pay, career breaks, home land leave. In the case of leave without pay or career breaks, all paid leave entitlements must be used prior to granting of leave without pay.

## Appendix 2 – Examples of flexible working arrangements by division

Front of house/ customer facing roles	Back of house/ information worker roles	For manager attention: Payroll/documentation requirements
<b>HQ teams</b>		
Not applicable as most HQ roles are deemed Information Worker roles and not customer facing.	<ul style="list-style-type: none"> <li>- Changing hours of work</li> <li>- Changing patterns of work</li> <li>- Changing the location of work</li> <li>- Changing work arrangements, including job share</li> <li>- Compressed working weeks - Not available for Award-free employees</li> <li>- Gradual increase or decrease in work hours</li> <li>- Work and leave arrangements (home land leave)</li> </ul> <p><b>NB:</b> There are times of the year that limited flexibility may be available due to workloads e.g. year-end processing in finance.</p>	<p><b>Changing hours of work</b> – Manager monitors and is processed through EmpLive (if applicable).</p> <p><b>Changing patterns of work</b> – If it is a permanent change to employment status, needs to be processed through HROnBoard Crossboard function to issue updated Contract. If temporary change, the Forms are sufficient.</p> <p><b>Changing the location of work</b> – No documentation required if employee is working from another EVT site. However, if working from home, then must complete the Work from Home Checklist and Confirmation.</p> <p><b>Changing work arrangements, including job share</b> – If it is a permanent change to employment status, needs to be processed through HROnBoard Crossboard function to issue updated Contract. If temporary change, the Forms are sufficient.</p> <p><b>Compressed working weeks - Not available for Award-free employees</b> – If the employee's industrial instrument allows such arrangement, then processing occurs through Emplive through processing of hours worked.</p> <p><b>Gradual increase or decrease in work hours</b> – If it is a permanent change to employment status, needs to be processed through HROnBoard Crossboard function to issue updated Contract. If temporary change, the Forms are sufficient.</p> <p><b>Work and leave arrangements (home land leave)</b> – Applying through Preceda or EmpLive for the applicable leave and leave periods. If unsure, confirm with Manager.</p>

## Entertainment teams

- Changing hours of work
- Changing patterns of work
- Compressed working weeks
- Gradual increase or decrease in work hours
- Work and leave arrangements

**NB:** There are times of the year that limited flexibility may be available due to business demand e.g. school holidays.

- Changing hours of work
- Changing patterns of work
- Changing the location of work
- Changing work arrangements, including job share
- Compressed working weeks - Not available for Award-free employees
- Gradual increase or decrease in work hours
- Work and leave arrangements (home land leave)

**NB:** There are times of the year that limited flexibility may be available due to business demand e.g. school holidays.

Same as above.

## Hotels teams

- Changing hours of work
- Changing patterns of work
- Compressed working weeks
- Gradual increase or decrease in work hours
- Work and leave arrangements

**NB:** There are times of the year that limited flexibility may be available due to business demand e.g. weekends, Christmas season.

- Changing hours of work
- Changing patterns of work
- Changing the location of work
- Changing work arrangements, including job share
- Compressed working weeks - Not available for Award-free employees
- Gradual increase or decrease in work hours
- Work and leave arrangements (home land leave)

**NB:** There are times of the year that limited flexibility may be available due to business demand e.g. weekends, Christmas season.

Same as above.

## Thredbo teams

- Changing hours of work
- Changing patterns of work
- Compressed working weeks
- Gradual increase or decrease in work hours
- Work and leave arrangements

**NB:** There are times of the year that limited flexibility may be available due to business demand e.g. peak summer and winter periods.

- Changing hours of work
- Changing patterns of work
- Changing the location of work
- Changing work arrangements, including job share
- Compressed working weeks – Not available for Award-free employees
- Gradual increase or decrease in work hours
- Work and leave arrangements (home land leave)

**NB:** There are times of the year that limited flexibility may be available due to business demand e.g. peak summer and winter periods.

Same as above.

# Document management and control

---

## Revision History

Risk Team hold the record for all changes to versions.

## Notes on document versioning history

Version	Date	Comment
2	Sept 2022	Updated branding and removed reference to the Working from Home Procedure as superseded by this Policy

## Authors

Kerry Westwood	Director, People & Culture
Lilyan Youkhanis	Legal Counsel Employment Relations

## Individuals/groups who have contributed to development and review

Ben Jones	Group WHS Manager
David Stone	Company Secretary
Norman Arundel	Director of Operations - Hotels
Simon White	GM Hotel Operations NZ
Carmen Switzer	GM Entertainment NZ