

## Purpose and Scope

Flexible working arrangements aim to assist staff in combining their work, family or other responsibilities in ways that benefit both the organisation and individual staff. Access4u supports staff wishing to undertake flexible working arrangements.

Managers/supervisors will attempt to negotiate suitable work arrangements for staff members when approached, but this is not an entitlement. An agreement must be formulated and documented between the two parties, covering all necessary work practices and issues for approval by CEO.

## Responsibilities and delegations

This policy applies to	Governing body/staff/volunteers
Specific responsibilities	The Board – responsible for ensuring effective and legitimate people and culture governance mechanisms are in place. CEO – responsible for monitoring and ensuring adherence to flexible and supportive work practices policy and related procedures. Ensuring due diligence and taking reasonable steps to ensure Access4u is meeting relevant standards and legislative requirements. Managers/Staff and Volunteers – responsible for adherence to this and related policies, procedures and forms that support this policy.
Policy approval	CEO

## Policy context – this policy relates to:

Standards	National Employment Standards
Legislation	<ul style="list-style-type: none"> <li>• <i>Fair Work Act 2009</i></li> <li>• <i>Racial Discrimination Act 1975</i></li> <li>• <i>Sex Discrimination Act 1984</i></li> <li>• <i>Australian Human Rights Commission Act 1986 (Cth)</i></li> <li>• <i>Disability Discrimination Act 1992</i></li> <li>• <i>Age Discrimination Act 2004</i></li> <li>• <i>Workplace Gender Equality Act 2012</i></li> </ul> SA Legislation <ul style="list-style-type: none"> <li>• <i>Equal Opportunity Act 1984 (SA)</i></li> </ul>
Contractual obligations	Staff Employment Contract, Code of Conduct
Organisation policies	NDIS Code of Conduct, Grievance Procedure Anti Bullying, Harassment and Discrimination Policy, EEO, Equity and Diversity
Forms, record keeping, other documents	

## Definitions

**Flexible work arrangements:** include part-time work, job sharing, leave without pay, career break options, part or variable-year employment, flexible working hours and working from home.

**Part-time work:** working arrangements where the hours per week are less than the standard hours set out in the relevant industrial award.

**Job sharing:** a voluntary arrangement where the responsibilities of a position are equally split or otherwise shared between staff, and where job sharers are employed on a part-time basis or are full-time staff taking part-time leave without pay.

**Leave without pay:** an arrangement for unpaid leave where the permanency of employment is maintained while a staff member is on leave that is not covered by paid leave provisions in the industrial award.

**Career break arrangement:** this arrangement is available for a range of purposes such as extending parental leave, study, travel, personal and professional development, alternative employment and voluntary work. The length of the break is negotiated but is usually for more than 3 months.

**Part-year employment:** used when workloads fluctuate or to coordinate work and family responsibilities (e.g. by taking leave during school vacation periods), where staff take a specified amount of unpaid leave in addition to paid leave.

**Varying hours of work:** an agreement for a staff member to have a work pattern that varies standard working hours.

**Working from home:** where supervised work is done from an alternative premises (usually an employee's home) for a short period or as a more permanent arrangement, as a means, for example, of reducing travel time, relieving pressure on organisational resources or as an adjustment for physical or personal circumstances.

## Procedures

### Eligibility for requesting flexible working arrangements

Under the *Fair Work Act (2009)*, award-covered staff members have a right to request a flexible working arrangement if they:

- have parenting and caring responsibilities for children or other family members
- are a carer (under the *Carer Recognition Act 2010*);
- have a disability;
- are over 55;
- are experiencing domestic or family violence; or
- are a carer for a household or family member who is experiencing domestic or family violence

Access4u may also choose to encourage and allow employees to work flexibly for reasons other than those stated above.

Eligibility and approval of flexible working arrangements will be applied consistently, regardless of a staff member's gender.

### Requesting and implementing flexible arrangements

A staff member wanting to consider changes to their working arrangements should review the options and discuss these with their Manager.

The staff member should then submit a formal written request. The request will be considered by management with particular regard to:

- The needs of the employee arising from their circumstances;

- The consequences if changes to working arrangements are not made; and
- The effect that the change in working arrangements is likely to have on the organisation's operation.

Access4u is required to respond to the request within 21 days.

Manager may deny the application if it is determined that:

- The new working arrangements requested by the employee would be too costly for the employer;
- There is no capacity to change the working arrangements of other employees to accommodate the new working arrangements;
- It would be impractical to change the working arrangements of other employees or recruit new employees to accommodate the new working arrangements requested by the employee;
- The new working arrangements would be likely to result in a significant loss in efficiency or productivity; or
- The new working arrangements would be likely to have a significant negative impact on customer services.

If the Manager disagrees with certain terms of the employee's request, they must discuss the request with the employee and try to reach an agreement.

If terms of flexible employment cannot be agreed upon, the employee will receive a written response from the organisation, which will include the details of the reasons for the refusal.

Where an application is approved, the staff member and the Manager will develop a formal agreement for approval by CEO documenting:

- working hours (specifying bandwidth for start and finishing times, core hours, minimum and maximum hours per day, overtime arrangements);
- the period that the agreement will operate;
- the classification of the position to which it applies;
- the agreement about return to standard/contracted working arrangements;
- monitoring and review of working arrangements;
- the arrangement for work supervision;
- any variations to standard employment entitlements and employment contract;
- grievance procedures in case of disagreement; and
- any other issues which the parties may wish to include.

This agreement will be reviewed and adapted prior to the agreement lapsing and in performance appraisals.

Staff working flexible arrangements will meet agreed deadlines and work standards, and will maintain communication with the workplace. Approval is required for variations in attendance agreements.

Manager will ensure that employees on a flexible work agreement are effectively supervised and supported and have their performance assessed equitably. Productivity expectations should be based on number of hours worked.

## Working from home agreement

The terms and conditions of employment that apply to the staff members at their usual place of work also apply at the home-based worksite.

The Manager and staff member will determine if the duties are suitable for work at home, including the type of work and the amount of work that can be performed at home.

The Manager and staff member will agree the number of hours and days that can be worked from home.

If the staff member is working from home as part of a rehabilitation program, then the rehabilitation coordinator will liaise between the staff member and the Manager.

Before commencing working from a home-based workplace, the staff member will sign a 'working from home' agreement negotiated with their Manager, which covers the following:

- a description of the designated worksite that conforms to acceptable workplace health and safety (WHS) standards;
- the responsibilities of the Manager for the health, safety and welfare of the staff member at work, including while at the home-based worksite;
- an undertaking by the staff member to be familiar with and maintain safe working procedures
- an agreement to allow inspection of the worksite for the purpose of confirming its compliance with WHS requirements;
- agreement that the staff member will notify their Manager of any work-related accident, injury, illness or disease which occurs at the home-based worksite;
- an agreement about the work hours that apply and any requirements to attend the workplace;
- agreement by the staff member that the Manager is not responsible for any liability on the part of a third party, unless the third party is present in connection with work-related duties;
- a list of equipment to be used by the staff member in the course of carrying out work at the home-based work site, specifying who owns the equipment and/or software and who is responsible for insurance; and
- an agreement by the staff member to maintain and submit an accurate and up-to-date record of hours worked, including any agreed overtime.