



POSITION DESCRIPTION

Position details

Position Title	Mediator (Employment)
Group	Market Services
Location	Auckland Region
Date	July 2017

Our purpose

Our purpose is to grow the New Zealand economy to provide a better standard of living for all New Zealanders. To achieve this, we need a strong, high performing economy, where for example, people (workers, consumers and investors) are protected and aware of their rights and obligations; and the integrity of the environment is maintained.

As one of New Zealand's largest government agencies, the work we do impacts the lives of all New Zealanders. We work to increase household incomes by helping businesses to be more productive and internationally competitive, increasing opportunities for all New Zealanders to participate in the economy through improved job opportunities, and by ensuring quality housing is more affordable.

This is all echoed in our Māori identity – Hikina Whakatutuki – which broadly means “lifting to make successful”.

How we work

Our aspiration is that MBIE is a great place to work where great work gets done.

We believe in harnessing the potential of our people and the diverse skills and life experiences they bring to MBIE.

Our targets are challenging and require us to work with others, and across the Ministry (making the most of our size and scope).

Our people will need to adopt a generous disposition and actively seek out opportunities to be purposely collaborative across MBIE. This means asking ‘why not?’ instead of ‘why?’, and leveraging off the collective that is MBIE in the pursuit of goals that stretch right across teams, branches and groups.

We work across government, and New Zealand, in a way that enables us to expand and deepen our understanding of businesses and markets. We use our extensive presence across New Zealand and around the world to make and leverage domestic and global connections.

With our Crown entity partners we work collaboratively with other government agencies; local government; businesses; industry, sector, union and employer groups; consumer groups; Māori leaders; and scientists to develop and deliver fit-for-purpose policy, services, advice and regulation that support people, businesses, communities and regions to be successful.

As the lead agency for providing government services for business, we are focussed on making it easier for business to interact with government.

Our character

Shape	We shape the agenda by challenging the status quo, and by generating and adopting new ideas, to bring those ideas to life.
Collaborate	We support each other, engage early and proactively partner in pursuit of shared goals.
Deliver	We have a can do attitude, take ownership, act with purpose, urgency and discipline, take calculated risks, celebrate success and learn as we go.

Our structure

The Ministry comprises around 3,200 staff operating in New Zealand with a further 400 staff in overseas locations.

The Ministry has seven business groups: Building, Resources & Markets; Labour, Science & Enterprise; Immigration New Zealand; Market Services; Corporate Governance & Information; Finance & Reporting; and Office of the Chief Executive.

The Mediator (Employment) position reports into the Dispute Resolution Manager in the Market Services business group.

The functions of this Business Group are:

- **Business Integrity Services Branch** – runs the Companies Office, Intellectual Property Office and Insolvency and Trustee Service and related services.
- **Government Procurement Branch** – leads the all-of-government procurement programme including procurement policy.
- **Consumer Protection and Standards Branch** – provides licencing and regulation of Building Practitioners, Electrical Workers and Immigration Advisors, as well as Measurement and Product Safety Services.
- **Resolution Services Branch** – provides employment, residential tenancy and unit titles dispute resolution services, information and education as well as Weathertight services. The branch also supports the Remuneration Authority and the Employment Relations Authority.
- **Service Support and Design Branch** – provides a range of information and education to business and consumers via the Ministry's contact centres as well as business intelligence services that support business transformation projects for the wider group.
- **Better Public Services Branch (Result 9)** – delivery of the governments Better Public Service Programme, which aims to improve business interaction with government.
- **Integrated Regulatory Enforcement Branch** – provides a focus on integrated activities that can span the boundaries of any given regulatory regime, whether those regimes are led by the Ministry or by other regulators across the public sector.

This role sits within the Market Services Group.

Market Services Group – what we stand for

Working with businesses, employees and consumers to help them operate successfully in the market place;

We are passionate about delivery and making things happen that improve the market place for businesses, employees and consumers. We have the courage and conviction to seize opportunities and make them into realities. We aspire to be global leaders in our field of expertise offering services that are second to none.

We are unique in that we deliver a diverse set of services that sit between government and the market place, allowing us to see and effect change beyond MBIE's boundaries. We are known for our openness, integrity,

efficiency and effectiveness. Our posture is forward leaning – we are proactive, inquiring, apply good judgement and are comfortable with change. We ask “why not?” rather than “why”.

We will make an impact by creating a culture that supports innovation and provides our staff with the freedom and confidence to make the difference that needs to be made. This will include building a world class regulatory environment where market players understand and deliver on their rights and obligation. We encourage first and second-followership.

The legacy we want to leave to New Zealand is well performing, trusted markets that evolve over time!

This role is in the Dispute Resolution team within the Resolution Services Branch.

Resolution Services Branch – vision

Assisting New Zealanders to move through disputes and on with their lives.

Position purpose

The Mediator (Employment) is a team member position on MBIE. The mediator will work in partnership with their manager and other staff to provide expert problem solving support, information and assistance to parties to resolve problems in any aspect of an employment relationship.

Delegations

This role holds the following delegations:

General Authority to sign agreed terms of settlement under Part 10, Section 149 (1)(b) of the Employment Relations Act 2000.

Key relationships

- Employers and employees and their families / whānau / iwi
- Parties’ representatives, advocates, lawyers, unions and other representative bodies
- Employment Relations Authority and its Members
- Employment Court
- Local communities and stakeholder groups
- Professional and Representative bodies e.g. Law Society, LEADR, AMINZ
- Dispute Resolution Managers and mediator colleagues
- Principal Mediators
- Dispute Resolution Coordinators
- Employment Relations Authority Officers
- Wider Resolution Services staff
- Other MBIE staff

Key responsibilities

Responsibilities of this position are expected to change over time as the Ministry responds to changing needs. The incumbent will need the flexibility to adapt and develop as the environment evolves.

The key responsibilities of the Mediator (Employment) are:

Key responsibility	Indicators of success
Critical areas of success <i>Delivers quality results which contribute to the Ministry’s outcomes</i> <i>Conduct mediations and</i>	The Mediator will be required to deliver results in the following areas: <ul style="list-style-type: none">• Delivery of mediation services, products and programmes that actively support and contribute to the achievement of the Ministry’s outcomes and that deliver to the needs of clients• Support the parties in achieving successful employment relationships by

Key responsibility	Indicators of success
<p><i>other dispute resolution services in accordance with the Employment Relations Act 2000 and other relevant legislation</i></p>	<p>promoting the obligations of good faith and mutual trust and confidence</p> <ul style="list-style-type: none"> • In cases where mutual resolution is either inappropriate or impossible, and the parties agree, the mediator may make a Section 150 decision which is final and binding on the parties, or a recommendation as to how the problem might be resolved • Comply with relevant statutory provisions and best practice processes, including the Resolution Services Mediator competency framework and code of ethics • Establish and maintain the confidence of parties, and/or representatives • Act autonomously, impartially and in good faith to assist parties to reach resolution of their differences • Deliver dispute resolution services through appropriate channels, including face-to-face meetings, or through the use of technology such as telephone, video conferencing, the internet etc. • Undertake mediations in other regional areas as required • Provide Records of Settlement Services as required • Undertake educational initiatives and presentations to external groups and stakeholders as required • Be able to meet the cultural needs and aspirations of Maori in the course of your work and communications • Be able to engage with other cultures, including Pasifika, to assist dispute resolution, communicating complex and diverse views in a culturally appropriate manner • Accurate and timely information management practices including entering data, reporting on workload and case management processes and outcomes
<p>Information and Education</p> <p><i>Delivers high quality information and education activities that meet the needs of the clients</i></p>	<ul style="list-style-type: none"> • Respond to general enquiries for information from clients as required • Deliver high quality public education to target audiences in accordance with national processes and strategy
<p>Relationship Management</p> <p><i>Manage constructive working relationships with work colleagues and external stakeholders to enhance understanding and co-operation needed to achieve desired results</i></p>	<ul style="list-style-type: none"> • Participates as an active team member and contributes knowledge and expertise needed to achieve the Ministry's outcomes • Develops effective working relationships with other Ministry managers and staff in order to transfer knowledge and learning from the team to the wider organisation • Builds and maintains effective relationships and partnerships with internal and external stakeholders, as necessary, in order to identify and share best practice information and to promote the Ministry, its products and services • Represents whole-of-Ministry views and protects its reputation in any external interactions
<p>Safety and wellbeing</p> <p><i>Manages own personal health and safety, and takes appropriate action to deal with workplace hazards,</i></p>	<ul style="list-style-type: none"> • Manages own personal health and safety, and takes appropriate action to deal with workplace hazards, accidents and incidents. • Ensures own and others' safety at all times.

Key responsibility	Indicators of success
<i>accidents, incidents and near misses</i>	<ul style="list-style-type: none"> • Complies with relevant safety legislation, policies, procedures, safe systems of work and event reporting. • Reports all incidents/accidents, including near misses in a timely fashion.

Competencies

These are competencies expected of all MBIE employees. The mediator competency framework covers additional competencies specific to the mediator position.

Cultivates Innovation	<p>Shape the agenda, creating new and better ways for the organisation to be successful, by</p> <ul style="list-style-type: none"> • Coming up with useful ideas that are new, better or unique • Challenging the status quo • Introducing new ways of looking at problems • Generating and adopting new and creative ideas, and putting them into practice • Encouraging diverse thinking to promote and nurture innovation
Nimble Learning	<p>Actively learn through experimentation when tackling new problems, using both successes and failures as learning fodder, by</p> <ul style="list-style-type: none"> • Learning as we go, when facing new situations • Experimenting to find new solutions • Taking on the challenge of unfamiliar tasks • Extracting lessons learned from failures and mistakes • Being flexible and responsive to changes in requirements • Identifying personal learning opportunities • Finding own solutions where possible
Collaborates	<p>Support others, building partnerships and working collaboratively with others to meet shared objectives, by</p> <ul style="list-style-type: none"> • Working co-operatively with others across MBIE, the public sector and external stakeholder groups to achieve shared objectives • Balancing competing interests and priorities appropriately and in line with MBIE's priorities • Identifying, engaging early and partnering with relevant stakeholders to get work done • Crediting others for their contributions and accomplishments • Gaining trust and support of others. • Addressing behaviours that do not align with our culture • Seeking and respecting the views and opinions of others • Providing timely and helpful information to others across the organisation
Customer Focus	<p>Build strong customer relationships and delivering customer-centric solutions, by</p> <ul style="list-style-type: none"> • Gaining insights into customer needs • Delivering quality, accurate, timely service and customer focussed solutions • Identifying opportunities that benefit the customer and will improve service delivery

	<ul style="list-style-type: none"> • Building and delivering solutions that meet customer expectations • Establishing and maintaining effective customer relationships • Pro-actively partnering in pursuit of shared goals • Actively seeking and responding to customer feedback
Action Oriented	<p>Take on new opportunities and tough challenges with purpose, urgency and discipline, by</p> <ul style="list-style-type: none"> • Readily taking ownership and action on challenges, without unnecessary planning, and being accountable for the results • Identifying and seizing new opportunities • Displaying a can-do attitude in good and bad times, and celebrating success • Stepping up to manage tough situations and encouraging my colleagues to do the same
Decision Quality	<p>Make good and timely decisions that keep the organisation moving forward, by</p> <ul style="list-style-type: none"> • Making sound decisions, even in the absence of complete information • Relying on an appropriate mix of analysis, wisdom, experience and judgement to make valid and reliable decisions • Considering all relevant factors and using appropriate decision-making criteria and principles, taking calculated risks where required • Recognising when a quick 80% solution will suffice, and when it will not • Analysing information to make effective decisions in order to improve performance
Organisational commitment and public service	<p>Role models the standards of Integrity and Conduct for the State Services Contributes to the development of, and helps promote and builds commitment to MBIE's vision, mission, values and services, by</p> <ul style="list-style-type: none"> • Willingly undertaking any duty required within the context of the position • Managing own personal health and safety, and takes appropriate action to identify and deal with workplace hazards, accidents and incidents • Understanding Equal Employment Opportunities (EEO) principles and the application of these to MBIE • Complying with all legislative requirements and good employer obligations

Personal specifications

A proven track record of experience and achievement in:

- Applying a mediation process appropriate to the needs of the parties, recognising the underlying principles of confidentiality, impartiality, voluntariness, and empowerment
- Negotiating or facilitating interaction between parties in conflict
- Being able to establish and maintain the confidence of parties
- Knowledge and understanding of the New Zealand employment relations system including the Employment Relations Act 2000 and other related legislation and employment relations best practices
- Interpreting employment agreements and employment law in a forum where decision making may be required
- EEO principles and practices, cultural and gender differences and an understanding of the implications of those differences for employment relationships and problem resolution
- Proven record of working with diverse ethnic groups and an understanding of Tikanga Maori and Pacific cultural practices
- Computer literacy with Microsoft suite, especially Outlook, Word and Excel
- A tertiary qualification in: mediation, employment law, employment relations, industrial relations or equivalent experience desirable.

- A current full drivers licence and must be available to travel
- Must have the legal right to live and work in New Zealand