

## POSITION DESCRIPTION

### Position details

Position Title	Labour Inspector
Team/Branch/Group	Labour Inspectorate, Employment Services Branch, Market Services
Location	Nelson
Date	June 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 and Markets; Corporate, Governance and Information; Finance and Performance; Immigration New Zealand; Labour, Science and Enterprise; Market Services; and the Office of the Chief Executive.

The Labour Inspector position reports into the Employment Services Branch in the Market Services business group.

The functions in this group are:

- Resolution Services
- Service, Support & Design
- Consumer Protection & Standards
- Business Integrity Services
- Better for Business (R9)
- NZ Government Procurement & Property
- Integrated Regulatory Enforcement (IREB)
- Employment Services
- Business Management

## Position purpose

The Labour Inspector is a team member position in MBIE. The Labour Inspector will bring their business understanding and perspective to work in partnership with their manager and other staff.

The Labour Inspectorate comprises approximately 80 staff located around the country.

The Labour Inspectorate is accountable for the enforcement of minimum employment standards through:

- Addressing identified non-compliance with employment standards legislation, through applying range of enforcement tools and interventions
- Providing information and education to employers and employees to support compliance and raise awareness of rights and obligations in employment law.
- Preventing non compliance by assisting employers to implement systems and practices that comply with employment law
- Providing any services that support employers and employees to resolve employment relationship problems arising under employment legislation.

The Labour Inspector is responsible for ensuring quality and consistency of advice and practices in relation to their contribution to the team's work.

## Key relationships

- All managers and staff in MBIE

- Ministers and staff in Minister's offices
- Staff in other government agencies
- Suppliers of goods and services
- Stakeholders

#### Key accountabilities and deliverables

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.

Key accountability or deliverable	Indicators of success
<b>Critical areas of success</b>  <i>Delivers quality results which contribute to the Ministry's outcomes</i>	<p>The Labour Inspector will be required to deliver results in the following areas:</p> <ul style="list-style-type: none"> <li>– Contributing to the day to day work of the team.</li> <li>– Delivery of services, products and programmes that actively support and contribute to the achievement of the Ministry's outcomes and that deliver to the needs of internal and external stakeholders.</li> </ul>
<b>Complaint investigation</b>	<ul style="list-style-type: none"> <li>• Use of filtering and prioritising process, intervention approach and enforcement tools through: <ul style="list-style-type: none"> <li>– <i>Applying the initial Inquiry process to all complaint work received;</i></li> <li>– <i>taking a 'No Further Action' approach to a complaint problem and manage the parties expectations;</i></li> <li>– <i>Adopting a 'Self-Guided Resolution' approach to a complaint and managing the parties within given time lines.</i></li> </ul> </li> <li>• Intervention approach through Investigation of complaints relating to "minimum employment standards" and enforcement by: <ul style="list-style-type: none"> <li>– <i>Establishing the facts based on interviews with the employer and the employee and any other relevant parties;</i></li> <li>– <i>Collection of evidence pertaining to the complaint, such as wage, time and holiday records and employment agreements;</i></li> <li>– <i>Written correspondence to interested parties in relation to the investigation;</i></li> <li>– <i>Recording all transactions on the case management system and hardcopy.</i></li> <li>– <i>Ensuring that information collected is fed into the MBIE Intelligence system.</i></li> </ul> </li> <li>– Participate and contribute to a proactive risk based audit programme based on the following principles; <ul style="list-style-type: none"> <li>– <i>Establishing the facts based on interviews with the employer and the employee and any other relevant parties;</i></li> <li>– <i>Collection of evidence pertaining to labour standards, such as wage, time and holiday records and employment agreements;</i></li> <li>– <i>Collection of evidence pertaining to the wider environmental scanning and other jurisdictions. Reporting on and sharing information pertaining to same.</i></li> </ul> </li> </ul>

Key accountability or deliverable	Indicators of success
	<ul style="list-style-type: none"> <li>- <i>Written correspondence to interested parties in relation to the investigation;</i></li> <li>- <i>Recording all transactions on the case management system and hardcopy.</i></li> <li>- <i>Ensuring that information collected is fed into the MBIE Intelligence system.</i></li> <li>• Application of enforcement tools guided by operational policy which may require entering to an Enforceable Undertaking, imposing an Improvement notice on the employer for serious breaches or Issuance of a Demand Notice to recover arrears of wages and Holiday pay.</li> <li>• Taking a penalty action through the Employment Relations Authority against an employer for repeat and serious offending.</li> </ul>
<b>Promotion of “best practice” in the workplace</b>	<ul style="list-style-type: none"> <li>• Providing quality and timely assistance to enquires on employment standards and;</li> <li>• Public education relating to employment standards legislation including presentations to employer, employee and community groups; and those supporting employers through professional advice or payroll and HR systems.</li> <li>• Working with employers, employees and other groups to promote user friendly and efficient systems that support ongoing compliance in the workplace.</li> <li>• Conducting targeted interventions by identifying high-risk areas to monitor and where necessary enforce employment standards using the appropriate level of intervention to achieve sustainable compliance and where possible a public deterrence to others.</li> </ul>
<b>Relationship Management</b>	<ul style="list-style-type: none"> <li>• Build and manage strong relationships with the other components of the employment relations’ problem resolution continuum;</li> <li>• manage positive working relationships with other staff in Labour Inspectorate, labour and Commercial Environment Group and the wider Ministry of Business, Innovation and Employment;</li> <li>• Develop and manage community relationships to support organisational strategies, including the Maori, Pacific and Disability strategies.</li> </ul>
<b>Functional Relationships</b>	<ul style="list-style-type: none"> <li>• Primary relationships will be for service delivery to employers, employees and their families/whanau/hapu/iwi, employer and union representative bodies, relevant central and local government bodies and major community organisations. It will be important to ensure that collaborative relationships with other parts of MBIE are maintained in order</li> </ul>
<b>Knowledge Management</b>	<ul style="list-style-type: none"> <li>• Maintain an efficient working knowledge of the Ministries knowledge management systems and contribute to a constantly improving MBIE knowledge base especially as it relates to how to best target its resources where significant high end non-compliance is occurring;</li> <li>• Remain informed in relation to changes in employment related legislation and relevant case law and be able to accurately and appropriately use this expertise internally and externally according to Ministerial guidelines and protocols.</li> </ul>

Key accountability or deliverable	Indicators of success
<b>Planning</b>	<ul style="list-style-type: none"> <li>Planning and managing a caseload in conjunction with the proactive/educational activities.</li> </ul>
<b>Adherence to MBIE values</b>	<ul style="list-style-type: none"> <li>The Labour Inspector will be expected to work in a manner consistent with the values of the Ministry and the Workplace Group.</li> </ul>
<b>Support Service</b>	<ul style="list-style-type: none"> <li>The Labour Inspectorate and the Ministry will provide specialist support services in information technology; access to employment law, cases and legal services.</li> </ul>
<b>Appraisal / Reporting</b>	<ul style="list-style-type: none"> <li>Reporting and formal performance appraisal against agreed performance targets and objectives will occur regularly in the first year after appointment and at least annually thereafter.</li> </ul>
<b>Safety and wellbeing</b> <i>Manages own personal health and safety, and takes appropriate action to deal with workplace hazards, accident, incidents and near misses</i>	<ul style="list-style-type: none"> <li>Manages own personal health and safety, and takes appropriate action to deal with workplace hazards, accidents and incidents.</li> <li>Ensures own and others' safety at all times.</li> <li>Complies with relevant safety legislation, policies, procedures, safe systems of work and event reporting.</li> <li>Reports all incidents/accidents, including near misses in a timely fashion.</li> </ul>

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

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

#### Personal specifications

- Ability to manage a range of relationships and networks to support a collaborative approach to achievement of common goals.
- The demonstrated ability to apply and understand a variety of approaches to conflict resolution including cultural protocols in relation to people from different backgrounds.
- Appropriate enforcement experience and the ability to use "authority" and 'bounded discretion' appropriately.
- The ability to interview parties and to gather facts and evidence in relation to the investigation especially where evidence is not tangible or visible.
- The ability to influence and persuade others to change behaviours.
- Demonstrated competence in effectively communicating complex ideas both orally and in writing to a wide variety of audiences.
- The ability to produce clear and concise reports.
- Experience in the interpretation and application of employment legislation or a high level of knowledge and skills working in the industrial relations context.
- Project co-ordination and organisation to support individual and collaborative initiatives.
- Act in a manner that reflects the organisation's commitment to professionalism.
- Ability to follow up commitments, complaints or problems within an efficient and acceptable timeframe.
- Ability to work co-operatively within a team environment in formal and informal situations, including the sharing of knowledge and assisting with workload or strategic priorities across the national inspectorate.

- Able to work positively and even-handedly with a variety of people and groups and not be easily persuaded by single interests that may not be based on evidence based information.
- Ability to listen empathetically to people's needs and concerns while remaining firm and professional as an impartial regulator.
- Ability to communicate directly with tactful transparency.
- Willing and able to effectively manage conflict and aggressive responses from those who may not be willing to comply.
- Taking individual responsibility for making things happen.
- A strong and timely results orientation.
- Able to respond to change in a positive manner.
- The aptitude to logically analyse problems and quickly develop a practical solution or appropriate course of action.
- Able to accept and work as a public servant having to complete tasks or take approaches that may not always fit with one's own personal opinions.
- A high understanding of the current functioning of the New Zealand employment relations system and its underlying principles.
- A high level of recurrent experience working with relevant employment relations legislation and or human resource practices.
- A high awareness of social, governmental and other pressures likely to impact on the way workplaces and employment relations are structured and operated.
- A commitment to, and understanding of EEO principles and practices, cultural and gender differences and an understanding of the implications of those differences for employment relationships and problem resolution.
- An understanding of New Zealand's fundamental principles and commitment to the Treaty of Waitangi and the issues which may impact on Maori in the Labour market.
- Must have the legal right to live and work in New Zealand.