

19 May 2025

s9(2)(a)

Via email: s9(2)(a)

Dear s9(2)(a)

Thank you for your Official Information Act (OIA) request, received on 16 April 2025. You requested:

"All reports, submissions, aide memoires, briefings, reports, analysis, and sent, held, or received by your organisation in relation to updates to Diversity and Inclusion, or Diversity, Equity, and Inclusion (DEI), or Belonging and Inclusion, regulation policies, plans, and strategies including but not limited to:

- 1. The development, implementation, or evaluation of diversity, equity and inclusion policies, strategies, plans, and regulations.*
- 2. The Public Service (Repeal of Diversity and Inclusiveness Requirements) Amendment Bill.*
- 3. Communications with New Zealand First and other coalition partners concerning Diversity and inclusion policies (or similar policies/regulations) and the proposed repeal.*
- 4. Assessments or analysis of the effects of removing DEI or similar regulations from public service legislation.*

Timeframe: *From January 1, 2024, to the date of this request."*

We have numbered the parts of your request for ease of reference below.

The New Zealand Infrastructure Commission/Te Waihanga (the Commission) is committed to building a diverse and inclusive workplace that brings together different perspectives and experiences. We value our people's unique backgrounds, qualities and contributions.

For part 1: The Commission's relevant internal policies are contained in a supplementary document to our *The Way We Work – Te Waihanga Operations Policy*. As policies relating to diversity, equity and inclusion are part of a larger document covering other topics, I have decided to release the relevant excerpts to you (as permitted under section 16(1)(e) of the

OIA). These excerpts can be found in Appendix A. No information has been withheld under the OIA.

Further to this, the Commission supports Diversity, Equity and Inclusion internally via:

- our People Strategy (Pillar 5)
- our employee engagement Pulse survey
- our commitment to our organisation's membership with Diversity Works¹
- in training and our recruitment processes.

Excerpts from our internal People Strategy and results from our 2024 Pulse Survey (March and October) are provided in Appendix A. No information has been withheld under the OIA.

Externally, the Commission reports on Diversity and Inclusion (gender and ethnicity data, as well as work to implement our People Strategy) in our Annual Reports, which are publicly available on our website here: <https://tewaihanga.govt.nz/about-us/corporate-documents-official-information/documents>. Our Statement of Intent 2023-2027 (SOI) also references our People Strategy. The SOI can be found here: <https://media.umbraco.io/te-waihanga-30-year-strategy/o4skfxc5/statement-of-intent-2023-2027-november.pdf>.

The Commission has published an action plan, Kia Toipoto Pay Gap Action Plan as part of our commitment to the Public Service Kia Toipoto pay gaps action plan. Our plan was last updated 9 May 2025 and is publicly available on our website here: <https://tewaihanga.govt.nz/about-us/careers/kia-toipoto-pay-gap-action-plan>.

Information being released for part 1

The following documents are relevant to part 1 of your request, and relevant excerpts are provided in Appendix A. No information has been withheld under the OIA.

Item	Date	Document Description	Decision	Section of the OIA applied
1.	4 July 2022	The Way We Work (Te Waihanga Operations Policy): Further Details and How To's Subsection: Recruitment and Selection	Excerpt released in Appendix A	No information has been withheld

¹ <https://diversityworks.nz/>

2.	4 July 2022	The Way We Work (Te Waihanga Operations Policy): Further Details and How To's Subsection: Equality, Diversity and Inclusion	Excerpt released in Appendix A	No information has been withheld
3.	June 2022	People Strategy Pillar 5: Our diversity and inclusion enables us to improve the lives of all New Zealanders	Excerpt released in Appendix A	No information has been withheld
4.	October 2024	Diversity and Inclusion questions from Pulse engagement survey	Excerpt released in Appendix A	No information has been withheld

Information publicly available for part 1

The following documents are relevant to part 1 of your request but are publicly available. Accordingly, I have refused your request for the documents listed in the table below under section 18(d) of the OIA as the information requested is or will soon be publicly available.

Item	Date	Document Description	Decision
1.	30 June 2024	Annual Report	Refused under s18(d) of the OIA as this is publicly available here: https://media.umbraco.io/te-waihanga-30-year-strategy/dlnpg2qg/annual-report-1-july-2023-30-june-2024.pdf
2.	1 July 2023 to 30 June 2027	Statement of Intent	Refused under s18(d) of the OIA as this is publicly available here: https://tewaihanga.govt.nz/media/4dfngchs/te-waihanga-soi-2023-2027.pdf

3.	30 April 2024	Kia Toipoto Pay Gap Action Plan Update 30 April 2024	Refused under s18(d) of the OIA as this is publicly available here: https://media.umbraco.io/te-waihanga-30-year-strategy/im2mpi54/kia-toipoto-action-plan-2024.pdf
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We have not identified any information relevant to the remainder of your request. Accordingly, I am refusing parts 2, 3 and 4 of your request under section 18(e) of the OIA as the information requested does not exist.

Please note that this letter (with your personal details removed), including Appendix A, may be published on the Commission's website.

This reply addresses the information you requested. You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely

s9(2)(a)



Vanisa Dhiru
General Manager, Corporate

Appendix A: Excerpts relevant to Part 1 of your request

Excerpt from the New Zealand Infrastructure Commission's *The Way We Work (Te Waihanga Operations Policy): Further Details and How To's (as at 4 July 2022): Recruitment and Selection (pages 2-4)*

RECRUITMENT AND SELECTION

We recognise that our staff are critical to our success and we are committed to providing equal opportunities for all existing and potential employees, and to recruiting the best talent. We want to ensure that we are an employer that people seek to join; this includes attracting from a diverse pool of suitably qualified and experienced backgrounds.

All recruitment is carried out with support from the HR team, who will support Managers to identify/attract, select and appoint the best candidate that matches our knowledge, competencies, skills and experience, and personal attributes criteria, all of which align to our strategy and values.

We look to encourage personal development, to broaden the experience and capability of our current staff, and to promote advancement from within whenever and wherever possible.

We look to ensure a positive candidate experience, regardless of the outcome of their application. All candidates will be assessed, and reference checked prior to and/or as part of the offer of employment process by the Manager. All offers of employment are to be approved prior to any offer being issued in accordance with the Delegated Authorities.

Approval to Recruit

Managers are responsible for ensuring that all recruitment activities are approved before starting a recruitment process. See HR for the approval to recruit form and any questions you have.

A current (and where appropriate, updated) position description must accompany each approval to recruit. For new positions, the Manager is required to consult with HR to establish the remuneration for the position before the role is approved. The position description and salary bands are required to be signed off as part of the approval to recruitment. Any changes must be approved in accordance with Delegated Authority Policy.

All recruitment for vacancies are to be approved by GM Operations (within current headcount and DFA) or CE (if additional or above the DFA of the GM, Operations). All vacancies must have an up-to-date position description.

Recruitment Agencies

Te Waihanga is part of the All of Government (AoG) agreement. The HR Manager will co-ordinate and manage the relationship with any recruitment agencies. For contractors or consultants, please speak to the HR team before you undertake any recruitment. If a recruitment agency is to be used, this must be from the approved AoG list of suppliers and requires approval of the CE. To avoid candidate ownership issues, all unsolicited resumes from any recruiting agency are to be immediately rejected by the manager or employee receiving that resume.

Advertising and sourcing

All recruitment related advertising (internal and external) is coordinated and managed by the HR team. All vacancies will be advertised internally on KEA. Vacancies may be advertised externally simultaneously with internal advertising. Vacancies will be posted on Te Waihanga's website, seek.co.nz, Govt.jobs.nz and other external job boards/ media as appropriate. No vacancy will be advertised until it has had the appropriate approvals.

Screening and Interviewing

For some roles the HR Manager may support Managers with interviewing candidates. To honour our commitment to diversity and inclusion we suggest the interview panel be diverse and include at least one member of the Leadership Team.

We are realistic so we recognise there will be times where the Manager identifies a possible suitable candidate at an early stage of the recruitment process. Whilst this can be very helpful, all candidates, regardless of who they are or where they have come from, are expected to go through an interview and selection process, prior to any request for appointment. For each position being recruited for it is important that the interview format and questions are consistent for all candidates interviewed to ensure fairness, and the questions must be constructed to reflect the knowledge, skills and experience required to successfully undertake the role.

Managers need to respond to all applications in a timely manner in person/over the phone where a candidate was interviewed for a role. When declining candidates, Managers need to be careful to ensure they are providing constructive feedback and staying within the guidelines of the Human Rights Act 1993 and Privacy Act 2020. Please seek guidance from the HR team if you are unsure.

If a Manager declines a candidate who is a current staff member at Te Waihanga, it is important that additional care and time is taken to advise why they have been unsuccessful. The Manager should do this personally, either by phone or face to face. This feedback is valuable for their development plan and professional growth within Te Waihanga, and their continued engagement.

References

Reference checks are required for the recruitment of all staff. The purpose of reference checking is to obtain relevant and objective information about the history of the candidate, as well as their suitability for the new position. In addition, it allows Managers to verify any information gained in the interview and testing to clarify and/or explore any concerns they may have. Except for internal candidates, Managers are required to personally undertake a minimum of two reference checks for each final candidate (to be offered a position), one of which should be their last manager.

Approval to Offer Employment

Verbal offers can be binding; therefore, a verbal offer must not be made until the relevant approvals are obtained, and references have been checked. In some instances, personality profiling may also be undertaken, but the HR team will advise if this is required. Preferred applicants can however be informed of their status, i.e. that they are the preferred applicant. In situations where the preferred applicant does not accept the initial offer, the Manager should consult with the HR team.

Managers need to work with the HR team to draft the offer of employment for their preferred candidate. Any changes to the standard employment agreement require the approval of the CE.

All offers of employment will be subject to the candidate:

- Returning a satisfactory Pre-Employment Police/Ministry of Justice check
- Completion of the offer of employment
- Completion of reference checks to the satisfaction of Te Waihangā.

On-boarding new staff

New staff cannot be set up in payroll until all required documents, forms and information are completed and received. It is the Managers responsibility to ensure that this is completed.

In order to have a great experience at the commencement of employment on day 1 the Manager should:

- Advise the IT Advisor at least 5 working days in advance of the new team member starting
- Send an email to all Te Waihangā staff advising of the new team member
- Arrange a welcome morning tea. Organise other logistics, such as a desk, assign a buddy to help them get settled, set up meetings with key stakeholders, etc.

Excerpt from the New Zealand Infrastructure Commission's *The Way We Work (Te Waihanga Operations Policy): Further Details and How To's (as at 4 July 2022): Recruitment and Selection (page 5)*

EQUALITY, DIVERSITY AND INCLUSION

Te Waihanga is committed to building a diverse and inclusive workplace. We want everyone to feel valued, respected and confident to bring their whole-self to work. This is how we will get the best out of our people.

We follow the Te Kawa Mataaho Public Service Commission advice with regards gender pay equality. This includes following the Gender Pay Gap Actions Plan (June 2020) and the Gender Pay Principles.

We will be guided by the Papa Pounamu work programme as set out by Te Kawa Mataaho so we can consistently grow our diversity and inclusion capability. The Papa Pounamu work programme has five priority areas to create positive impact across all diversity dimensions.

1. **Cultural competence**: Reflecting the significance of the Crown-Māori Relationship and building our cultural competence, and confidence, is integral to ensuring inclusion.
2. **Bias**: Addressing bias is a critical factor in ensuring everyone has fair opportunity in recruitment, career progression and development opportunities.
3. **Leadership**: Diversity and Inclusion capability will depend on strong, inclusive leadership.
4. **Build relationships**: Inclusion and belonging is dependent upon having a diverse range of supportive relationships in our workplaces.
5. **Employee-led networks**: Having a space and mandate to connect with others with shared lived experiences supports people to bring their whole selves to work.

Excerpt from the *New Zealand Infrastructure Commission/Te Waihanga People Strategy (as at June 2022), Pillar 5: Our diversity and inclusion enables us to improve the lives of all New Zealanders (page 13)*



Pillar 5: Our diversity and inclusion enables us to improve the lives of all New Zealanders

Pou Tuarima: Ko tō mātou whakaputanga kē me tō mātou whakaaro kotahitanga kei te whakamana i a mātou ki te hiki i te tauoranga o ngā tāngata o Aotearoa.

What does it mean? We recognise the importance of diversity and openly value the diverse skills, knowledge and perspectives our people bring with them. We are committed to building a diverse and inclusive workplace that brings together different perspectives and experiences. We recognise and respect Te Tiriti o Waitangi.	What we have achieved so far • We have implemented a Partnering with Māori Framework to better engage with Māori, understand Māori perspectives of infrastructure and build the cultural competency of our people. This has seen the introduction of te reo Māori classes, participation in Te Wiki o te Reo Māori and learning opportunities on te ao Māori, including presentations from the Treasury on He Ara Waiora (the Māori perspective of wellbeing). • We actively participate in public sector forums and communities to better understand, identify and implement steps to shape a more diverse and inclusive workplace including Kia Toipoto, Public Service Pay Gaps Action Plan. • We implemented a Flexible Work by Default policy aligned to Public Sector Guidance in June 2021, which allows for consistent and fair flexible-by-default practice across Te Waihanga. • We continue to review and compare the remuneration of our people undertaking the same work to ensure pay is fair, equitable and free from bias. • We ensure that our recruitment panels are gender diverse and bring a range of experiences with them.	The road ahead We will: 1. Refresh our recruitment strategies and people practices to attract and retain talent from a diverse range of backgrounds. 2. Continue to build our cultural competence development programme with Te Reo Māori, Mana Aki and historical training in our Learning and Development Framework. 3. Commence reporting on diversity measures within Te Waihanga to the board regularly including gender and ethnicity workforce representation. 4. Continue to participate in Kia Toipoto, Public Service Pay Gaps Action Plan including planning and reporting.
Why is it important? Diversity in our perspectives and experiences helps us to improve the lives of all New Zealanders through better infrastructure. Building strong, meaningful and enduring relationships with Māori is one of the foundations to ensure our infrastructure works for everyone. While we have begun implementing a range of diversity and inclusion initiatives, we are at the beginning of our journey and there is more work to do.	What does success look like? Our people tell us that we have a diverse and inclusive workplace. Our people feel that they are treated fairly. We meet our reporting commitments under Kia Toipoto. Relationships with specific groups of Iwi/Māori show developing partnership and understanding. We have strong representation of women in our Leadership team.	
Our people have told us that Our flexible working environment is great and supports those with different family situations. Greater gender diversity in our leadership team would be welcomed.		
Our goals • We are an attractive place to work for a diverse range of applicants and that this is reflected in our recruitment practices. • Our people are culturally competent and understand our obligations under Te Tiriti o Waitangi. • We have pay practices that are fair, transparent and free from bias. • We are proud of the gender diversity represented in our leadership team and our decision making is enhanced by a range of experiences.		

Diversity and Inclusion questions in the New Zealand Infrastructure Commission’s Pulse survey results for March 2024 and October 2024

Diversity and Inclusion questions in Pulse survey

The two questions we ask in our employee engagement Pulse Survey are:

- I feel respected at Te Waihangā
- I am genuinely supported if I choose to make use of flexible working arrangements

Below are the results of the survey for both March 2024 and October 2024

