



9 July 2025

s 9(2)(a)

Official information request

Our ref: R001061

Tēnā koe s 9(2)(a)

Thank you for your Official Information Act 1982 (OIA) request received on 12 June 2025.
You requested:

under section 12 oi act i request hard copies of chief executives code of conduct in respect of her employees and the deputy chief executives policy job description . apart from the chief executive is any other staffer a statutory officer , if so their title. under section 22 oi act i request a hard copy of any policy , rules etc , in terms of sec 22 io act which the chief executive has in respect of investigation complaints against staff. s 9(2)(a)

All public servants, regardless of their department or agency, must act with a spirit of service and meet the standards of integrity and conduct set out in a Code of Conduct (Code) issued by the then State Services Commissioner under section 57 of the State Sector Act 1988. All Ministry for Regulation (Ministry) employees are expected to comply with the standards of integrity and conduct set out in the Code, a copy of which is provided to you in **Appendix A**. A copy of the role description for the Ministry's Deputy Chief Executive, Policy position is also enclosed in **Appendix A**.

The Ministry for Regulation does not have any statutory officers.

You requested, under section 22 of the OIA, any internal rules or policies relating to the investigation of complaints received by the Ministry against its staff. While the Ministry does not have a specific complaints policy, documents which concern complaints are enclosed as **Appendix B**.

A copy of this response has been sent to your postal address s 9(2)(a)

Right of review

If you wish to discuss this decision with us, please contact hello@regulation.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision.

Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we may publish this response (with your details removed) on the Ministry for Regulation website.

Ngā mihi

s 9(2)(a)

Aisling Risdon

Head of Ministerial Services

Ministry for Regulation



STANDARDS OF INTEGRITY & CONDUCT

A code of conduct issued by the State Services Commissioner under the State Sector Act 1988, section 57



WE MUST BE FAIR, IMPARTIAL, RESPONSIBLE & TRUSTWORTHY

The State Services is made up of many organisations with powers to carry out the work of New Zealand's democratically elected governments.

Whether we work in a department or in a Crown entity, we must act with a spirit of service to the community and meet the same high standards of integrity and conduct in everything we do.

We must comply with the standards of integrity and conduct set out in this code. As part of complying with this code, our organisations must maintain policies and procedures that are consistent with it.

For further information see www.ssc.govt.nz/code



FAIR

We must:

- treat everyone fairly and with respect
- be professional and responsive
- work to make government services accessible and effective
- strive to make a difference to the well-being of New Zealand and all its people.

IMPARTIAL

We must:

- maintain the political neutrality required to enable us to work with current and future governments
- carry out the functions of our organisation, unaffected by our personal beliefs
- support our organisation to provide robust and unbiased advice
- respect the authority of the government of the day.

RESPONSIBLE

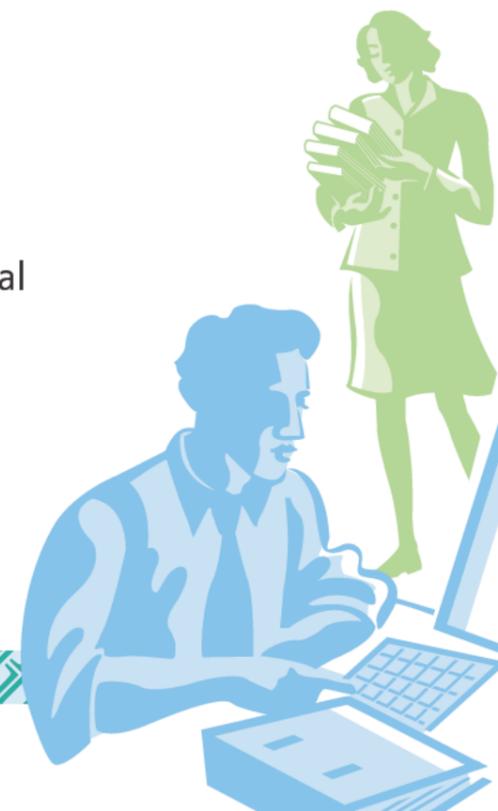
We must:

- act lawfully and objectively
- use our organisation's resources carefully and only for intended purposes
- treat information with care and use it only for proper purposes
- work to improve the performance and efficiency of our organisation.

TRUSTWORTHY

We must:

- be honest
- work to the best of our abilities
- ensure our actions are not affected by our personal interests or relationships
- never misuse our position for personal gain
- decline gifts or benefits that place us under any obligation or perceived influence
- avoid any activities, work or non-work, that may harm the reputation of our organisation or of the State Services.





Job Title	Deputy Chief Executive, Policy
Reports to	Secretary and Chief Executive
Band	23
Location	Wellington
Last reviewed	July 2024
Delegations	Level 2
Team	5 direct reports Up to 24 indirect reports

About the Ministry

The Ministry for Regulation (the Ministry) works to improve the efficiency and effectiveness of regulation and regulatory systems for New Zealanders by:

- Ensuring the quality of new regulation
- Improving the functioning of existing regulatory systems
- Raising capability of those who design and operate regulatory systems
- Providing continuous and enduring improvement of the regulatory management system.

Our values



We make a difference
Ka whakaaweawe tātou



We empower
Ka whakamana tātou



We are courageous
Ka whakamanawanui tātou



We put people at the centre
Ka manaaki tātou

About the team

The Policy business group serves as an integrated, professional, and thought-leading advisory group to the government. They are responsible for oversight and stewardship of the regulatory management system. This includes key advice on maintaining and enhancing the statutory and regulatory frameworks that govern the system (including expert economic advice), oversight of Regulatory Impact Analysis and quality assurance and expert advice on new regulatory proposals.



About the role

The Deputy Chief Executive, Policy will provide strategic leadership and direction to the Ministry's Policy business group. They will collaborate closely with the Executive Leadership Team (ELT) to provide exceptional policy advice, based on sound economic principles, on critical current priorities translating long-term strategic goals into actionable policy initiatives. Leveraging their expertise, they will act as a trusted advisor to the Minister on all regulatory policy matters.

Their leadership will be pivotal in enhancing, and fostering the Ministry's principles and values, steering the group towards alignment, efficiency and sustainability across diverse operational functions. This role is crucial to the overall success and resilience of the Ministry.

About you

- Demonstrated proficiency in policy formulation and implementation, with a solid understanding of effective policy-making practices.
- Proven ability to provide strategic direction and leadership to a diverse team, with experience in guiding and developing kaimahi to achieve organisational objectives.
- Capability to think strategically and align policy functions with the Ministry's overall strategic goals and objectives.
- Ability to drive change and innovation within the Ministry, fostering a culture of continuous improvement and adaptability.
- Demonstrated experience in effective influencing skills and building and maintaining trusted relationships with Ministers and other political representatives.
- Strong interpersonal and communication skills, with the ability to engage effectively and provide trusted advice and briefings to senior leaders including Ministers.
- Deep knowledge of the machinery of government and of public sector and government processes.
- Demonstrated commitment to promoting diversity, equity, and inclusion within the workplace.
- Proficiency in analysing complex issues and developing practical and sustainable solutions to enhance the Ministry's performance.
- Previous experience in a senior leadership role within a similar organisational context is highly desirable, along with a track record of delivering results and driving organisational success.
- Ability to hold a NZ Government National Security Clearance.



Key Accountabilities

Strategic Leadership	<ul style="list-style-type: none">• Play a pivotal role in shaping and driving the Ministry's:<ul style="list-style-type: none">▶ Vision, principles and values▶ Strategic and policy objectives, and▶ Key priorities, plans and deliverables. <p>Central to this will be the development, implementation and monitoring of policies and strategies for the Policy group</p> <ul style="list-style-type: none">• Advocate for the Ministry, fostering strong internal and external relationships. Exemplify the values and vision, demonstrating effective leadership, and securing the commitment and support of managers and kaimahi for the Ministry's objectives and decisions• Lead by example, to embed the desired organisational culture, values, and behaviours• Lead the Policy group in developing and implementing strategies that align operational requirements with government policies, as well as with the Ministry's desired outcomes and outputs• Lead the establishment of a high-performing group, overseeing the development, implementation, and monitoring of strategies within the Policy group that support the Ministry in achieving its goals• Lead and drive continuous business improvement processes aimed at enhancing the quality, depth, and breadth of policy-related activities• Develop thorough knowledge of all critical operational areas within the Ministry, offer advice, and contribute significantly to collective decision-making processes beyond their specific areas of responsibility and expertise• Actively drive strategy development, organisational decision-making, and rigorously monitor performance• Strategically think, plan, and act to engage others in the vision, ensuring that current and future needs are effectively met• Build cohesive and high-performing teams to achieve collective results that surpass individual efforts• Drive organisation wide collaboration to achieve sustainable, long-term improvements, and positive outcomes.
Strategic Advice and Planning	<ul style="list-style-type: none">• Provide decisive leadership and strategic guidance to build trust and confidence propelling the Ministry towards its goals• Deeply understand the Ministry's strategic and operational needs to ensure they are reflected in the Organisational Enablement priorities and activities• Proactively engage with internal and external stakeholders ensuring advice remains relevant and responsive to evolving needs and requirements.• Provide strategic policy advice to the Chief Executive and wider Ministry• Ensure the effective operation of systems and procedures to ensure the quality of the Policy group's processes and outputs, and a joined up Ministry approach to policy development.



Group Management	<ul style="list-style-type: none">• Support and actively contribute to the development and implementation of strategic planning and management for the Policy group• Partner with the ELT to set strategic priorities for developing innovative new systems, strategies, and frameworks• Lead the Policy group in formulating and executing strategies that meet operational requirements, align with government directives, and support desired outcomes and outputs for the Ministry• Develop and oversee cross-sectoral and interdepartmental collaboration on key regulatory policy areas• Achieve objectives outlined in the agreed business plan and priorities, while adhering to allocated budget provisions• Ensure compliance with statutory obligations and organisational policies, including those pertaining to Occupational Health, Safety, and Wellbeing• Ensure service delivery is consistently outcome-based, flexible, responsive, and achieves desired results.
Relationship Management	<ul style="list-style-type: none">• Drive and foster effective engagement between crucial external organisations and contacts, and the Ministry by identifying, cultivating, and maintaining an appropriate network of contacts• Work closely with the managers of each operational function to identify and oversee critical relationships at all levels, and to mitigate any identified risks effectively.
Risk Management	<ul style="list-style-type: none">• Proactively identify and manage organisational and operational risks• Be accountable for continuously monitoring risks, developing key strategies to manage them, conducting environmental scanning to anticipate new risks or changes in risk status, and contingency planning for areas where risks cannot be mitigated.

The duties and responsibilities in this document are not exhaustive. The incumbent may be required to perform other work which is consistent with the nature of the role.

Key relationships

Internal

- Secretary and Chief Executive - Ministry for Regulation
- Members of the Executive Leadership Team
- Managers and kaimahi across the Ministry

External

- Minister for Regulation
- Government Ministers and their staff
- Other Central Agencies
- Senior executives and kaimahi in other government departments
- Key stakeholders/industry groups



Health, Safety and Wellbeing

The Ministry for Regulation is committed to providing a healthy and safe work environment and safe management practices for all employees. Employees are expected to share this commitment as outlined in the Health and Safety at Work Act by taking all practicable steps to ensure their safety at work and that no action or inaction, causes harm to others while at work.

Changes to Position Description

Positions in the Ministry may change over time as the organisation evolves and priorities change. Job descriptions may be updated accordingly to reflect those changes in consultation with you.



**Ministry for Regulation
Te Manatū Waeture**

Internal policy | Discipline

Version	1.0	Contact	People Team
Policy Owner	Head of Corporate	Approved	23 September 2024
SharePoint	Internal policies	Due for Revision	March 2025

Scope

This discipline policy applies to permanent employees and fixed term employees (**employees**) at the Ministry for Regulation (**the Ministry** or **we/our**) and the information in this policy may also be intended (where relevant) for their respective representatives.

This policy does not apply directly to secondees as any disciplinary matters will be dealt with by arrangements between the Ministry and the secondee's home organisation. This policy may, however, provide guidance on the expectations of the Ministry in respect of any such arrangements. This policy does not apply to consultants and contractors who conduct in-house Ministry core work as any issues will be dealt with under their contracts for services via the procurement policy [Internal policy | Procurement](#).

The Ministry considers that discipline and under-performance are separate matters that are dealt with, generally, in different ways under the performance policy [Internal policy | Performance](#). However, on-going under-performance may lead to a disciplinary outcome under this policy.

The maintaining a positive work environment policy [Internal policy | Maintaining a positive work environment](#), the health, safety and wellbeing policy [Internal policy | Health Safety and Wellbeing](#) and speaking up policy [Internal policy | Speaking up](#) provide a context to this disciplinary policy.

Principles

Context

The Ministry expects its employees to comply with:

- The Code of Conduct [Code of Conduct](#) for the public service;
- The Ministry's internal policies, guidelines and values from time to time whether they include a specific reference to application of this discipline policy or not;
- Their employment agreements; and
- Their Performance Improvement Plan (if any).

Principles

- The disciplinary process must comply with legislation, including, when dealing with personal information, complying with the Privacy Act 2020;
- We comply with the principles of natural justice where applicable;

- The Ministry will only take action against an employee for a good reason and, during a disciplinary process, will deal with an employee and their representatives in good faith and follow a fair process;
- The disciplinary consequences are to be proportionate to the unacceptable behaviour;
- Disclosure of details and the fact of the disciplinary process are on a need to know basis only when the process is underway;
- The Ministry will ensure that an appropriate investigation is undertaken before making a decision and decision-makers are to keep an open mind until that investigation is undertaken.

Implementing this policy

Definitions that are used in this policy are set out in Appendix A ([Appendix A](#)).

A manager who becomes aware of a potential discipline issue (including by a concern being raised either formally or informally under the speaking up policy [Internal policy | Speaking up](#)) must immediately contact the People team and not talk about it to the employee involved before that discussion with the People team.

The Ministry will notify the employee where misconduct or serious misconduct is alleged and the employee will be given an opportunity to be heard in relation to the allegations before any final decisions are made.

The Ministry may suspend an employee from work while an investigation into an allegation of misconduct or serious misconduct is being undertaken.

Any of these formal outcomes may apply where it has been found that misconduct has occurred:

- First written warning;
- Final written warning;
- Dismissal on notice,

Or in the case of serious misconduct, summary dismissal.

The Ministry may also consider informal actions are appropriate or take no action.

Behaviour and offences outside work

Under the Code of Conduct [Code of Conduct](#) for the public service, the Ministry has a legitimate interest in the behaviour of its employees outside work, where it has the potential to bring the Ministry or the public service into disrepute.

For example, interaction with social media in an employee's personal capacity and links with the Code of Conduct are discussed under the social media policy [\[link to social media policy\]](#).

When it comes to minor offences against the law, they may not be of concern to the Ministry. However, offences that call into question the employee's ability to fulfil their duties effectively, or to maintain the necessary trust of the Ministry or the public, are of significant concern to the Ministry.

An employee who has been charged with an offence must promptly advise their manager of the situation.

Whether the offence will lead to disciplinary action by the Ministry depends on the circumstances, including:

- the nature and circumstances of the activity
- the employee's position, duties, and responsibilities
- the consequences of the activity on the employee's ability to fulfil their duties and responsibilities, and
- the effect of the activity or its consequences on the Ministry's, and/or the employee's, relationships with departments, Ministers or the general public.

Employment relationship problems – information for employees

The Early Resolution service offered by Employment New Zealand [Early resolution | Employment New Zealand](#), or employee representatives (such as the PSA), can provide advice to employees on disciplinary matters and employment relationship problems. Employees have access to the Employee Assistance Programme made available by the Ministry, Umbrella bookings@eapumbrella.org.nz or by calling 0800 643 002.

Employees who consider that they have not been treated fairly in any disciplinary process, or who wish to challenge a disciplinary outcome, may find information via the Employment New Zealand website [How to resolve problems | Employment New Zealand](#) including regarding the submission of a personal grievance.

Related policies and more information

[How to resolve problems | Employment New Zealand](#)

Maintaining a positive work environment [Internal policy | Maintaining a positive work environment](#)

Health, safety and wellbeing policy [Internal policy | Health Safety and Wellbeing](#)

Speaking up policy [Internal policy | Speaking up](#)

Social media policy [link to social media policy]

Performance policy [Internal policy | Performance](#)

Relevant legislation:

- Employment Relations Act 2000

Yellow highlight = policy in development

APPENDIX A – Definitions

misconduct	Misconduct is when an employee does something wrong through their actions or inaction, or their general behaviour, including some form of wrongdoing (as defined below), and which may be intentional, reckless, negligent, or careless.
serious misconduct	Serious misconduct is misconduct that is intentional, reckless, or grossly negligent, and undermines the trust and confidence that the employer has in the employee (eg theft, fraud, sexual or other assault, or the use or being under the influence of, illegal drugs at work). If it is established that an employee's behaviour amounts to serious misconduct, the Ministry may terminate the employee's employment without notice (ie summary dismissal).

unacceptable behaviour	<p>Some types of behaviour are unacceptable at the Ministry. These include a range of different behaviours eg harassment (eg racial, sexual, etc), bullying, victimisation, discrimination, offensive language or behaviour, and intimidation.</p> <p>Unacceptable behaviour may constitute misconduct or serious misconduct.</p> <p>The maintaining a positive work environment policy Internal policy Maintaining a positive work environment includes more information about unacceptable behaviour at the Ministry.</p>
wrongdoing	<p>The umbrella term 'wrongdoing' covers serious wrongdoing (as defined in the Protected Disclosures (Protection of Whistleblowers) Act 2022) or unacceptable behaviour (as defined above). It also includes conduct that is similar in nature but less serious.</p>



Ministry for Regulation
Te Manatū Waeture

Internal policy | Speaking up

Version	2.0	Contact	People Team
Policy Owner	Head of Corporate	Approved	17 October 2024
SharePoint	Internal policies	Due for Revision	March 2025

Scope

This policy applies to all **staff** (permanent employees, fixed term employees, secondees, and consultants and contractors who conduct in-house Ministry core work) at the Ministry for Regulation (**the Ministry** or **we/our**) so that we can provide an open, trusting and accountable work environment and culture where staff can safely speak up about concerns without fear of punishment or retaliation or victimisation.

Staff are encouraged to speak up on anything from minor concerns to serious wrongdoing committed in or by the Ministry for Regulation.

This policy assists staff by providing information on all the channels by which a member of staff can “speak up” (the **concerned staff member**) and the principles that apply during any response to the concern.

Where the concern by the concerned staff member relates to [personal issues](#) (such as stress or workload pressure or other wellbeing issue) or issues about another member of staff’s unacceptable behaviour (such as bullying or harassment), the maintaining a positive work environment policy [Internal policy | Maintaining a positive work environment](#) provides more background regarding the Ministry’s response to these concerns.

If the concern raised under this policy is about an **employee’s** (permanent employees and fixed term employees) potential misconduct, then the disciplinary policy [Internal policy | Discipline](#) will apply.

If the concern raised under this policy relates to:

- the behaviour or conduct of any secondees, these concerns will be dealt with by arrangement between the Ministry and the secondee’s home agency;
- the behaviour or conduct of any consultants and contractors who conduct in-house Ministry core work these concerns will be dealt with under their contracts for services [Internal policy | Procurement](#).

For an efficient response, the following specific concerns are best notified as follows:

- physical hazards in the workplace, near misses or incidents affecting safety should be notified under the health, safety and wellbeing policy [Internal policy | Health Safety and Wellbeing](#);
- potential privacy breaches should be notified under the privacy policy [Internal policy | Privacy](#);
- potential security breaches including cyber security or physical workplace security should be notified under the protective security policy [Internal policy | Protective Security](#).

Principles

- A concerned staff member can choose their preferred channel to raise a concern and no matter what channel is used, their concern will be dealt with in accordance with the applicable policy;
- We take all concerns seriously and assess and act on concerns in an appropriate and timely way;
- Any concern raised is considered for its potential as a protected disclosure under the Protected Disclosures (Protection of Whistleblowers) Act 2022 (**Disclosures Act**);
- We will protect the confidentiality of the concerned staff member as far as reasonably possible;
- The concerned staff member is to be communicated with and supported throughout any applicable response that might arise from their concern being raised;
- We will provide practical support and protection to the concerned staff member to keep them safe from retaliatory action or less favourable treatment and will take action should any such action or threat of action occur;
- Those considering and responding to a concern raised will remain impartial and fair, and act in good faith;
- Our response to a concern will comply with the principles of natural justice as far as reasonably possible;
- Staff responding to concerns under our applicable policies will be trained and supported to enable them to appropriately respond.

Implementing this policy

Appendix A contains certain definitions used within this policy.

Channels for raising concerns

Staff have the following internal channels within (or related to) the Ministry that they can choose from to raise a concern:

Informal	Formal
<p>Ask a question or speak privately and informally to a trusted individual in the Ministry for more information or advice, via:</p> <ul style="list-style-type: none"> • Team meetings • Catch ups/ 1:1s • Coaching sessions • People Team • a PSA delegate 	<p>Discuss an issue or raise a formal concern via, either</p> <ul style="list-style-type: none"> • direct line manager • their manager or any other manager • People Team • Chief People Officer • ELT member • CE/Secretary for Regulation

- | | |
|---|--|
| <ul style="list-style-type: none">• a health and safety representative (if any) | |
|---|--|

All concerns, irrespective of severity, can be reported anonymously. To raise a concern anonymously click here [\[insert link to anonymous form\]](#). An anonymous concern may, however, limit the response that can be made – see confidentiality section below [confidentiality](#).

The individual receiving the concern (the **receiver**) via one of the above internal channels, will take action in accordance with the receiver actions section below [\[link to receiver actions\]](#).

In respect of concerns regarding serious wrongdoing committed in or by the Ministry for Regulation, if the concerned staff member does not wish to use the above internal channels, the concerned staff member may at any time approach an appropriate external authority under the Disclosures Act as set out in Appendix A.

Receiver actions – serious wrongdoing

If the receiver considers that the concern may be related to serious wrongdoing under the Disclosures Act then the receiver shall notify to begin the process in Appendix B. If the receiver is unsure whether the concern amounts to serious wrongdoing, the receiver may consult with the Head of Legal and Finance.

If the concerned staff member believes on reasonable grounds that the Ministry has not acted as it should or has not dealt with the matter to address the serious wrongdoing, the concerned staff member can escalate to the Ombudsman, a Minister or appropriate authority (other than the Ministry).

Receiver actions – other concerns

Where either a formal channel or informal channel is chosen, the receiver will:

- refer to the maintaining a positive work environment policy [Internal policy | Maintaining a positive work environment](#) for a response depending on whether the concern is about the concerned staff member personally or about another member of staff's unacceptable behaviour;
- refer to the discipline policy [Internal policy | Discipline](#) for a response if the concern relates to an employee's potential misconduct or serious misconduct.

If the concerned staff member is concerned about any decision from their manager, they may escalate using a formal channel.

Confidentiality

Receivers should, as far as possible as set out in this confidentiality section, keep confidential any information that might identify the concerned staff member (**identifying information**). In respect of serious wrongdoing under the Disclosures Act, receivers must use their best endeavours to do so – refer to the process in Appendix B regarding exceptions where the receiver may release the identifying information.

The concerned staff member may at any time consent to their identifying information being released.

If a formal channel is used, effective investigation or steps that may be taken can be impacted unless identifying information is released. This is because of the Ministry's obligation to comply with natural justice principles during certain responses.

Any identifying information that is released will be on a "need to know" basis as appropriate.

Support

Employees may contact the confidential employee assistance programme, Umbrella bookings@eapumbrella.org.nz or by calling 0800 643 002.

The concerned staff member may have a support person (who must be independent from the concern or the response) to act as an impartial confidant including as someone providing cultural support. Support people are obliged to maintain privacy and confidentiality of those involved.

Training and resources for staff who are Receivers in respect of their obligations under this and other policies may be available on the learning & development intranet page [Learning & Development](#) or will be made available in the future under the performance policy [Internal policy | Performance](#).

Related policies and more information

Maintaining a positive work environment policy [Internal policy | Maintaining a positive work environment](#)

Health, safety and wellbeing policy [Internal policy | Health Safety and Wellbeing](#)

Protective security policy [Internal policy | Protective Security](#)

Relevant legislation

- Protected Disclosures (Protection of Whistleblowers) Act 2022

APPENDIX A – Definitions

<p>appropriate authority</p>	<p>Appropriate authority has the meaning in the Disclosures Act being:</p> <ul style="list-style-type: none"> • the head of any public sector organisation • any officer of Parliament (an Ombudsman, the Controller and Auditor-General or the Parliamentary Commissioner for the Environment) • those listed in Schedule 2 of the Disclosures Act (with examples of concern and corresponding appropriate authorities) • the membership body of a particular profession, trade, or calling, with the power to discipline its members.
<p>misconduct</p>	<p>Misconduct is when an employee does something wrong through their actions or inaction, or their general behaviour, including some form of wrongdoing (as defined below), and which may be intentional, reckless, negligent, or careless.</p>
<p>protected disclosure</p>	<p>A disclosure of information is a protected disclosure under the Disclosures Act if the discloser:</p> <ul style="list-style-type: none"> • believes on reasonable grounds that there is, or has been, serious wrongdoing in or by the discloser’s organisation; • discloses information about that in accordance with the Disclosures Act; and • does not disclose it in bad faith.
<p>retaliation or victimisation</p>	<p>Retaliation means any direct or indirect detrimental action that adversely affects the employment or working conditions of an individual, or subjects them to any detriment or disadvantage. It is an action taken for the purpose of punishing, intimidating or injuring an individual because they intend to speak up or make or have made a protected disclosure or are cooperating with authorised</p>

	investigations. Victimisation means treating them less favourably than other staff.
serious misconduct	Serious misconduct is misconduct that is intentional, reckless, or grossly negligent, and undermines the trust and confidence that the employer has in the employee (eg theft, fraud, sexual or other assault, or the use, or being under the influence, of illegal drugs at work). If it is established that an employee's behaviour amounts to serious misconduct, the Ministry may terminate the employee's employment without notice.
serious wrongdoing	Serious wrongdoing has the meaning in the Disclosures Act being an act, omission or course of conduct that is: <ul style="list-style-type: none"> • an offence; or • a serious risk to public health, or public safety, or the health or safety of any individual, or to the environment; or • a serious risk to the maintenance of the law including the prevention, investigation and detection of offences or the right to a fair trial; or • an unlawful, corrupt or irregular use of public funds or public resources; or • oppressive, unlawfully discriminatory, or grossly negligent or that is gross mismanagement by a public sector employee or an individual performing a function or duty or exercising a power on behalf of a public sector organisation or the Government.
unacceptable behaviour	Some types of behaviour are unacceptable at the Ministry. These include a range of different behaviours eg harassment (racial or sexual), bullying, victimisation, discrimination, offensive language or behaviour, and intimidation. Unacceptable behaviour may constitute misconduct or serious misconduct for an employee or have consequences under secondment agreements for secondees or contracts for services for consultants and contractors. The maintaining a positive work environment policy Internal policy Maintaining a positive work environment includes more information about unacceptable behaviour at the Ministry.
wrongdoing	The umbrella term 'wrongdoing' covers serious wrongdoing or unacceptable behaviour (both as defined above). It also includes conduct that is similar in nature but less serious.

APPENDIX B – Process under the Disclosures Act

As soon as reasonably practicable after receiving a concern that relates to serious wrongdoing (the **disclosure**), the receiver shall email the Head of Legal and Finance to begin the following process below in accordance with this policy:

Process

Within 20 working days (of the date the disclosure from the discloser was received by the receiver), the Ministry should:

- acknowledge to the discloser the receipt of the disclosure;
- consider the disclosure and whether it warrants investigation
- check with the discloser whether the disclosure has been made elsewhere (and any outcome)
- deal with the matter by doing one or more of the following:
 - investigating the disclosure
 - addressing any serious wrongdoing by acting or recommending action
 - referring the disclosure to an appropriate authority (following consultation with the discloser)
 - deciding that no action is required (the decision may be based on factors such as: that the requirements under the Disclosures Act are not met; or the length of time since the alleged serious wrongdoing means an investigation is impracticable or undesirable), and
- informing the discloser (with reasons) about what the Ministry has done or is doing to deal with the matter.

If it is not practicable to complete these actions within 20 working days, the Ministry will undertake the first three actions and inform the discloser of the expected timeframes and keep the discloser updated on progress.

Protection of discloser

A discloser is entitled to protection under the Disclosures Act for a protected disclosure as follows:

- identifying information to be kept confidential with best endeavours (see below for exceptions);

- no retaliation against the discloser's employment;
- cannot be treated less favourably;
- immunity for the disclosure in court or disciplinary proceedings.

Confidentiality exceptions: if the discloser consents to release of identifying information or there are reasonable grounds to believe that release of the identifying information is essential:

- for the effective investigation of the disclosure; or
- to prevent a serious risk to public health, public safety, the health and safety of any individual, or the environment; or
- to comply with the principles of natural justice; or
- to an investigation by a law enforcement or regulatory agency for the purpose of law enforcement.

All information in respect of a protected disclosure will be electronically stored securely with an IN-CONFIDENCE classification in a folder with restricted access in accordance with the protective security policy [Internal policy | Protective Security](#).

Edit



Ministry for Regulation
Te Manatū Waeture

Internal policy | Maintaining a positive work environment

Version	1.0	Contact	People Team
Policy Owner	Head of Corporate	Approved	17 October 2024
SharePoint	Internal policies	Due for Revision	March 2025

Scope

This policy about maintaining a positive work environment applies to all **staff** (permanent employees, fixed term employees, secondees, and consultants and contractors who conduct in-house Ministry core work) at the Ministry for Regulation (**the Ministry** or **we/our**) to enable the Ministry's commitment to a positive, inclusive and safe work environment.

Some of the benefits or processes in this policy apply only to **employees** (permanent and fixed term employees).

This policy does not set out to cover all situations but provides guidance on the range of behaviours that are considered positive or not, and sets out some responses when the work environment is not positive for staff personally or because of the unacceptable behaviour of others.

Maintaining a positive work environment for the Ministry for Regulation is a broad concept and accordingly overlaps with, and relies on, other policies.

Each of the following policies link to each other where they overlap, but each concentrates on dealing with particular aspects:

- This maintaining a positive work environment policy encompasses enhancing positive behaviours, inclusive work environment and culture, holistic wellbeing (beyond just physical hazards which are more specifically dealt with in the health, safety and wellbeing policy [Internal policy | Health Safety and Wellbeing](#)) and responding to unacceptable behaviours and personal concerns;
- The recruitment policy [Internal policy | Recruitment](#) for recruitment that will enable the establishment of a collaborative work environment that supports diversity and inclusion;
- The speaking up policy [Internal policy | Speaking up](#) so that all staff are aware of and empowered to use safe channels to speak up about anything from minor concerns to serious wrongdoing committed in or by the Ministry and that impact on a positive work environment;
- The flexible working policy [Internal policy | Flexible working](#) which is one of the ways that the Ministry seeks to support a high performing culture and enable individuals and teams to balance their professional and personal lives;
- The health, safety and wellbeing policy [Internal policy | Health Safety and Wellbeing](#) which sets out the Ministry's approach to health, safety and wellbeing generally and specific workplace systems so that the Ministry meets its obligations under the Health and Safety at Work Act 2015 and particularly encompasses physical hazards; and
- The leave policy [Internal policy | Leave](#) to support employees' wellbeing by meeting the demands of their work and life through providing access to leave.

Principles

- Staff are to be aware of and to respect and value differences within our work environment;
- Staff are to take personal responsibility for their own behaviours and wellbeing;
- The Ministry takes a holistic approach to wellbeing that recognises diversity and the importance of balancing multiple dimensions of wellbeing;
- Leaders within the Ministry are to provide clear expectations around what is, and what is not, positive behaviour in the work environment and role model positive behaviours;
- Work is to be prioritised, planned, resourced and delivered in a way that is healthy and safe for staff, and conducive to a positive work environment;
- We monitor and regularly review our work environment to enable continuous learning about encouraging positive behaviours;
- We encourage early “speaking up” by staff and will protect their confidentiality as far as reasonably possible as set out in the speaking up policy [Internal policy | Speaking up](#);
- Those considering and responding to situations will remain impartial and fair, and act in good faith;
- Staff responding to situations will be trained and supported to enable them to appropriately respond and in a timely way;
- We will comply with the principles of natural justice as far as reasonably possible.

Specific principles regarding alleged unacceptable behaviour

The Ministry’s response to concerns raised about alleged unacceptable behaviour (**claim**) against a respondent by a claimant must comply with the above principles, and specifically the Ministry should:

- take steps (in conjunction with claimant) or encourage steps to be taken (in conjunction with claimant) to make the claimant feel safe and communicated with and supported throughout a response;
- acknowledge the respondent is innocent until the claim is substantiated.

Implementing this policy

Appendix A ([Appendix A](#)) contains certain definitions used within this policy.

Personal responsibility

Everyone has a role to play in setting the culture of our work environment including looking after their own health, wellbeing and safety, and that of others.

This may include taking personal responsibility in respect of taking breaks or leave entitlements, such as annual leave for employees or sick leave [Internal policy | Leave](#). This also means considering health common sense principles, such as healthy hygiene practises and, if sick, staying at home until symptoms have resolved.

We can promote and enrich each other's wellbeing through wellbeing models such as Te Whare Tapa Whā [Māori health models – Te Whare Tapa Whā | Ministry of Health NZ](#) and The Five Ways to Wellbeing [Five Ways to Wellbeing | Mental Health Foundation](#).

At any time, employees and secondees may contact the confidential employee assistance programme, Umbrella bookings@eapumbrella.org.nz or by calling 0800 643 002.

Employee-led networks

Our staff are encouraged to participate in Public Service employee-led networks which contribute to a culture of inclusion and a sense of belonging in the work environment. The diverse perspectives they bring provide cultural richness and valuable subject matter expertise to teams, projects and the work of the Ministry.

All staff may receive the benefit of a positive work environment or be affected by unacceptable behaviour but the Ministry's responses may depend in some circumstances on the relationship:

- Secondees: any responses that impact on the secondees' home agency's employment agreement or any conditions in their secondment agreement, will not be dealt with by this policy but between the Ministry, the seconded's home agency, and the seconded;

- Consultants and contractors who conduct in-house Ministry core work: any responses that impact their contract for services, will not be dealt with by this policy but via the procurement policy [Internal policy | Procurement](#).

Roles and responsibilities

The Executive Leadership Team is to set the tone from the top by role modelling positive behaviours and championing health, safety and wellbeing.

The roles and responsibilities under this policy are:

Staff	Managers	People Team	Chief People Officer
<ul style="list-style-type: none"> • Adhere to the Code of Conduct • Take personal responsibility for own behaviour and wellbeing • Be aware of unacceptable behaviour including as a bystander • Raise concerns Internal policy Speaking up and as relevant incidents/hazards under the health, safety and wellbeing policy Internal policy Health Safety and Wellbeing 	<ul style="list-style-type: none"> • Role model positive behaviours • Ensure team members are aware of what is positive behaviour and what is unacceptable behaviour • Hold open team conversations about the work environment, wellbeing, inclusion and workload pressures • Encourage concerns to be raised and respond appropriately 	<ul style="list-style-type: none"> • Provide advice, tools and overview of the processes in this policy • Develop and review policies in a collaborative way with employees • Be a designated contact person for concerns • Provide development for managers and employees to develop skills to support positive behaviours in the work environment, and support at induction • Monitor and evaluate culture of work environment 	<ul style="list-style-type: none"> • Responsible for this policy • Be a designated contact person for concerns • Monitor the responses to concerns and assess whether the Ministry has the skills required to respond appropriately or whether it is necessary to seek external specialist support • Report on concerns to the Executive Leadership Team

Encouraging positive behaviours

Managers are to lead and/or to encourage open conversations about behaviour in the work environment, wellbeing, inclusion and work pressures.

Staff are encouraged to bring their whole selves to the work environment.

Ideas about how to create an inclusive work environment should be shared with each other and with the People team so that such ideas can be considered and implemented Ministry-wide, where appropriate, including those which, for example:

- recognise different cultures in the work environment; or
- aid communication within the Ministry; or
- aid productivity; or
- boost morale.

To assist with promoting a positive work environment, the People team will lead induction of this aspect, monitor the work environment, design tools and processes, and provide opportunities for managers and employees to develop skills in promoting a positive work environment.

Responding to personal concerns

A member of staff may raise a concern either formally or informally under the speaking up policy [Internal policy | Speaking up](#), or their manager might otherwise become aware, about that individual's personal concern(s) such as harmful stress, workload pressure or other personal wellbeing issues.

The nature of the response should take into account, where appropriate, the views of the member of staff raising the personal concern, for example, their preference might be a low key approach such as assisting with their own self help, or support with an informal solution or proceeding through a formal process.

The manager and the member of staff may have an open conversation about the concern, and explore and consult on any options, including policies and processes, that may be available to that member of staff. Employees may also be reminded about any employee wellbeing benefits that may apply.

All such conversations should maintain confidentiality as far as reasonably possible – any disclosure should be on a need to know basis only, and reports or records (including the risk register/incidents register for incidents of harm) should be electronically stored securely in accordance with the protective security policy [Internal policy | Protective Security](#) and/or anonymised. We may also need to share information where we believe that an individual is at risk of harming themselves or others.

The manager may contact the People team for advice and guidance.

Responding to unacceptable behaviour

A member of staff may raise a concern either formally or informally under the speaking up policy [Internal policy | Speaking up](#), or their manager might otherwise become aware, about that member of staff (**claimant**) being affected by another member of staff's (**respondent**) alleged unacceptable behaviour in the work environment.

The nature of the response should take into account, where appropriate, the views of the claimant, for example, supporting an informal solution or proceeding through a formal process.

Where:

- the claimant and respondent are both employees; or
- the respondent is an employee, but the claimant is not, the manager shall immediately contact the People team.

Where the respondent is not an employee, the manager shall:

- where a secondee is respondent: contact the People team before the manager raises the concern to be dealt with between the Ministry, the secondee's home agency, and the secondee in accordance with the secondees' home agency's employment agreement or any conditions in their secondment agreement;
- where a consultant or contractor is respondent: contact the Legal team before the manager raises the concern to be dealt with under their contract for services via the procurement policy [Internal policy | Procurement](#).

Where either the claimant or the respondent are not staff, but are external to the Ministry, such as Minister's staff or other agency staff, the manager shall raise the concern with the People team and, for example, Ministerial services where the claim relates to Minister's staff, or the relevant member of the Executive Leadership Team with involvement with that other agency.

Related policies and more information

[Five Ways to Wellbeing](#) | [Mental Health Foundation](#)

[Māori health models – Te Whare Tapa Whā](#) | [Ministry of Health NZ](#)

Speaking up policy [Internal policy](#) | [Speaking up](#)

Health, safety and wellbeing policy [Internal policy](#) | [Health Safety and Wellbeing](#)

Protective security policy [Internal policy](#) | [Protective Security](#)

Flexible working policy [Internal policy](#) | [Flexible working](#)

Leave policy [Internal policy](#) | [Leave](#)

Performance policy [Internal policy](#) | [Performance](#)

APPENDIX A – Definitions

bullying	<p>Bullying (in the work environment) is repeated, and unreasonable behaviour directed towards a member of staff or group of staff that that can lead to physical or psychological harm. The repeated behaviour is persistent (occurs more than once) and can involve a range of actions over time. Unreasonable behaviour means actions that a reasonable individual in the same circumstances would see as unreasonable. It includes victimising, humiliating or threatening an individual.</p> <p>A single incident of unreasonable behaviour is not usually considered bullying (in the work environment), but it could escalate and should not be ignored.</p>
discrimination	<p>Discrimination occurs when an individual is treated unfairly or less favourably than another individual in the same or substantially similar circumstances.</p> <p>As outlined in the Human Rights Act 1993, this discrimination can occur on the basis of:</p> <ul style="list-style-type: none">• sex or gender (includes pregnancy and childbirth, gender identity and sex characteristics)• marital or family status• religious or ethical belief• colour, race, or ethnic or national origins• disability• age• political opinion• employment status

	<ul style="list-style-type: none"> • sexual orientation • family violence experience <p>In addition, the Employment Relations Act 2000 prohibits discrimination based on an employee's union membership status.</p>
misconduct	Misconduct is when an employee does something wrong through their actions or inaction, or their general behaviour, including some form of wrongdoing (as defined below), and which may be intentional, reckless, negligent, or careless.
racial harassment	<p>Racial harassment is the use of language or visual material, or physical behaviour that either directly or indirectly expresses hostility against, or contempt or ridicule of an individual because of their race, colour, or ethnic or national origins.</p> <p>If this behaviour is hurtful or offensive to the individual and it is either repeated, or of such significant nature, that it has a detrimental effect on their employment, job performance or job satisfaction, it is racial harassment regardless of whether the perpetrator intended it to be.</p>
serious wrongdoing	<p>Serious wrongdoing has the meaning in the Protected Disclosures (Protection of Whistleblowers) Act 2022 being an act, omission or course of conduct that is:</p> <ul style="list-style-type: none"> • an offence; or • a serious risk to public health, or public safety, or the health or safety of any individual, or to the environment; or • a serious risk to the maintenance of the law including the prevention, investigation and detection of offences or the right to a fair trial; or • an unlawful, corrupt or irregular use of public funds or public resources; or • oppressive, unlawfully discriminatory, or grossly negligent or that is gross mismanagement by a public sector employee or an individual performing a function or duty or exercising a power on behalf of a public sector organisation or the Government.
serious misconduct	Serious misconduct is misconduct that is intentional, reckless, or grossly negligent, and undermines the trust and confidence that the employer has in the employee (eg theft, fraud, sexual or other assault, or the use, or being under the influence, of illegal drugs at work). If it is established that an employee's behaviour amounts to serious misconduct, the Ministry may terminate the employee's employment without notice.
sexual harassment	Sexual harassment is unwelcome or offensive sexual behaviour that is repeated or significant enough to have a harmful effect on an individual. The Human Rights Act 1993 defines sexual harassment as any unwelcome or offensive sexual behaviour that is repeated, or is serious enough to have a harmful effect, or which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.

	<p>Sexual harassment occurs when:</p> <ul style="list-style-type: none"> • an individual is asked for sex, sexual contact or other sexual activity that promises better treatment or a threat of worse treatment • subjects (directly or indirectly) an individual to behaviour that is not wanted or is offensive to them which is either so significant or repeated that it has a negative effect on their employment, job performance or job satisfaction; • using sexual language or sexual visual material or through sexual physical behaviour. <p>Sexual harassment can happen to and by someone of any gender. It can be subtle or more obvious. If this behaviour is unwelcome or offensive to the individual and is either repeated, or of such significant nature, that it has a detrimental effect on their employment, job performance or job satisfaction, it is sexual harassment regardless of whether the respondent intended it to be.</p>
<p>unacceptable behaviour</p>	<p>Some types of behaviour are unacceptable at the Ministry. These include a range of different behaviours eg harassment (racial or sexual), bullying, victimisation, discrimination, offensive language or behaviour, and intimidation.</p> <p>Unacceptable behaviour may constitute misconduct or serious misconduct for an employee or have consequences under secondment agreements or contracts for services.</p>
<p>wrongdoing</p>	<p>The umbrella term 'wrongdoing' covers serious wrongdoing or unacceptable behaviour (both as defined above). It also includes conduct that is similar in nature but less serious.</p>