

FLEXIBLE WORKING ARRANGEMENT GUIDELINES

A *'flexible working arrangement'* allows employers and employees to make provisions about working conditions that suit them. A *'flexible working arrangement'* aims to help employees maintain a work/life balance which can assist in improving efficiency and productivity.

According to the Fair Work Act (2009), as long as employees are still receiving their minimum entitlements, employers and employees can negotiate ways to make their workplace flexible. Employees have a legal right to request flexible working arrangements once they have worked for their employer for a least 12 months on a full-time or part-time basis. Employees are eligible for flexible working arrangements given the following conditions:

- the employee is a parent, or has responsibility for the care of a child who is of school age or younger
- the employee is a carer, working in conjunction with the Carer Recognition Act
- the employee has a disability
- the employee is 55 or older
- the employee is experiencing violence from a member of the employee's family
- the employee provides care or support to a member of their immediate household who is experiencing violence from a member of the employee's family

Common flexible working arrangements may include:

- altering start and finish times
- requesting part-time work or job-sharing
- working additional hours over fewer days
- working additional hours to make up for time taken off
- taking rostered days off in half days for more flexibility
- time off work instead of overtime payments
- changing the location of work or the need to travel to work
-

Employers are required to take the flexible working arrangement seriously; however, they may refuse on reasonable commercial grounds.

STEP 1 – MAKING A FORMAL WRITTEN REQUEST

Employees are required to write a formal written arrangement letter to the employer which should include:

- a clear explanation about the employee's circumstances
- a clear reason for the change
- suggestions about how the arrangement may benefit the Service
- a realistic and workable assessment
- their commitment to making the arrangement work efficiently for the Service

STEP 2 – DISCUSSION WITH THE EMPLOYER

Employees should arrange a time to discuss their requests with the employer. This will allow the employee and the employer to gain a clear understanding about the reasoning behind the request and consider how they may be accommodated for in the workplace. The employer will have a discussion with the employee to try and reach an agreement about the flexible working arrangement requested which works in accordance with relevant Service policies, prior to responding to the request in writing.

STEP 3 – PROCESSING A FLEXIBLE WORKING ARRANGEMENT

The employee will be provided with a written response within 21 days of receiving the formal letter. The written response will outline if the requests has been approved or declined. If the request has been declined, the employer will provide an informative response based on reasonable business grounds.

Reasonable commercial grounds may include:

- The new arrangement would not be cost effective for the employer
- No capacity to change the working arrangements of other employees to accommodate for the request
- Impracticality to change the working arrangement of other employees or recruit new employees
- A significant loss of efficiency or productivity
- The new working arrangement requested is likely to have a significant negative impact on the Service

Any changes made to the employee's request must be documented in a letter to confirm the changes being made. Should the employee be unhappy with the reasons provided for the declined request, they have a right to go to the Fair Work Commission for assistance if the employer has agreed to do so.

EMPLOYEE FLEXIBLE WORKING ARRANGEMENT

Date:

PRIVATE AND CONFIDENTIAL

Employee details:

[Full Name]

[Address]

[Contact information]

[Job title]

Dear [Employer's name],

I have been employed by [insert Service name] continuously for the past [insert how long you have been employed by the Service] years on a [full-time or part-time] basis.

I am writing to put forth a formal request under section 65 of the Fair Work Act 2009 (the Act) to work a flexible working arrangement which varies from my current arrangement.

The reason for this request is: [outline clear and specific reasoning why you are requesting a flexible working arrangement]. These changes will assist me because [insert reasoning]. I would like to start working [include the proposed working pattern you would like in place, including days/hours/times] effective from [insert date].

It is my firm belief that the effects on the Service and my colleagues can be accommodated by [includes ways the request can be performed and the benefits to the Service]. I am committed to [explain your commitment in making this arrangement work for the Service].

I understand that a response to my formal request works in accordance with the Act and may take up to 21 days of today's date. Should you require any further information or would like to discuss the request in more detail, I am happy to comply at a time that is convenient. I am willing to discuss possible alternatives to the arrangements outlined and I am also willing to work with you to make sure this arrangement works effectively for both the Service and me.

Yours sincerely,

[Insert name]

EMPLOYER RESPONSE TO A FLEXIBLE WORKING ARRANGEMENT

Date:

PRIVATE AND CONFIDENTIAL

Employee details:

[Full Name]

[Address]

[Contact information]

Dear [Employee name],

In response to your flexible working arrangement letter dated [insert date], you have requested the following changes: [Insert changes requested]

AGREE TO REQUEST

[Insert Service name] are committed to finding practical solutions to assist our employees to maintain a work/life balance. We take all requests seriously and look to balance our operational requirements with the needs of our employees. We have diligently considered your request and agree to accommodate the flexible working arrangement on a trial basis, commencing on [insert date].

During this trial period, we will monitor and review the arrangement to ensure it continues to meet your needs and the needs of the Service. [To maintain professionalism and ensure the Service remains free of bias, we request the employee not be in the same room as their child].

We aim to support our employees on their return to work after taking parental leave. To ensure best practice, our Service has suitable facilities available for breastfeeding parents which include a private room and facilities (i.e; fridge), where the employee can store a breast pump and breastmilk. The employee will be given appropriate breaks so they can breastfeed or express. Appropriate break times will occur at [insert times].

The first review will take place on [insert date for review], however it may be scheduled at an earlier date if required.

[If the employee's position is terminated by the Service for misconduct or a breach in compliance, this will result in the position of the employee's child to also be terminated].

Yours sincerely

[Insert Name]

REQUEST HAS BEEN DECLINED

[Insert Service name] are committed to finding practical solutions to assist our employees to maintain a work/life balance. We take all requests seriously and look to balance our operational requirements with the needs of our employees.

We have diligently considered your request and unfortunately, we are unable to approve your request for the following operational reasons [insert reasons why the request can not be accommodated for. Ensure there is enough detail to show the refusal is reasonable].

We have considered the possibility of an alternative flexibility working arrangements other than those you have requested; however, we remain unable to offer any changes to your working arrangement at this time.

REQUEST HAS BEEN DECLINED WITH AN ALTERNATE ARRANGEMENT

[Insert Service name] are committed to finding practical solutions to assist our employees to maintain a work/life balance. We take all requests seriously and look to balance our operational requirements with the needs of our employees. We have diligently considered your request and unfortunately, we are unable to approve your request for the following operational reasons [insert reasons why the request can not be accommodated for, ensuring there is enough detail to show the refusal is reasonable].

However, the Service can offer you the following alternative arrangement, which we believe may meet your needs [insert details of alternate proposed arrangement].

If you agree to this alternative arrangement, it will be commence on [insert date of commencement] on a trial basis. During this trial period, we will monitor and review the arrangement to ensure it continues to meet your needs and the needs of the Service. The first review will take place on [insert date for review], however it may be scheduled at an earlier date if required.