
Consultation Policy for Employment Matters

Human Resources Policy Group

1. Purpose

Victoria University of Wellington ('the University') is committed to consulting its staff on matters of significant change, strategic planning, and policies that affect staff. This Policy sets out the principles and requirements of the consultation processes to be followed.

2. Organisational Scope

The Consultation Policy for Employment Matters applies to all University employees.

Note: This Policy is not used for new, or changes to existing, academic programmes. These matters are dealt with through established processes at Faculty and Academic Boards.

3. Definitions

For the purposes of this Policy, unless otherwise stated, the following definitions shall apply:

Consultation: Where there is a proposal not yet finally decided upon and comment or submissions are sought, received and considered before a decision is made as to what the outcome of the proposal will be.

Change Management Process: A process which involves consultation on a proposal to significantly change the structure (including the roles performed by employees) or staffing level of any part, or parts, of the University, including any merger of the whole or part of the University with another organisation.

Change Management Process (limited scope): A process which involves consultation on a proposal to change the structure (including the roles performed by employees) or staffing level of any part, or parts, of the University where the scope of the change is limited, narrow or small.

Sponsoring Manager: A Senior Leadership Team (SLT) member, Head of School or Manager responsible for a Change Management Process, a proposal to adopt a new plan or a proposal to initiate or change a policy. The Sponsoring Manager will have delegated authority to implement the outcome of the Change Management Process, plan or policy.

Decision Panel: The panel or person that is required to consider submissions received during a consultation process and

decide on what changes, deletions or additions are to be made to the proposal.

4. Policy Content and Guidelines

4.1 Principles

- (a) The University will comply with all contractual and legislative obligations to staff in relation to consultation when introducing or making changes to staffing structures, strategic plans or policies.
- (b) The University and its staff will deal with each other in good faith during consultation processes.
- (c) Consultation will be genuine and meaningful however does not require that there be agreement.

4.2 When Consultation is Required

There are three situations which require the Sponsoring Manager to undertake a consultation process with relevant staff. These are:

- (a) A Change Management Process;
- (b) A proposal to initiate or make changes to a plan affecting a group of staff: either a University-wide Strategic Plan or an Operating Plan for a particular School or Unit;
- (c) A proposal to initiate a statute, policy or process, or to make a major change to a statute, policy or process that will directly affect staff or a group of staff.

4.3 Documentation

The Sponsoring Manager must seek advice from Human Resources about any proposed Change Management Process under section 4.2(a) of this Policy before the preparation of a Change Management proposal.

For any consultation under section 4.2 of this Policy, the Sponsoring Manager is to ensure that the proposal is fully documented.

5. Procedure for a Standard Change Management Process

Note: The Change Management Process under this clause is the University's standard change management process which will apply in most cases. See clause 6 for the process for a Change Management Process (limited scope).

5.1 Preparation of Documentation

Change Management proposals must be documented in accordance with the change management template available from Human Resources. Change Management proposals are written for the purpose of consultation and should include the rationale for the change proposal, details of the proposed changes to structure or staffing levels and the timetable for consultation. Where there are proposed changes to roles, the proposed Role Descriptions will be attached to the Change Management proposal.

All Change Management proposals containing proposed changes to staffing structure will be submitted to the SLT Appointments Committee for information and comment prior to the release of the document to affected staff and the wider University.

5.2 Consultation

Where staff are directly affected by a Change Management proposal, the Sponsoring Manager will normally advise them personally before calling a meeting, or a series of meetings, where the proposal will be presented in detail to the staff of the School or Unit. In most cases, the proposal will then be uploaded to “What’s Out for Consultation”.

Staff will be given copies or online access to copies of proposals and any associated documents. Copies of Change Management proposals will be provided to the unions representing staff, so they may advise their members and make submissions (if they wish) either on behalf of members or in their own right.

5.3 Submissions

Written submissions will be sought on all aspects of the Change Management proposal. In most cases, staff and/or their representatives may also make oral submissions as set out in the timetable. Submissions do not need to be lengthy and can be prepared individually or as a group. Staff are entitled to have reasonable time to prepare their submissions within working hours.

Submissions will be considered by a Decision Panel. No decisions will be made by the Decision Panel before full consideration of all submissions. Submissions may initiate alterations to the Change Management proposal or cause the proposal or part of the proposal to be set aside altogether.

5.4 Decisions

A Decision Panel for a standard Change Management Process will normally consist of two or more persons. Decision Panel membership is decided by the Sponsoring Manager with advice from Human Resources. In addition, the union shall have the option of having a union member included as either a participant or observer on a Decision Panel considering the outcome of a Change Management proposal and any associated processes such as applications for voluntary redundancy. The union and the University will agree on the member nominated. The member nominated must be unaffected, directly or indirectly, by the Change Management proposal and must abide by the University’s confidentiality protocols.

On some occasions, when as a result of submissions, the Decision Panel significantly alters the Change Management proposal, the Decision Panel may decide it is necessary to initiate a further round of consultation. This will give potentially affected staff an opportunity to provide further submissions on the Change Management proposal.

A second round of consultation may also be appropriate when some peripheral aspects were not part of the initial Change Management proposal (such as significant changes to role descriptions that do not significantly affect the entire proposal). In these circumstances, only the altered aspects are to be the subject of the second round of consultation. There is no need to consult again on the entire proposal.

The Decision Panel may seek the views and/or concurrence of the Vice-Chancellor or his/her nominee, before reaching a final decision on the Change Management proposal.

5.5 *Timetable*

A timetable will be incorporated within the Change Management proposal. This timetable will include the following:

- (a) The date by which submissions must be received. In determining this date, consideration is to be given to the operational needs of the School or Unit concerned, the extent of the Change Management proposal and the need to provide sufficient time to staff and their representatives to consider the proposal and to prepare and deliver submissions.

The consultation period is normally between ten days and one month. However, where there is major or complex change, the consultation period will be five weeks unless otherwise agreed with staff and their representatives.

- (b) The date upon which the Decision Panel will determine whether or not any changes are to be made to the Change Management proposal as a result of the submissions, and if so, what those changes are. This time period must be long enough for proper consideration of the submissions.
- (c) The date when the final decisions will be communicated to staff. This communication usually takes the form of personally advising directly affected staff individually before advising the school or unit staff and the wider University.

5.6 *Steps in the Change Management Process*

There will be five steps in the Change Management Process:

- (a) **Consultation on all aspects of the Change Management proposal** – the Change Management proposal will be published and submissions sought.
- (b) **Consideration of submissions and decisions on what alterations, additions or deletions, if any, are to be made to the Change Management proposal** – the Decision Panel will consider the submissions. The Decision Panel will also take into consideration any full or partial vacancy in the area affected by change that is not directly related to that change, but is within the same school or work unit, with a view to minimising the impact of the change on affected staff.

The Decision Panel will revise the Change Management proposal to reflect the final decisions made and will publish this as the Outcome Document. The Outcome Document will include a summary of the major submissions, the Decision Panel's responses to those submissions and the reasons for the Decision Panel's decisions.

Role descriptions will be finalised and attached to the Outcome Document. Human Resources will undertake a role comparison exercise to determine whether or not there has been significant change to existing roles.

The Outcome Document will be provided to the SLT Appointments Committee for noting.

- (c) **Advice of employment status to affected staff** – there are three possibilities in relation to employment status – confirmation, placement in a Selection Pool or disestablishment of the role and notice of redundancy.

The Sponsoring Manager will personally notify the outcome of the Change Management Process and provide a copy of the Outcome Document to staff whose roles are disestablished or who are placed in a Selection Pool. All other affected staff will be individually notified in writing and where possible, personally, if there are minor changes to their roles.

Confirmation

Staff covered by a collective agreement or corresponding general terms and conditions will be confirmed into a role where it has not significantly changed as a result of the Change Management Process.

Selection Pool

- (i) A Selection Pool occurs whenever a role is not significantly changed but there are more employees than roles, i.e. the role would be a confirmed role but for the fact that a reduction in the number of employees in that role is required.
- (ii) In a Selection Pool situation it will be necessary for staff to participate in a selection process. Only staff within the Selection Pool will be able to be selected for the available roles. To refuse to participate in the Selection Pool would be to resign.
- (iii) An employee who is in a Selection Pool role and is successful in the selection process is not entitled to redundancy compensation. To decline the role would be to resign.
- (iv) An employee who is unsuccessful in the selection process will be entitled to redundancy compensation if there are no redeployment options.

Disestablishment of Role

A disestablished role is one that has significantly changed or is no longer required. Staff in disestablished roles will be given notice of redundancy by letter. Employees whose roles have been disestablished will be encouraged to consider any new roles within the University. If redeployment does not occur, employees will receive the severance payments and all other rights and privileges as set out in their employment agreements.

Employees in roles that are disestablished will meet with their manager in order to:

- (i) Discuss opportunities for redeployment and be invited to submit any alternatives they see to redundancy;
 - (ii) Discuss the personal support available; and
 - (iii) Discuss the role the person will undertake during their notice period.
- (d) **Publication of the Outcome Document** – the Outcome Document is normally made available to the other staff of the school or unit and then to the wider University through uploading it to “What’s Out for Consultation”. The Sponsoring Manager will discuss the outcome with staff and their representative/s and answer any general questions about the process and the outcome.

- (e) **Implementation of the outcome of the Change Management Process** – including selection pools, exploring redeployment options and filling new roles.

Staff whose roles have been disestablished or who have been unsuccessful in a Selection Pool process will be encouraged to apply for new roles and other vacancies during their notice period. While the University reserves the right to advertise new roles both internally and externally, in many cases, new roles will first be advertised within the affected School or Unit only. This process allows affected staff the opportunity to apply for redeployment to these roles. However, any staff member can apply for a new role, whether affected or not.

All contractual provisions will be followed in relation to redundancy and redeployment, and selection for roles will occur in accordance with the standard University selection process.

Staff whose roles have been disestablished and who are not confirmed or redeployed into another role are normally expected to work out their notice period. These staff may request the University's agreement to the termination of their employment before the end of the notice period. Where the University agrees to the request, the unworked portion of the notice period will not be paid out.

Support will be available for affected staff during the Change Management Process and notice period, if any. The University's employee assistance programme (EAP) provides confidential support for staff and Human Resources can provide advice about other options such as specialist support, interviewing skills and CV preparation.

Staff who are made redundant will be provided with career transition support tailored to meet individual requirements, to be provided by a service provider chosen by the University, in consultation with the individual. Assistance will be available in the areas of CV writing, interviewing skills and skills assessment.

6. Procedure for a Change Management Process (limited scope)

From time to time, a change situation may arise where it is appropriate and reasonable to use the Change Management Process (limited scope) rather than the standard Change Management Process (see clause 5). The Change Management Process (limited scope) may involve some of the following characteristics:

- Affects only one or a very small number of people (including proposals to disestablish a role or roles);
- Affects only one part of a work area;
- Involves minor changes in staffing matters such as changes to Role Descriptions; titles; reporting lines;
- Involves circumstances beyond the University's control such as withdrawal of external funding.

In all cases where the Change Management Process (limited scope) is used, it must be reasonable in all the circumstances to use this process instead of the standard process and there must be insignificant impact elsewhere within the School or Unit.

Change Management Processes which are limited, narrow or small in scope follow the same general process as the standard Change Management Process, however, there may be some

potential differences in documentation, breadth of consultation, timeframes and number of decision-makers.

The Sponsoring Manager, in conjunction with advice from Human Resources, determines whether a proposed change is sufficiently limited, narrow or small in scope for this procedure to apply.

6.1 *Preparation of Documentation*

The documentation may take the form of a Change Management proposal in accordance with a template available from Human Resources or as a proposal in a letter format.

6.2 *Consultation*

The Sponsoring Manager will discuss the situation and explain the proposed changes to the affected staff and their representative/s. A copy of the proposal (template or letter format) is then provided to the affected staff and their representative/s. In some cases, it may be appropriate to provide a small number of other staff with the documentation. The proposal will include a closing date for submissions which will normally be a minimum of 10 working days from the date of the proposal.

6.3 *Submissions*

Written and/or oral submissions will be sought on the proposal. Submissions do not need to be lengthy. Staff are entitled to have reasonable time to prepare their submissions within working hours.

6.4 *Decisions*

In the case of Change Management Processes which are limited, narrow or small in scope, the Decision Panel may consist of the Sponsoring Manager only or it may consist of more than one person. Where the proposed changes involve the disestablishment of a role or roles there must be at least two Decision Panel members. The Decision Panel will consider the submissions and make decisions on what alterations, additions or deletions, if any, are to be made to the proposal. The proposal will be revised accordingly. A letter or Outcome Document will be prepared.

If a role is to be disestablished, clauses 5.6(c) and 5.6(e) above will apply to the directly affected staff member.

6.5 *Publication of Outcome*

The Sponsoring Manager will meet with the affected staff and their representative/s to advise them of the outcome, including the reasons for the decisions made. A personal letter will not be published more widely; an Outcome Document may be published more widely depending on the circumstances. In any event, it would only be published to staff who were consulted or who had a direct interest in the outcome.

7. Procedure for Statute/Policy Development or Planning (where staff are affected)

7.1 *Preparation of Documentation*

University-wide statutes and policies must be documented in accordance with the statutes and policies template. The format of other policies and plans will depend on templates and other requirements as advised from time to time.

7.2 Consultation

Where a proposal has a University-wide effect, such as a new University statute, policy or strategic plan, the relevant documentation will be uploaded to “What’s Out for Consultation”. Staff will be informed through a notice in Vic News. The notice will include the closing date for submissions.

Where a proposal relates to a school or unit policy or plan, the Sponsoring Manager will call a meeting, or a series of meetings with school/unit staff and/or will disseminate the proposal to school/unit staff by email with a request for oral and/or written comments.

School/unit staff will be given copies or online access to copies of proposals and any relevant associated documents. Where appropriate, proposals will be provided to the unions representing staff, so they may advise their members and make submissions (if they wish) either on behalf of members or in their own right.

Timeframes for consultation about statutes, policies and plans will be reasonable and will allow sufficient time for comment.

7.3 Submissions

Written and/or oral submissions will be sought on the proposal. Submissions do not need to be lengthy and can be prepared individually or as a group. Staff are entitled to have reasonable time to prepare their submissions within working hours.

7.4 Decisions

The Decision Panel may consist of the Sponsoring Manager only or it may consist of more than one person. The Decision Panel will consider the submissions and make decisions on what alterations, additions or deletions, if any, are to be made to the proposal. The proposal will be revised accordingly. University-wide policies are normally considered by the Senior Leadership Team and approved by the Vice-Chancellor. In cases such as University statutes and the University’s strategic plan, approval of the University Council will be required.

7.5 Publication of Outcome

University-wide statutes and policies will be published on the staff policies website. Other policies and plans will be published on relevant websites so that relevant staff have online access to them.

8. Legislative Compliance

The University is required to manage its policy documentation within a legislative framework. The legislation directing this Policy is the:

[Education and Training Act 2020](#)

[Employment Relations Act \(ERA\) 2000](#)

[Human Rights Act 1993](#)

[Public Service Act 2020](#)

9. References:

University Employment Agreements
[Human Resources Delegations Framework](#)

10. Approval Agency:

Vice-Chancellor

11. Policy Sponsor:

Director, Human Resources

12. Approval Dates

This policy was originally approved on: 14 May 2002

This version was approved on: 8 April 2014

This version takes effect from: 8 April 2014

13. Contact Person:

Please contact your Human Resources Manager/Advisor if you have any questions about the application of this Policy.

The following person may be approached in relation to this Policy:

Employment Relations Manager

Ext: 5174