



Flexible Working Arrangements Policy

UNSW Student Life

Responsible Officer	HR Manager
Approved by	Executive Committee
Approval Date	April 2019
Next Review	April 2021
Associated Documents	Arc Employee Collective Agreement 2009 Equity, Diversity and Inclusion Policy Parental Leave and related entitlements Policy WHS Management Plan Working Alone and Outside Standard Hours Policy

1. Purpose

Arc fosters flexibility in employment and working arrangements to attract and retain staff and to achieve the optimum balance between work and personal (including family and caring) responsibilities for all employees.

This policy was developed to ensure that employees and managers are aware of the range of flexible work arrangements that may be available at Arc. The availability of these arrangements is subject to individual situations and Arc's operational requirements. Some flexible work arrangements may not always be possible due to operational or other limitations.

This policy is based upon the conditions in section 3.5 (Flexible Arrangements) of the Arc Employee Collective Agreement 2009 and those determined by Fair Work Australia in the National Employment Standards (NES).

2. Flexibility under the Fair Work Act 2009 (NES)

2.1. Options for flexible practices

A flexible work arrangement is a modification to an employee's usual work arrangement that is agreed between the employer and the employee. Options for flexible work arrangements that may be considered include:

- permanent part-time work;
- staggered return to work, for example, where the employee returns part time and then builds up to full-time work by an agreed date;
- flexible start and finish times for staff to allow for childcare and school drop-off and pick-up requirements
- flexible rostering;
- job-sharing, where two or more employees share one full-time position, each working on a part-time basis;
- compressed work week;

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- a change in work location (including working from home);
 - periods of unpaid leave; and
 - time off in lieu.

This is not an exhaustive list and other options may be agreed to by the manager in consultation with the employee. Changing work arrangements may be for a fixed or indefinite period of time.

2.2. The right to request Flexible Working arrangements

Under the Fair Work Act 2009, the right to request flexible working arrangements is available to staff if they have completed at least 12 months of continuous service with Arc immediately before making the request and in the circumstances the employee:

- is a parent of a child who is of school age or younger;
- is responsible for the care of a child who is of school age or younger;
- has a disability;
- is 55 years or older;
- is experiencing family violence;
- is a carer (within the meaning of the Carer Recognition Act 2010); or
- is providing care or support to a member of their immediate family or household because they are experiencing violence from a family member.

Casual employees may request a flexible work arrangement if they have been employed on a regular or systematic basis for a period, or sequence of periods, of at least 12 months; and have a reasonable expectation of continuing employment with Arc.

2.3. Application

In the first instance an employee should discuss their intention to apply for a flexible work arrangement with their manager. Following that, a written request/ application should be submitted to the Manager. The application is to include:

- details of the flexible working arrangement;
- the period of time that the arrangement will apply;
- reasons for the requested change; and
- any additional information and documentation to support the application.

The Manager shall then submit the application to the CEO. The CEO may consider any factors or information it considers relevant on operational grounds when considering flexible work arrangement applications. The approval of any flexible working arrangements shall be at the sole discretion of the CEO.

The employee shall receive a written response either accepting or declining the proposed arrangement. Where an application is declined, the written response will include the reasons for rejecting the request. The employee must be given a written response as soon as practicable, and no later than 21 days after the request is made.

Arc will only refuse an eligible employee's request on reasonable business grounds. Reasonable business grounds can include:

- the requested arrangements are too costly;
- other employees' working arrangements can't be changed to accommodate the request;
- it's impractical to change other employees' working arrangements or hire new employees to accommodate the request;
- the request would result in a significant loss of productivity or have a significant negative impact on customer service.

In making its decision, Arc will genuinely try to reach agreement on a change in working arrangements that will reasonably accommodate the employee's circumstances taking into account the following:

- the nature of the employee's work circumstances and the needs arising from it;
- the nature and cost of implementing the proposed arrangements;
- the financial circumstances of Arc at the time of the request;
- the nature and size of the Arc's business and its operational requirements;
- the effect of the proposed arrangements on Arc (not limited to the financial impacts);
- the effect of the proposed arrangement on other employees;
- the limitations imposed under Arc's Employee Collective Agreement, applicable industrial laws, workplace health and safety laws and workers' compensation laws;
- whether or not there are any changes in working arrangements that Arc can offer that will better accommodate the circumstance;
- the proposed commencement date of the arrangement and how long it is proposed to operate; and
- whether there is sufficient information provided by the employee for Arc to make a decision.

2.4. Implementation

Any flexible work arrangement approved should undergo a trial period of three (3) months to ensure the arrangements meet Arc's business requirements and the flexibility required by the employee. If the trial period is successful and flexible work arrangements are adopted, the Managers must review these work arrangements on a quarterly basis to ensure:

- the quality, quantity and timeliness of the work performed is to the standard required;
- the operational requirements of the area are being met;
- the employee is complying with the terms of the agreement;
- the flexible work arrangements are meeting the needs of the employee;
- work safety is not compromised.

If there is a need to change the arrangement due to business needs, changes should be communicated to the employee and a reasonable notice of them given. This should be recorded in writing.

Flexible working arrangements must not result in an employee being worse off than they would be not accessing flexible working arrangements. Employees utilising flexible work practices have access to the same benefits and conditions as other employees.

2.5. Roles and Responsibilities

Managers are responsible for:

- informing employees of the flexible working arrangements available;
- considering each employee application and applying this policy in deciding if a request is agreed;
- understanding the range of flexible work arrangement options available and how to manage them;
- supporting the career progression of employees who are working flexibly to ensure they have equal access to all training and other benefits;
- evaluating the outcomes of the flexible work arrangements and looking for improvements;
- improving workplace flexibility in general;
- making sure that any flexible work arrangements are preceded with risk assessment and safety considerations and monitored in this regard.

Employees are responsible for:

- identifying personal needs and possible solutions, and being realistic about what is possible;
- taking responsibility for delivering their own workload as agreed with their Manager;
- being willing to review and modify flexible work arrangements as their personal circumstances or operational requirements change;

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- considering the impact of flexible work arrangements such as part time employment and job share on their personal financial arrangements;
 - actively participating in review of flexible work arrangements;
 - promptly report if the arrangement is discovered to put their or others safety at risk.

3. Flexible Working at Arc – all staff

Arc recognises that employees may have personal responsibilities outside of their role at work and thus also offer a number of flexible working options available to all Arc staff (including those who have worked for a period of less than 12 months and those who do not fall under the circumstances as per the Fair Work Act 2009).

To access those options the employee must obtain the immediate manager's approval which can be either verbal or in writing. Flexible working arrangements requested must still abide by sections 2.4 & 2.5 of this policy.

Those options include:

- flexible rostering;
- a temporary change of work location (for no more than 1 week at each occasion);
- staggered start and finish times;
- make-up time;
- flexi leave (subject to Arc Employee Collective Agreement 2009)
- time off in lieu; and
- unpaid leave.

All requests are subject to review to ensure that the flexible working arrangement is not affecting Arc's operational capacity, the ability for other employees to accomplish their work and that the flexible working arrangement is working for the employee in particular.

4. Cultural Floating Public Holiday

This arrangement is designed to help Employees of different religious or cultural backgrounds to observe the days of importance to their religion or culture and should not be used for topping up Annual Leave or Personal Leave entitlements.

Permanent and Fixed-Term (with contracts of 12 months or over) employees may forego their right to observe a Public Holiday (except of those that fall during the closure of Arc) and work on that day with the permission of their manager. In return, they will be entitled to a "Floating Public Holiday" that they can use on a different day within a 12-month period (subject to the approval of their manager), the proposed "Floating Public Holiday" date must be proposed at the time of application. An employee can forego a maximum of two (2) public holidays per calendar year for the purpose of this clause.

The managers have the responsibility to ascertain that there is work available for the employee on the day and that it is safe to perform the work (please refer to the 'Working alone and outside standard hours policy'). The work must be performed at the premises of Arc and not from home or other location. Any access arrangements must be completed before the work commences on the Public Holiday.

The employee will be paid their normal rate for the work performed on a Public Holiday that will be then taken as a Floating Public Holiday and no penalty rates will apply. If the Employee has an entitlement to any Floating Public Holiday days and their employment ends, the Floating Public Holiday days must be taken during the notice period. If for any reason this is impossible, the Floating Public Holiday will be paid out in their last pay at their normal rate.

The request must be submitted to Human Resources and manager of the employee. Only after the approval of both, the employee may proceed with the arrangement. Arc reserves the right to decline any request that is found unreasonable, would pose a safety risk to an employee or is contradicting the purpose of this clause.

<u>Version</u>	<u>Date</u>	<u>Author</u>	<u>Approval</u>	<u>Sections modified</u>	<u>Details of amendments</u>
[1.0]	30/01/2014	HR Manager	CEO /Executive Committee	N/A	This is a new policy
[2.0]	28/10/2016	HR Manager	CEO /Executive Committee	All	Adding a distinction between the flexibility options available as per the Fair Work Act and those offered by Arc to all staff.
[3.0]	11/01/2019	HR Manager	Executive Committee	All	Adding the WHS focus and adapting as per latest FWC changes. Introduced the 'Cultural Floating Public Holiday'.