

16 September 2022

s9(2)(a)

Mālō e lelei s9(2)(a)

## RESPONSE TO AN OFFICIAL INFORMATION ACT REQUEST

On 25 August 2022, you contacted the Ministry for Pacific Peoples (the Ministry) requesting, under the Official Information Act 1982 (OIA), the following information:

... *documentation held by your organisation that sets out:*

- *Your organisation's current salary bands*
- *Which jobs fall into which of those salary bands*

In response to these parts of your request, I have appended to this letter a copy of the following document: *Info on Remuneration Review and Pay Bands* (refer Appendix 1); this is being released to you in full.

The Ministry operates a 'salary band system'. All roles have been placed in bands where there is a minimum and maximum rate of pay. As you will note, the current remuneration bands have been in place since 2019. Usually, the Ministry reviews its salary bands every 18-24 months. However, due to the need to reprioritise work programmes to respond to COVID-19 over the past two years, the Ministry was unable to complete a review within the usual timeframe. The Ministry is currently undergoing a review of its salary bands through using an external provider.

Please note, comparisons between the salary bands does not take into account any higher duties allowances, pay equity movements, gender pay movements or other benefits or remuneration principles and variation in hours of work.

- *If your organisation has negotiated a collective agreement that provides for new salary bands that are not yet in effect, those salary bands; and*
- *If so, which jobs will fall into which of those not yet in effect salary bands*

The Ministry does not have a collective agreement in place, all staff have individual employment agreements. I must therefore refuse these parts of your request under section 18(e) of the OIA as the information requested does not exist.

- *Any policy your organisation has re the position within a band at which a new appointee to a role will typically be placed.*

In response to this part of your request, I have appended to this letter a copy of the Ministry's Recruitment Policy (Appendix 2) and Remuneration Policy (Appendix 3) respectively. Both policies contain a section which outlines setting remuneration for new employees. And both documents are being released to you in full.

In line with standard OIA practice, the Ministry proactively publishes its responses to OIA requests. As such, this letter will be published on the Ministry for Pacific Peoples' website. Your personal details will be removed, and the Ministry will not publish any information that would identify you or your company.

Should you wish to discuss this response with us, please feel free to contact the Ministry at: [oia\\_requests@mpp.govt.nz](mailto:oia_requests@mpp.govt.nz).

If you are dissatisfied with this response, you have the right, under section 28(3) of the OIA, to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Mālō 'aupito



Leatigaga Jason Tualima  
**Deputy Secretary,**  
**Corporate Services**

**Encl:** **Appendix 1:** *Info on Remuneration Review and Pay Bands*  
**Appendix 2:** *Recruitment Policy*  
**Appendix 3:** *Remuneration Policy*

# Appendix 1: Info on Remuneration Review and Pay Bands

## INFO on 2019 Job Evaluation

- As part of our remuneration policy, all permanent roles are evaluated every two years by an external job evaluation provider. Like many agencies MPP have opted to use Strategic Pay
- Strategic Pay assesses jobs using ten criteria (see illustration below). This measures the size of a job by allocating points to each criterion
- The size of the job is then compared with remuneration survey data (last survey, March 2019) and in our case against the Public Sector data



**Strategic Pay Job Evaluation Criteria**

- Other factors considered by Tautua is our commitment to eliminating the gender gap and equal pay for similar roles, developing our leadership talent, as well as affordability.

Table 1 below shows the position bands, new pay grade and salary range.

### New Pay Bands (2019)

Job Family	Pay Grade	80%	100% (midpoint)	120%
Finance and Administration	12	\$51,300.00	\$64,100.00	\$76,900.00
Advisors	15	\$64,900.00	\$81,100.00	\$97,300.00
Senior Advisors	18	\$83,000.00	\$103,700.00	\$124,500.00
Specialists	20	\$97,000.00	\$121,300.00	\$145,500.00
Senior Managers	22	\$115,200.00	\$144,000.00	\$172,800.00
Executive Managers	25	\$148,700.00	\$185,900.00	\$223,100.00

**Table 2 below shows MPP roles in relation to job family, including new established positions**

MPP Permanent Roles as September 2019	Job Family
Finance and Payroll Officer EA to Chief Executive Office Manager Executive Assistant/ Team Administrator (Auckland) NEW	Finance and Administration
Advisor, People and Culture NEW Advisor, Communications, Media and Marketing Advisor, Ministerial Services Advisor, Regional Partnerships Policy Advisor	Advisors
Senior Advisor, People and Culture Senior Advisor, Information and Records Management NEW Senior Advisor, Procurement NEW Senior Advisor, Communications, Media and Marketing Senior Advisor, Ministerial Services Senior Advisor, Pacific Capability NEW Senior Advisor, Regional Partnerships Senior Policy Advisor Senior Analyst, Research and Evaluation Senior Advisor, Accountability Planning and Reporting Manager, Tupu Aotearoa NEW	Senior Advisors
Programme Manager Manager, ICT Services Chief Legal Counsel/ Officer Financial Controller - NEW Principal Advisor, Accountability Planning and Reporting – NEW Principal Policy Advisor (was Chief Policy Advisor)	Specialists
Director, People and Culture - NEW Director, Ministerial Services - NEW Director, Communications, Media and Marketing Director, Regional Partnerships Chief Advisor, Regional Partnerships Director, Research and Evaluation Director, Policy	Senior Managers
DCE Policy, Research and Evaluation DCE Regional Partnerships DCE Office of the Chief Executive DCE Business Services, People and Culture Chief Financial Officer	Executive Managers

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Ministry for Pacific Peoples

# Recruitment

Corporate Policy

DCE Business Services, People, and Culture

June 2020

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

## Document

This document contains policy relating to the recruitment process and procedures that support managers to plan, attract, select and appoint candidates to positions within the Ministry for Pacific Peoples (the Ministry).

## Version history

Version	Date	Author	Key changes
1.0	August 2015	GM Capability Development	New Policy
2.0	February 2017	GM Capability Development	Updated Ministry name
3.0	February 2019	Director People and Culture	Reviewed
4.0	June 2020	Principal Advisor, People and Culture	Incorporate Diversity and Inclusion Refresh language, document presentation, Add detailed guidance to processes

**Note:** Do not make unauthorised electronic copies or new versions (drafts) of this corporate policy. Contact the Deputy Chief Executive (DCE) Business Services, People and Culture to have new drafts initiated and recorded in the appropriate manner.

## Status

<b>Contact</b>	Director People and Culture
<b>Status</b>	In effect from June 2020
<b>Approved date</b>	August 2015
<b>Policy owner</b>	The Ministry
<b>Business owner</b>	DCE Business Services, People and Culture
<b>Revision cycle</b>	Every two years or as needed
<b>Next review</b>	June 2022

## Signoff

Name & Role	Signature	Date
Laulu Mac Leauanae Chief Executive		

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## 1. Introduction

### 1.1 Purpose

The purpose of this policy is to describe the Ministry's recruitment process and procedures, in order to support Managers to prepare, plan, attract, select and appoint people best suited to Ministry positions.

This policy supports the Ministry to ensure its recruitment practices comply with its responsibilities under the State Sector Act 1988 and the Employment Relations Act 2000.

### 1.2 Scope

All individuals who work at the Ministry including permanent, fixed-term and casual positions, contractors, interns and secondees.

## 2. Principles of Recruitment at the Ministry

Recruitment is one way the Ministry builds its people capability. The Ministry is committed to attracting and appointing highly skilled and motivated people with integrity and commitment to join its workforce, in order to deliver on Ministry goals, vision and mission.

The Ministry's principles for recruitment are:

- Selection on merit (s60 State Sector Act 1988).
- Recruitment and selection processes are open, consistent and fair
- Appointments are based on the successful applicant being the best person available for the position when compared with predetermined, objective criteria, free from bias or discrimination or the appearance of discrimination (s21 Human Rights Act 1993)
- A commitment to equal employment opportunities (EEO), which is reflected in recruitment policy, process and practise
- To value diversity and work to build a workforce that reflects our communities
- That suitably qualified people are appointed in a fair and impartial manner, free from conscious or unconscious bias
- Current employees are encouraged to apply and be considered for positions within the Ministry, thus supporting retention and career development
- To protect privacy for the individual.

### 2.1 Diversity and legislation

This Policy complies with relevant legislation including the Human Rights Act 1993, the Privacy Act 1993, the Employment Relations Act 2000 and the State Sector Act 1988.

## 3. Roles and responsibilities

### 3.1 Hiring Manager

The Manager responsible for the vacant position is the Hiring Manager. This is usually the person to whom the position reports. The Hiring Manager is responsible for establishing and maintaining the integrity of the recruitment process, with the assistance of Human Resources (HR). In particular, Hiring Managers are required to make well-informed decisions, ensuring:

- all steps in the recruitment process outlined in this policy are completed correctly and in a timely manner;
- any potential or actual conflicts of interest are identified as soon as they become apparent and either avoided or appropriately managed; and
- the successful applicant is the best candidate for the role, based on bias-free criteria, and has the capability to competently meet the expectations of the position and to contribute positively and effectively to the goals, vision and values of the Ministry.

The Hiring Manager is responsible for:

- overall accountability and responsibility for applying and managing the Ministry's recruitment and selection policy and processes effectively; and
- selection of the preferred applicant/new employee and setting the starting salary; and
- meeting all EEO and diversity requirements and
- on-boarding the new employee, including health, safety and privacy requirements.

### 3.2 Approving Manager

The person the Hiring Manager reports to is the Approving Manager. Generally, this is the Deputy Chief Executive (DCE) or Chief Executive (CE). The Approving Manager is responsible for approving specific decisions in the recruitment and selection process to ensure processes are being complied with by the Hiring Manager.

In particular these relate to;

- Approval to recruit and Approval to appoint
- The salary range for the position and any remuneration decisions outside established Ministry ranges and guidance from HR
- Any decisions outside the expectations established in this policy.

### 3.3 Human Resources

Are part of the People and Culture team, HR takes a partnering role in the recruitment process. HR will support Hiring Managers by assisting with:

- Exploring if a position should be replaced when a resignation is received and if so, if the position should be amended in order to maximise effectiveness;
- Discussions about adding a new position to the team;
- Setting a plan and timeline for the recruitment and selection process, with designated key roles and responsibilities;
- Reviewing or establishing the Position Description (PD) (HR will take the lead for job sizing, where required);

- Selecting the marketing and advertising approach for the position;
- Liaising with recruitment agencies, where applicable, and managing associated costs;
- Determining selection criteria, interview questions, and relevant assessments;
- Reviewing 'preferred applicant' decisions to assist in bias-free, objective decision-making;
- Advising on salary level for selected applicant, using Ministry salary bands and objective criteria free from bias or discrimination.
- Any decisions in the recruitment process that are outside the expectations set by this policy and supporting guidance or that are different from the norm, difficult or contentious.

## 4. Recruitment Process

### 4.1 Prepare to recruit

Before recruiting for a new or existing role the Hiring Manager will determine the most effective way to manage the work and to decide if a genuine vacancy exists over the longer term.

Permanent appointments are only made after considering:

- The positions' current and future workload
- Its place within the team and the Ministry
- The Ministry's strategic direction and
- Any budgetary constraints

Other types of employment may be considered such as Fixed Term, Secondments and Acting positions, contracting or consulting, depending on the circumstances.

Approval to Recruit must be gained from the Approving Manager before recruitment can begin.

#### 4.1.1 Secondments and Acting Positions

Secondments and Acting Positions are a great way to develop people through on-the-job experience.

The Approving Manager has the discretion to waive certain procedures where it is considered that following the full process established in this policy will not add significant value to the recruitment process.

A secondment may suit either an internal employee or an external person who brings a particular skill set that would benefit the Ministry in the short term. Secondments may also be secured for Ministry employees with another agency.

Secondment and Acting opportunities, and particularly those of a short duration (six months or less) may be advertised internally only in the first instance, to enable suitably qualified employees to express an interest in the position.

External secondments are managed on a case by case basis. Generally, the Hiring Manager, with HR support, will approach a business unit in another agency and discuss the opportunity available. If a secondee is identified and they accept an offer with the Ministry, an agreement will be recorded in writing between the substantive employer, the secondee and the Ministry. HR will provide guidance on this process as required. Please refer to Secondment Guide for further information.

At the end of a secondment the secondee will return to their substantive position which has been held open for them but that may have been temporarily backfilled during their absence.

#### 4.1.2 Fixed term

The Employment Relations Act 2000 requires that there must be a 'genuine reason based on reasonable grounds' for a fixed term agreement and the agreement will end on a specified date, or following a specified event or at the end of a specified project. A genuine reason for a fixed term position might be:

- To provide parental leave cover
- For a defined project that has a fixed term or limited duration (usually not more than 12 months)
- To cover extended, defined and planned periods of absence by another employee.

If a Fixed Term position is subsequently changed to a Permanent position it must be treated as a new vacancy for the purposes of this policy.

An employer cannot use a fixed term agreement to test if an applicant is right for the job.

There is a specific process required for agreeing and entering into fixed term agreements (s66 of the Employment Relations Act 2000). No fixed term agreements should be offered or entered into without HR involvement and approval.

#### 4.1.3 Contractors and Consultants

Sometimes a contractor may be the better option to fill a vacancy. This is particularly so:

- when specialist skills are required, for a fixed period. For example; backfilling a position that cannot be resourced internally or for a particular specialised project; or
- to undertake a discrete piece of work quickly e.g. staff training or a one-off project.

Contractors and consultants are engaged on a Contract for Service basis. They are independent of the Ministry and have a different legal status to an employee.

All contractors and consultants are required to have a pre-engagement security check completed. The contracting Agency will generally provide this but where this is not available, the Ministry will complete these pre-employment checks.

## 4.2 Planning

Before any vacant position is advertised the Hiring Manager must decide whether it needs to be filled. The Hiring Manager should talk this over with HR and with their manager and should not assume that a position has to be filled when someone leaves. A resignation is an opportunity to review the skills of the team and work programme and to consider if improvements can be made to the quality of positions in the team, the flow of work and the current capability and capacity in the team. The Hiring Manager is responsible for considering how improvements might be achieved, before moving forward with recruitment.

If a decision to recruit is made, the position description (PD) should be reviewed and updated as needed. HR can assist with this. Once completed HR will complete a job evaluation and job-sizing exercise if this is necessary and assign a grade and salary range to the position.

When the PD is confirmed the Hiring Manager will complete a ['Request to Recruit'](#) form for the Approving Manager to sign. (Once signed, HR will keep this on file).

When approval is given to recruit, the Hiring Manager should discuss with HR:

- A timeline and key responsibilities for the recruitment and selection process;
- Where and how to advertise the position and advertising timeframes;
- The level of support required from HR during the recruitment process;
- The Selection Panel;
- Bias-free assessment(s) and interview options and criteria.

## 4.3 Attracting quality applicants

### 4.3.1 Advertising the vacancy

As a minimum, all vacancies are to be advertised internally, to enable Ministry employees to express their interest in an opportunity.

In addition, roles of over 6 months duration are to be advertised on:

- the [www.jobs.govt.nz](http://www.jobs.govt.nz) website, and
- [www.seek.co.nz](http://www.seek.co.nz)
- the Ministry's [www.mpp.govt.nz](http://www.mpp.govt.nz) website.

In addition, vacancies may also be advertised;

- On LinkedIn
- Through professional networks
- Internally, so that staff have an opportunity to let people in their own professional and personal networks know about the opportunity.

The PD and the Ministry's application form will be available to prospective candidates.

## 4.4 Selection Process

The selection process will include:

- Shortlisting
- Interview(s) and possibly a work-sample exercise and
- Reference and other pre-employment checks.

The Selection Panel will use selection criteria and a competencies matrix developed by the Hiring Manager and HR, throughout the selection, interview, and appointment process. These criteria are based on the position description and are used to evaluate the merits of each applicant, based on gender neutral, objective criteria.

### 4.4.1 Shortlisting

Before shortlisting, use the Position Description to identify the key criteria for the role. In addition to the PD, think about the skills and attributes the top performer in this role holds when developing these criteria.

Use the [Shortlisting Matrix](#) to identify the specific criteria upon which selection decisions will be made. Selection decisions can be made using only criteria that can be assessed from the available information and must be justifiable.

The aim of shortlisting is to identify candidates who meet the threshold requirements needed in the job. Use candidates' Letter of Application, Curriculum Vitae, and application form (if applicable), focusing on:

- Work history
- Educational history
- Qualifications
- Skills relevant to the role, which may include Pacific languages and cultural competence
- Specific relevant experience and achievements.

Consider unexplained gaps in work history, the presentation and legibility of their application and their motivation to work for the Ministry.

The Hiring Manager should not hesitate to advertise again if the first round of advertising does not deliver applicants with the required skills.

Consider for interview only candidates who meet the essential criteria for the role. Don't interview candidates who don't have the right experience or skills because the Hiring Manager feels sorry for them, they think they need interview experience, or they are an internal candidate. Have the constructive conversation up front – don't waste the employer's or the candidates' time or create false expectations.

#### 4.4.2 Selection Panel

The Selection Panel will consist of a minimum of two people, including the Hiring Manager.

The Selection Panel should be diverse, reflecting people with differences in gender, ethnicity and experience to help inform the Hiring Manager with their decision.

### 4.5 Interview

The Ministry uses behavioural (competency-based) and technical questions, along with probing questions and motivational fit questions.

The challenge in the interview is to determine what the candidate can do, not what they think they can do. The logic is; 'past behaviour is the best predictor of future performance'. If someone cannot point to a recent example, they are unlikely to be able to demonstrate that competence at the Ministry.

The Ministry may also use a range of work sample exercises, to be completed as part of the assessment process. These are based on a piece of information relevant to the role and require candidates to answer questions, respond to a task or prepare a presentation back to the Selection Panel. This can be used to assess their written communication skills, thought process/knowledge and/or strategic approach to a particular area of the role.

## 4.6 Reference checking

Reference checking is a critical part of the recruitment and selection process and provides an insight into how the applicant actually performs in a real workplace situation. It also provides an opportunity to test further any gaps or questions that may have arisen during the interview.

Reference checking is undertaken by the Hiring Manager. A minimum of two referee checks must be completed before any formal offer of employment is made.

The most useful referee is generally the applicant's current or former manager, who knows enough about the applicant to provide a valuable insight into their strengths and weaknesses. For an internal secondment or acting opportunity these checks may take the form of a conversation with the line manager and another member of staff who works closely with the applicant.

It is essential that written authority from the applicant (including internal applicants) is obtained before contacting a referee; it is not sufficient to rely on the applicant naming a referee in their CV. Email or text agreement is sufficient.

If the preferred applicant refuses permission for their current or last employer to be contacted, the Selection Panel may, after considering the reason(s) for refusal, reconsider the applicant's suitability for the position.

As the information is being given to the Ministry for the purpose of assessing an applicant's suitability for employment it will remain confidential to the Ministry (the Hiring Manager and HR) and the referee. If the preferred applicant asks for feedback on what the referee said, the applicant will be referred back to the referee to have this conversation.

There are two Reference Check Questionnaire forms the Hiring Manager can use when conducting references. These are:

- Reference Check Questionnaire — Senior/Manager Positions; and
- Reference Check Questionnaire — Non-Senior positions

Ratings from the interview should be used to identify issues to raise with referees. Test that the referee has a similar feeling for the applicant's strengths and weaknesses, and probe more deeply in areas where there is uncertainty.

When getting a reference, the Hiring Manager should carefully consider what information is important and relevant. The Hiring Manager should prepare in advance and ask clear, open-ended questions that make the referee use judgement, rather than asking 'yes or no' questions.

Referees can provide valuable information about:

- how to best manage the person,
- what areas of development the potential employee has,
- how they will fit with the Ministry and team culture,
- particular strengths and challenges.

## 4.7 Setting the starting salary

The Hiring Manager will discuss remuneration and terms and conditions of employment with HR and will complete the Setting Starting Salaries exercise before submitting the Request-to-Appoint form to the Approving Manager for sign-off.

When determining pay using the [Setting Starting Salaries Form](#), the following bias-free criteria will apply;

**Position-specific** criteria include:

- Years of relevant experience in a position same or similar to that being recruited
- Current position and its similarity to the role advertised
- Transferable skills from a position or activity different from that advertised
- Relevant qualifications

**Organisation-wide** criteria include:

- Internal relativities and how this individual's skill set compares to existing team members and others in the organisation in the same pay band
- Motivations – do they have motivations that will enhance the work of the Ministry
- Potential – are they likely to progress well in the Ministry
- Values and how these align with the Ministry Values and Purpose
- Te Ao Maori, Tikanga or te reo skills
- Pacific language skills and Pacific cultural competence
- Experience in the Public Service

**External criteria** include:

- Scarcity of skills and how difficult the position is to fill; and
- Market rates compared to the Ministry salary range

## 4.8 Commencing in the position

The successful applicant will not normally start work until the offer of appointment is accepted (by signing the letter of offer) and relevant checks have been completed.

In exceptional circumstances the applicant may start work before all checks have been completed. In these instances, the appointment remains provisional until all checks have been completed and cleared, including a Criminal Conviction Check.

## 4.9 Appointment

All comments and discussion throughout the recruitment and selection process may be relied on later, so all participants in the hiring process need to be clear and accurate in their communication.

If an applicant raises special requirements e.g. car parking or flexible hours the Hiring Manager should think carefully before answering. If unsure, the Hiring Manager can look into it and let the applicant know later, including explaining why if a request is declined. If a Ministry representative agrees to a request and the applicant is successful, that agreement should be included in writing when the Hiring Manager offers the applicant the job.

Before any appointment to a vacant position can be made the Hiring Manager must complete an Approval to Appoint form for the Approving Manager to sign. HR will retain a copy of the Approval to Appoint form. This form will be accompanied by a completed [Setting Starting Salary form](#).

When approval has been received, the Hiring Manager will complete a [Letter of offer Request form](#), containing the salary and terms and conditions for the role. This form will also be approved by the Approving Manager. HR will prepare the Letter of Offer and Individual Employment Agreement based on the information provided.

## 4.10 Variations to standard terms and conditions

On rare occasions there may be reason to consider varying a standard term or condition of employment. Approval for such a change must be given by the DCE, Business Services, People and Culture and by the Approving Manager before it is discussed with the prospective staff member.

## 4.11 Offer of Employment

Once approval for the appointment has been received from the Approving Manager the Hiring Manager will, with HR advice, negotiate the terms and conditions of employment with the preferred applicant.

Important note: The employment relationship is established from the first specific job offer conversation with the candidate, with all the legal protections around that relationship.

A successful applicant may wish to discuss changes to the proposed terms of employment. The Hiring Manager must consider any changes negotiated and respond to their requests. The Hiring Manager does not, however, have to agree to any or all of their proposals.

Once agreement is reached verbally with the successful applicant, and following sign-off by the Approving Manager, HR will provide an appointment letter, and an Individual Employment Agreement, confirming the terms and conditions of employment for the new employee. The letter/agreement must be signed by the relevant Hiring Manager and the employee before employment can commence.

All offers of employment are conditional on:

- if applicable, completion of a medical examination;
- satisfactory completion of a third-party criminal history check.

All applicants will be advised that their appointment is provisional until the time to seek a review of appointment has passed and no application for a review has been made or until such time as a review confirms the appointment (see Section 6 - Review of appointment).

Once an offer of employment has been accepted the Hiring Manager must inform HR and Payroll as soon as possible and at least 10 working days before the employee is due to start work.

All appointments will be notified to all staff.

## 4.12 Personnel security and other checks

### 4.12.1 Criminal History check

All appointments to positions in the Ministry will require a criminal history check to be completed through the Ministry of Justice using the CV check tool.

If the Ministry receives a criminal history check that includes a criminal history, the Hiring Manager will consult with HR and the applicant before deciding whether to continue the appointment process. If the Hiring Manager decides to proceed, they will attach the criminal history check to the Request-to-Appoint form as well as any written comments the applicant would like considered.

Evidence of a criminal history resulting from a pre-employment check is not automatically a barrier to employment. However, it will require the Ministry to consider if the criminal history is in conflict with the requirements of the position. The Hiring Manager, Approving Manager, HR and DCE Business Services, People and Culture should consider:

- if the applicant advised the Ministry in advance of their convictions;
- the particular position and its requirements;
- the number of offences and the nature of the offending;
- how long ago the offending occurred;
- any mitigating circumstances;
- any comments from the applicant; and
- what obligations (including safety) the Ministry may have to other staff and members of the public

If the applicant has convictions for violence and/or dishonesty, the Ministry should consider seeking the opinion of an individual with law enforcement expertise (e.g. Police, lawyer, corrections). If there are any convictions that have resulted in imprisonment, the Ministry should consider obtaining the applicant's permission to contact their parole officer or corrections officer.

#### 4.12.2 Health check

Any disability or health condition which may impact on the applicant's ability to safely carry out the tasks of the position must be identified by the candidate on the Application for Vacancy form. The Selection Panel should follow up on any such disclosures to ensure the candidate is suitable for the role advertised and to reduce the risk of harm to the appointee and/or workplace colleagues.

Where deemed appropriate a pre-employment health check may also be undertaken. Such health checks must not be used to discriminate against applicants with a disability and must only seek information directly relevant to the proper and safe performance of the role applied for.

If the health check opinion is not yet received from the registered medical practitioner by the time the offer of employment is ready to be made in writing, the offer must be made conditional on a satisfactory (to the Ministry's satisfaction) check being received.

Note: if a conditional offer of employment is made, and accepted by the applicant, they should not commence duties before the information is received and considered by the Ministry.

Where the Ministry considers withdrawing a job offer because of the outcome of a health check, the applicant should be given an opportunity to make comment before a final decision is made.

#### 4.12.3 Security Clearance

The nature of the Ministry's work means certain positions require a security clearance, e.g. for working in the Minister's Office. The CE will determine which positions will require a NZSIS security clearance.

#### 4.12.4 Checks for Agency Contractors and Consultants

Similar checks to those above should be taken when hiring staff through an agency. The agency contracts should clearly specify responsibilities for security screening, and for notification procedures to be followed if screening is not complete or reveals cause for concern.

### 5. Keeping in touch

The Ministry strives to be effective, efficient, considerate and professional throughout the recruitment and selection process. This requires the Hiring Manager and HR to keep all applicants informed at every step of the recruitment and selection process, as promptly as possible.

Until an applicant is either declined or appointed, keep them informed on the progress of their application. The best applicants will probably be considering other opportunities and the Ministry will want to make an excellent impression. Providing regular updates on the progress of an application is a critical element of this.

The Hiring Manager and HR need to be as prompt as possible with decisions.

When an appointment is made, or the Hiring Manager has decided not to fill the vacancy, the Hiring Manager should inform unsuccessful applicants.

Notice can be given by email to those who are not invited to an interview.

Those who have been interviewed should be given the courtesy of a phone call, including an offer to provide feedback. The Hiring Manager should consider what feedback to provide, should the applicant wish them to do so, before calling unsuccessful applicants. Feedback should be constructive and balance positives with suggestions that will aid the applicant in future.

All appointments will be notified to Ministry employees by HR immediately following acceptance of the role by the preferred candidate using our intranet.

The Hiring Manager will also send an email to all employees before the start date, welcoming the new employee and introducing them to the Ministry.

### 6. Review of appointment

#### 6.1. Background

Section 65 of the State Sector Act 1988 requires that each Department has a procedure in place for "reviewing those appointments made within that Department that are the subject of any complaint by an employee of that Department". The State Services Commission (SSC) has released guidelines regarding the process for reviewing appointments. In the event that there is a conflict between a current SSC guide and section 6 of this policy, the SSC guide will take precedence.

Any Ministry employee has two weeks from the date of notification of the appointment to seek a review of an appointment at the Ministry, for any role other than Acting roles. This deadline may be extended on reasonable request.

The objectives of the review process are to ensure that the Ministry has met its statutory requirements, as established in the Human Rights Act 1993, the State Sector Act 1988 and Equal Employment Opportunity principles. Requirements include ensuring that;

- Roles have been advertised in such a way as to avoid unlawful discrimination;
- The person best suited for the position is appointed
- Appointments are notified to all Ministry employees
- Compliance with good appointment practises such as providing appropriate Position Descriptions and related information, using objective selection criteria and general fairness of interview practises
- Complaints are considered seriously and addressed quickly and appropriately and within 6 weeks

The purpose of a review is to test whether the person best suited to the role has been appointed. To this end, a request for review can be made where a staff member believes that the recruitment and selection processes were incorrectly followed, or where an appointment decision is substantially wrong.

## 6.2. Review process

Reviews will be undertaken by the DCE, Business Services, People and Culture.

A Complainant may request an alternative or additional Reviewer for a specific review request and such requests will be considered in good faith.

The Complainant should present their case in writing, setting out the grounds for their complaint. This information, along with the Ministry's documentation relating to the appointment will generally form the basis of the review.

In addition, the complainant may request to present their case in person to the Reviewer. Where this is the case the Complainant may be accompanied by a support person or union representative and the Reviewer will determine if that person may speak on the complainants' behalf, on a case by case basis.

In addition to the Complainant, the Reviewer may choose to interview the provisional appointee or other relevant people.

Interviews may be conducted in person or by virtual meeting, depending on the circumstances.

The Reviewer will :

- ensure that there is substantive consideration of any complaint
- consider whether the requirements of the State Sector Act 1988 and the Human Rights Act 1993 were followed and
- consider whether the appointment was made in accordance with good employer principles, including EEO principles and
- consider if the appointment process followed this policy and
- consider whether the applicant was the person 'best suited to the position'.

Possible outcomes of the review are:

- To confirm the provisional appointment
- To cancel the provisional appointment and re-advertise the vacancy

- To cancel the provisional appointment and refer the decision make to the Hiring Manager for further consideration
- To cancel the provisional appointment and appoint the Complainant
- To implement any other means of addressing the concerns of the Complainant.

The Reviewer will:

- Make their recommendations to the CE as promptly as possible (because the appointment remains provisional until a decision is made)
- Maintain adequate records of the review and decision.

The CE will make a decision based on the recommendation of the Reviewer. On a case by case basis the CE may choose to provide opportunity for the Complainant and the provisional appointee to comment on the provisional outcome of the review before making a final decision.

If the Reviewer recommends cancellation of the appointment, the CE will consider, in the interests of fairness and impartiality, whether to accept the Reviewer's recommendation to appoint the complainant or whether the appointment decision should go back to the Hiring Manager.

The final decision will be communicated to the Complainant and the appointee as soon as is practically possible.

In addition to a Review of Appointment, a Complainant also has the option to raise a Personal Grievance under the Employment Relations Act, or, if the unjustifiable action includes non-appointment on the basis of discrimination, seek redress under the Human Rights Act 1993.

## 7. Confidentiality of information

The Hiring Manager is responsible for protecting the confidentiality and privacy of applicants. Disclosing an applicant's details without their consent, even by accident, may breach the Privacy Act 1993. For example, Ministry staff should not leave messages with other people unless the applicant has agreed. 'Confidential' should be written on all written communications.

The Hiring Manager and HR must keep all electronic and paper applicant information secure at all times.

## 8. Recruitment documentation

Every recruitment process must be well documented, and all information retained, to provide a record that may be used in any review or complaints process, or if questions ever arise about the appointment. Application information is discoverable so should be factual. It should contain only evaluative comments on the suitability/unsuitability of the applicants.

All recruitment documentation, including interviews, referee checks, shortlisting matrix and approval forms must be kept by the Ministry.

In addition to keeping file documentation on the recruitment process and decisions taken, documentation on the successful candidate will need to be kept on the employee's personnel file.

## 9. Further information

Policies and Procedures:

- Performance and Talent Management Guidance
- Learning and Development Policy
- Remuneration and Rewards Policy
- Secondment Guide
- Selection Process Guide

Legislation:

- State Sector Act 1988
- Employment Relations Act 2000
- Privacy Act 1993
- Human Rights Act 1993

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Ministry for Pacific Peoples

# Remuneration

Corporate Policy

People and Culture  
October 2020

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## Document

This document contains policy relating to the way the Ministry for Pacific Peoples (the Ministry) sets remuneration (rem) for its employees. This policy supports the Ministry to ensure its remuneration practices comply with its responsibilities under the Public Service Act 2020, Employment Relations Act 2000, Equal Pay Act 1972, Government Service Equal Pay Act 1960, and Human Rights Act 1993.

## Version history

Version	Date	Author	Key changes
1.0	August 2015	GM, Capability Development	New policy
2.0	February 2017	GM Capability Development	Refreshed to include current expectations. New policy format
3.0	September 2020	Director, People & Culture	Updated to describe job sizing New format

**Note:** Do not make unauthorised electronic copies or new versions (drafts) of this corporate policy. Contact the Director, People and Culture to have new drafts initiated and recorded in the appropriate manner.

## Status

Contact	Director, People and Culture
Status	In effect from August 2015
Approved date	
Policy owner	MPP
Business owner	Director, People and Culture
Revision cycle	Every two years or as needed
Next review	October 2022

## Signoff

Name & Role	Signature	Date
Laulu Mac Leauanae Chief Executive		

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## 1. Introduction

### 1.1 Purpose

The purpose of this policy is to describe the Ministry's remuneration principles and process for setting remuneration for Ministry employees.

### 1.2 Scope

- This policy applies to permanent and fixed term employees only
- This policy does not apply to contractors or consultants on a contract for services
- This policy does not apply to the Ministry's Chief Executive whose remuneration is determined by the State Services Commission.

## 2. Definitions

Salary	Commonly referred to as pay, or fortnightly take home pay(net)
Substantive Role	The permanent role an employee holds. A secondment may be into a different role and the substantive role is the one the employee comes back to after the secondment
Base Pay	The pay an employee receives for doing their job, excluding any allowances or benefits
Total Rem	This is all the pay a person receives, including any allowances or benefits (and excluding employer superannuation contributions)
Job sizing/Job evaluation	The size of a role reflects the responsibilities, accountabilities, knowledge, skills and experience required to fulfil the requirements of the position. The size of a role dictates what pay band it will be assigned to
Gross	Salary, before tax is deducted
Net	Salary, after tax is deducted. This is the amount credited into your bank account
Calibration	Performance calibration is a process in which managers (typically within a department or function) come together to discuss the performance of employees and achieve agreement on performance appraisal ratings.

## 3. Roles and responsibilities

### 3.1 The Chief Executive

The Chief Executive is responsible for meeting the Ministry's obligations under this policy.

### 3.2 Tautua

Tautua is responsible for endorsing this policy and associated procedures. They will embed this policy with their people managers, ensuring they support the remuneration system and processes at the Ministry.

### 3.3 People Leaders

People managers are responsible for ensuring they are meeting the standards and expectations established in this policy.

## 4. Principles of the Ministry's Remuneration System

### 4.1 Fairness and Equity

The Ministry is committed to promoting a workplace that is fair, equal and diverse. These principles are fundamental to the Ministry being a successful public service organisation. The Ministry's people policies are designed to ensure all employees enjoy fair and equitable pay, employment conditions and opportunities.

The relative rates of pay between different jobs are fair, absent of bias and do not perpetuate historical under or over valuation.

Any inequalities of the external market are addressed as employees join the Ministry, rather than being imported into the Ministry's remuneration system.

The Ministry supports fair pay including the principle to pay Ministry employees no less than the official Living Wage Aotearoa rate. The Living Wage Aotearoa reviews the rate annually.

The application of the provisions of this policy will help address any gender and ethnic pay gaps in our workplaces.

### 4.2 Employees feel valued

Managers and employees meet regularly to discuss their contribution to the team's work program, the goals of the Ministry and their own professional development.

Pay ranges are set using an external job evaluation process, thereby ensuring fairness of pay across the public service and employees can view pay ranges on Vaka Puna, the Ministry's Intranet system.

Remuneration supports progression pathways within and across roles, as well as being sufficient to attract and retain staff.

### 4.3 Transparency

The pay system is simple and clearly communicated, and information about it is available on Vaka Puna. Employees know the salary bands for all roles in the Ministry and what the minimum, midpoint and maximums are for each role and understand how the pay system works.

#### 4.4 Sustainability and Affordability

The Remuneration and Reward system at the Ministry is enduring, affordable, simple, and easily administered. Increases are budgeted for on an annual basis.

### 5. Conflict of information

Employees should refer to the specific working hours and remuneration provisions within their individual employment agreement when seeking details about their individual terms of employment.

Where there is any conflict between an entitlement established under an employee's individual employment agreement and this policy, the individual employment agreement will take precedence.

### 6. Setting Pay

- All positions at the Ministry are placed into a pay band, with a corresponding pay range (refer Pay Ranges point below). Each range contains a group of positions that have a similar job sizing. Grouping positions in this way is called banding. It means that the Ministry has an easy-to-understand pay structure that reflects the similarity and/or relativity of positions.
- Each position, along with its pay band, has a defined minimum and maximum annual salary for the job, along with a mid-point which is set at 100% of the salary range for that band.
- These pay ranges are reviewed annually, as part of the Annual Remuneration Review process (Annual Rem Review).
- The Ministry's pay structure is based on a total remuneration model. That means the value of an employee's remuneration includes fixed salary and, if applicable, any subsidised benefits. Total remuneration includes employer contributions to the Government Superannuation Fund (GSF), the State Sector Retirement Savings Scheme (SSRSS) and KiwiSaver.

### 7. Gender Pay Equity

The Ministry is committed to ensuring that employees have the same opportunities to fully participate in employment regardless of their gender. The Equal Pay Amendment Act 2020 (which amends the Equal Pay Act 1972), places a statutory duty on MPP to:

- ensure there is no differentiation based on sex between pay rates for employees performing the same or substantially similar work (an equal pay claim); and
- ensure there is no differentiation between the pay rates of male and female employees for work which is exclusively or predominantly performed by female employees where the employees have the same or substantially similar skills, responsibility and experience, working under the same or substantially similar conditions with the same or substantially similar degrees of effort (a pay equity claim).

#### Process for pay equity claims

- Pay equity 'claimants' may be either an individual employee, a union acting on behalf of its members who perform the same or substantially similar work for the employer, or multiple unions acting on behalf of their respective members.
- Claimants must raise pay equity claims in writing and must briefly set out the information relied on in support of the claim being 'arguable'. The Bill provides a pay equity claim is

'arguable' if it relates to work that is or was predominantly performed by female employees, and it is arguable that the work is currently undervalued or has been historically undervalued. The Bill states this threshold for raising a claim is 'low'.

- As soon as reasonably practicable, but not later than 45 days after receiving the pay equity claim, MPP must decide whether in its view the pay equity claim is arguable (which does not mean that the employer agrees that there is a pay equity issue, or that there will be a settlement). If MPP considers the claim is not arguable, it must explain the reasons for that decision to the claimant. The claimant may then refer the issue to mediation and/or seek a determination from the Employment Relations Authority that the claim is arguable.
- If MPP considers the claim is arguable, the claimant must be notified of this. The claimant and the employer then enter good faith bargaining to resolve the claim through a pay equity settlement.

If you wish to know more about your remuneration range please refer to your letter of offer, ask your manager or speak to one of the HR team.

## 8. Job Evaluation

The size of a role reflects the responsibilities, accountabilities, knowledge, skills, and experience required to fulfill the requirements of the position.

The Ministry uses an established job evaluation and remuneration provider to size all roles that are newly created and where no similar role exists to inform an understanding of its size. This is completed every 2 years.

Roles that are sized are designated a remuneration range that reflects both internal relativities and comparison to similar roles within the Public Sector.

## 9. Annual Performance Review Process

The Ministry runs an annual Remuneration and Performance Review process with 3 key parts. These are

1. September: Objective setting and professional development planning.
2. November: First quarter review of progress against objectives and a check-in on professional development goals
3. February: 6-month review of progress against objectives and a check-in on professional development goals
4. May: Third quarter review
5. July/August: The end of year review of pay and performance, with any corresponding remuneration change.

Performance is formally reviewed annually by the employee's manager. Progression through the pay range is linked to the outcome of this employee performance assessment and is designed to recognise the increasing skills, knowledge and performance the employee demonstrates in their role.

### 9.1 Annual rem review

All employees (including Managers) have their remuneration reviewed annually in July/August.

## 9.2 Setting the annual rem strategy

This process begins in May of each year when the Director, People & Culture prepares a remuneration strategy for the Chief Executive. This strategy guides the Ministry's approach to the annual remuneration review process.

Developing the remuneration strategy involves gathering information from many sources including:

- State Service Commission's Workforce team regarding government expectations around pay and conditions
- Up-to-date market information (e.g. from remuneration surveys and other reputable sources)
- The Chief Financial Officer who holds oversight of the Ministry's payroll budget and knows and understands the Ministry's financial parameters and affordability.

The Remuneration Strategy is approved by the Chief Executive and Tautua, before being used to inform the Annual Rem Review.

## 9.3 End of Year performance review (EYPR) and annual review

Managers meet with each employee individually, to discuss:

- The employees' general performance over the previous 12 months,
- the achievement of the work objectives set at the beginning of the performance year,
- the way they have demonstrated the Ministry's values throughout the year,
- the employee's individual contribution to the mission of the Ministry

Following this conversation, the Manager makes a remuneration recommendation for each person in their team.

## 9.4 All of Ministry Calibration

Tautua meet to complete the annual remuneration review of employees pay. This is where considerations for pay increases and/or one-off payments to reward employees for their performance is made. The Chief Executive and Deputy Chief Executive's (DCE's) consider the following points in considering pay increases or one-off payments for employees:

- The annual Remuneration Strategy
- The Ministry's remuneration principle of fairness and equity: the employee's position in range compared with others in the same or similar role and performing at the same or similar level
- The Ministry's remuneration principle of employees feeling valued, by recognizing and rewarding the level of experience and competence an employee brings to a position
- The extent to which the employee has demonstrated the Ministry's values in their approach to work
- The Ministry's remuneration principle of Sustainability and Affordability and the Ministry's ability to fund increases.

## 9.5 Remuneration review decisions

When all calibration decisions have been made, employees will receive a letter confirming the outcome of the rem review and informing them of any change in their pay and the date on which this change will be effective from.

## 9.6 Right of review

After receiving their outcome letter from the Annual Rem Review process, an employee is entitled to seek a review of the decision if they have concerns about the outcome. The employee should talk to their manager in the first instance.

If the concerns are not resolved by initial discussions between the employee and their manager, the employee can request that a DCE review be conducted. The employee must set out their specific concerns in writing and indicate what would resolve those concerns.

The employee's DCE, in consultation with the Director, People & Culture will review each of the factors raised by the employee, along with reviewing in the light of the employee's comments all the factors considered in the calibration process. As part of this process they may invite the employee to meet to discuss the employee's concerns.

If the employee's concerns are not resolved by their DCE and the Director, People & Culture, the employee may request, in writing, that the Chief Executive review the remuneration decision.

Any proposed changes to a remuneration decision resulting from any review request require the approval of the Chief Executive.

The Ministry will inform the employee about their review decision in writing.

## 9.7 Exceptions to receiving a rem review

### New employees

Employees who start on or after 1 April within a given performance year will not be eligible for a review of their remuneration as part of the annual remuneration review process but will be eligible the following year.

### Employees who received an increase after April of the review year

If an employee receives an increase to their salary on or after the first of April, they may be ineligible for a review of their salary as part of the annual remuneration review process of the Ministry.

### Employees who do not meet a minimum standard of performance or conduct

Employees on a Performance Improvement Plan or who have received a formal warning for Misconduct in the review year may not be eligible for a review of their remuneration

## 10. Setting remuneration for new employees

New employees are generally appointed at the 80% point of a position's remuneration range.

Managers, in consultation with their DCE, can negotiate up to the 100% point within the range, dependent on the demonstration of relevant skills and experience the employee brings to the role.

Any negotiations with a new employee above the 100% point of a positions' remuneration range will need the DCE from their Business Unit and the Director, People and Culture approval.

## 11. Higher Duties Allowance

A higher duties allowance may be paid to an employee who is temporally (more than one month) assigned the responsibilities of a higher level position than their substantive role, or who carries out significant duties that are not normally part of the employee's regular duties.

The higher duties allowance will reflect an increase that is:

- No greater than 6% of the employee's current remuneration, or
- No greater than the 80% point of the position that an employee is acting up in.

All higher duties allowances must be agreed by the Director, People and Culture and Chief Executive. This is to ensure that the sum of the higher duties allowance and the employee's base salary will not exceed the maximum salary of the higher-level position.

## 12. Superannuation

The Ministry pays an employer contribution for employees who are a member of one of the following superannuation schemes:

- Government Superannuation Fund (GSF)
- State Sector Retirement Saving Scheme (SSRSS)
- KiwiSaver

Further information on the three super schemes above can be found on their respective websites.

In general, the Ministry's employer contribution will be paid on top of existing salary. This means that no alternate payment "in lieu of employer contributions" will be made to employees who are not members of one of these superannuation schemes.

The Ministry does not pay membership fees, or similar, in relation to any super scheme.

The Ministry can facilitate arrangements for employees who choose to make superannuation contributions to a specified superannuation scheme.

Any employee who wishes to contribute to a superannuation scheme at a level above 12.5% can request to do this through a salary sacrifice. Any salary sacrifice request above 12.5% of an employee's salary must be approved by the Chief Executive.

Employees are encouraged to review the remuneration provisions (including superannuation) in their individual employment agreements for further information.

### 13. Communication

This Remuneration Policy, together with details of the banding and pay range system, is published on Vaka Puna and available to all employees. While individual remuneration is personal and confidential, the Ministry believes that the Ministry's approach to remuneration should be transparent and understood by all employees.

The Ministry reserves the right to review and amend this policy at any time to meet the needs of the business. Any changes will be communicated to all employees.

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## 14. Further Information

### Legislation

- Employment Relations Act 2000
- Human Rights Act 1993
- Public Service Act 2020
- Privacy Act 2020
- Equal Pay Amendment Act 2020
- Equal Pay Act 1972
- Government Service Equal Pay Act 1960

### Related Policies

- Diversity, Inclusion and Equal Opportunities policy
- Performance Management & Development Planning Guidelines
- Learning & Development Policy
- Recruitment Policy
- People Delegations

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