



# Flexible Working Arrangements Policy: Facilitating Flexible Working Arrangements

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ISSUED BY:

OFFICE OF INDUSTRIAL  
RELATIONS AND  
WORKFORCE STRATEGY,  
CMTEDD

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## Introduction

1. The ACT Public Sector (ACTPS) is committed to providing employees with work/life balance through flexible working arrangements which recognise personal, family or other commitments of employees.
2. In supporting flexible working arrangements, the ACTPS will ensure that its business requirements to deliver services to the Canberra community will be maintained.
3. Flexible working arrangements in the ACTPS will cater for all employees at all stages of their lives.
4. The purpose of the Flexible Working Arrangements Policy: Facilitating Flexible Working Arrangements (the policy) is to provide guidance to employees, managers and directorate HR areas on the flexible working arrangements process and types of arrangements available in accordance with the relevant enterprise agreement.
5. Noting that the ACTPS is in a period of transition between agreements, references to sections and clauses will be listed for both the 2021-2022 enterprise agreements and proposed 2023 enterprise agreements. It is recommended that the following policy is read in conjunction with the enterprise agreement that is current to the classification of the employee.
6. Recent changes with the *Fair Work Amendment (Secure Jobs Better Pay) Act 2022* now provide further legislative requirements for employers with flexible work arrangements, specifically regarding denying, amending, revoking or terminating flexible work arrangements. These are included in the flexible work provisions in the proposed 2023 ACTPS enterprise agreements and in this policy.

## Application

7. This policy contains a set of whole-of-government instructions issued by the Head of Service under section 17(2)(a) the *Public Sector Management Act 1994* (PSM Act) and binds all employees engaged under that Act.
8. For the purpose of this policy, employees are defined as including permanent officers, temporary employees, casual workers and Statutory Office Holders of the ACTPS.  
  
Please note: the [ACTPS Fire and Rescue Enterprise Agreement 2020-2024](#) contains slightly modified provisions to suit the nature of the operational environment. Please refer to the relevant sections of that enterprise agreement for more information.
9. Requests to work remotely, either from interstate or overseas should be managed in accordance with the [Flexible Working Arrangements Policy: Working Remotely Interstate or Overseas policy](#).

## Key Legislative Provisions

10. The key enterprise agreement (common core) provisions are contained in section E of the 2021-2022 agreements - Flexible Working Arrangements and Employee Support, and section B11 of the proposed 2023 agreements. Clause E2: Request for Flexible Working Arrangements provides the process for employees to apply for flexible work arrangements. In the proposed 2023 agreements this is provided for in B20 - Making a Request for a Flexible Working Arrangement.
11. Section 65 of the *Fair Work Act 2009* (Cth) (FW Act) provides for circumstances where employees have a right to request flexible working arrangements.
12. The *Fair Work Amendment (Secure Jobs Better Pay) Act 2022* provides for the Fair Work Commission to deal with flexible work disputes.

## Principles

13. The ACTPS recognises the benefits flexible working arrangements bring to individuals, teams and the wider ACTPS. The benefits include improved work/life balance and staff wellbeing, increased job satisfaction, productivity and greater workforce diversity with the ability to attract and retain skilled people.
14. When making decisions around flexible working arrangements, the following factors should be considered by the delegate:
  - a. the reason for the request; for example, the needs of the employee, any family or personal commitments;
  - b. for First Nation employees; consideration must be given to connection to country and cultural obligations;
  - c. the nature of the role; all roles can have some type of flexibility, but not all types of flexibility will work for every role. If there is a good reason a role can't have a type of flexibility, managers and employees should look for a type of flexibility that will work;
  - d. the priorities of the ACT Government, directorate, branch and work team;
  - e. the ways of meeting community, client and stakeholder needs without reducing service delivery;
  - f. the health, safety and wellbeing of employees;
  - g. the different ways of working remotely through the use of various technologies;
  - h. the ability to meet privacy and security obligations, manage any risks and any significant financial impacts.

Every effort must be made to facilitate and reach agreement on flexible work arrangements which suit the work area and the employee. This requires the delegate to consider in full all possible options before declining a request for a flexible working arrangement.

## Procedure

### Who is eligible to request a flexible working arrangement?

15. In accordance with clause E2 of the 2021-2022 enterprise agreements and B20 in the proposed 2023 agreements, any employee can request a flexible working arrangement if the employee:
  - a. seeks working arrangements to suit their personal circumstances;
  - b. has parental or other caring responsibility for a child of school age or younger;
  - c. has a caring responsibility for an individual with a disability, a terminal or chronic medical condition, mental illness or is frail and aged;
  - d. has a disability;
  - e. is over the age of 55;
  - f. is experiencing family or domestic violence;
  - g. is providing personal care, support and assistance to a member of their immediate family or household because they are experiencing family or domestic violence;
  - h. is pregnant.

**Please note:** The enterprise agreements provide that employees can seek a flexible working arrangement to suit their personal circumstances, which is in addition to the circumstances defined under section 65 of the FW Act.

## **What are the different types of flexible working arrangements?**

16. There are no set limitations on the type of arrangements that can be negotiated to create flexibility in how work is performed, as long as the entitlements and obligations in the enterprise agreements are met. Managers and employees are encouraged to think innovatively, which could include combining different types of flexibilities, or creating new ones. Examples of flexible working arrangements available within the enterprise agreement are outlined below.

### **Flexible hours**

17. Some examples of utilising flexible working hours under flexible working arrangements include:
  - a. working the usual number of hours in a day, while varying the starting and finishing times;
  - b. the ability to take a few hours off work during the day and make up the time later in the day or on a different day;
  - c. compressing standard working hours over a period of time to complete the hours over a shorter number of days. For example, a 35 hour week may be worked at a rate of 8.75 hours per day for 4 days instead of 7 hours for 5 days.
18. If accessing these arrangements, employees are required to keep a record of their working hours. Under the 2021-2022 agreements this would be via a diary (SOGA or SOGB or equivalent) or on their attendance records (ASO1 – SOGC or equivalent). For employees entitled to flex-time, the flex-time arrangements continue to apply.
19. The proposed 2023 agreements will mark a change for employees entitled to access the flex-time arrangements. The proposed 2023 agreements will allow access to flex-time for SOGA and SOGB or equivalent classifications, which will require completion of attendance records across all eligible classifications.
20. More information about flex-time can be found at clause B7 of the 2021-2022 enterprise agreements and B18 of the proposed 2023 agreements.

### **Accessing leave entitlements**

21. Leave provisions in the enterprise agreements are stand-alone entitlements and would normally not need to be accessed through a flexible working arrangement. However, accessing leave in flexible ways may assist employees in managing their work/life priorities. As such, it is open to employees and managers to come to agreement around the use of leave as part of a flexible working arrangement.
22. More information on leave provisions can be found at section F of the 2021-2022 enterprise agreements and section E of the proposed 2023 agreements.

### **Job sharing**

23. Job sharing is when a full-time role is undertaken by two or more employees who are considered part-time employees, with each person working part-time on a regular and continuing basis.
24. Job sharing arrangements may be introduced by agreement between the head of service (delegated), manager and the employees involved, subject to any operational requirements.

25. The pattern of hours for the job sharing arrangement will be agreed between the employees and the relevant manager. Any single attendance will be for no less than three consecutive hours.
26. If any employee ceases to participate in the job sharing arrangement, the arrangement will be terminated.
27. More information about job sharing can be found at clause E5 of the 2021-2022 enterprise agreements and B22 of the proposed 2023 agreements.

## **Regular part-time employment**

28. Flexible working arrangements can include an employee applying to change their working hours from full-time to part-time. A person may be employed in any classification as a part-time employee for an agreed number of regular hours that is less than the ordinary weekly full-time hours.
29. The agreed period, pattern of hours and days and commencement and cessation times for part-time work will be agreed to between the employee and their manager and actioned via the ACT Government [Shared Services Portal](#).
30. Part-time hours may also be accessed by employees returning to work after accessing birth leave, primary caregiver leave, adoption or permanent care leave or parental leave, to work on a part-time basis up until the date which is three years from the birth or adoption of a child or the granting of parental responsibility of a foster child.
31. More information about part-time employment can be found at clause E4 and E6 of the 2021-2022 enterprise agreements and B21 and B23 of the proposed 2023 agreements.

## **Varying work locations e.g. home-based work**

32. Varying an employee's work location be it from home or from another suitable location such as another ACTPS office building on set days, or as the work demands, is another form of flexible working arrangement.
33. In determining an alternate work location, the employee and manager will consider a range of matters, including:
  - a. appropriate and effective communication with colleagues and clients in varying locations;
  - b. the need to ensure adequate interaction with colleagues;
  - c. the nature of the job and operational requirements;
  - d. privacy and security considerations;
  - e. health and safety considerations;
  - f. the effect on clients;
  - g. adequate performance monitoring arrangements.
34. If the employee requests to work from home and this would be done remotely from interstate or overseas, employees and managers need to refer to the [Flexible Working Arrangements: Working Remotely Interstate or Overseas policy](#) for more details on this type of arrangement.
35. More information about home-based work can be found at clause E7 of the 2021-2022 enterprise agreements, clause B24 of the proposed 2023 agreements and relevant directorate policies.

## Other arrangements as agreed

36. Other flexible working arrangements not listed above, or a combination of the above, may be agreed to between the employee and manager on a case-by-case basis in accordance with the enterprise agreement. While arrangements cannot be in breach of the enterprise agreement, managers and employees should start a conversation about what is possible. This means that each arrangement can be quite different depending on what the employee's needs are, operational requirements and what is possible in the role to ultimately establish an arrangement that benefits everyone.

## How should an employee request a flexible working arrangement?

37. Flexible work arrangements can be ad-hoc, short-term or long-term. Ad-hoc is where an employee uses flexible working arrangements on an occasional basis such as starting early one day in order to finish early or working one day from home for the next two weeks when this isn't a normal practice (giving consideration to work health and safety (WHS) requirements). Ad-hoc arrangements still involve a level of communication between an employee and their manager; however, may not require a formal agreement. Short and long-term arrangements must be formalised.
38. An employee may initiate discussions and negotiations with the delegate at any time concerning flexible working arrangements. Following discussions, the employee may make a request in writing using the Flexible Working Arrangement Request Form at **Attachment A** of this policy.
39. Managers should genuinely consider a request for flexible working arrangements and provide employees with guidance on the process and assist in exploring options. Managers need to complete the relevant section on the Flexible Working Arrangement Request Form at **Attachment A** of this policy. The Manager Checklist at **Attachment B** may also assist managers in approving flexible working arrangement requests.
40. The manager is legislatively required to consult with the employee, consider the request within 21 calendar days of receiving the request form and provide the employee a written response stating whether the request is approved or not approved using the Flexible Working Arrangement Request Form at **Attachment A** of this policy.
41. Where the flexible working arrangement is approved, the employee and manager should also complete and approve any other necessary paperwork required. For example:
- a. the Change Working Hours form via the Shared Services Portal or the Human Resource Information Management System (HRIMS);
  - b. the Apply for Leave form via the Shared Services Portal or HRIMS.

The Flexible Working Arrangement request and decision should also be sent to Shared Services Human Resources (HR) to record.

42. Where the remote flexible working arrangement is not approved, the manager must outline any alternative flexible working arrangements that may be possible. Please see the section 'Where an employer denies a request for flexible working arrangement' below for further information.

## What occurs after a flexible working arrangement is approved?

43. Once a flexible working arrangement has been agreed upon and necessary approvals obtained, the arrangement will be recorded in writing (this is done through the Flexible Working Arrangement Request form at **Attachment A**).

44. A flexible working arrangement can be in place for up to three years. The employee and manager should review the arrangement at least once a year (more often if required) to ensure it is working for all parties and continues to meet the circumstances under which it was originally granted. This would let both parties raise any concerns and make any necessary adjustments.

## **Amending, ceasing or terminating a flexible working arrangement**

45. An arrangement can be varied/amended or ceased early by agreement between the employee and manager when there is, for example, a change to the employee's circumstances or due to reasonable business grounds. Written confirmation, clearly outlining the reason for varying or ceasing the arrangement should be provided by the manager or employee. Agreed variations and terminations should be documented with a copy sent to Shared Services HR to action and record.
46. At the end of the flexible working arrangement's period of operation, unless a new flexible working arrangement is approved and entered into, the employee must return to their previous employment arrangement.
47. The flexible working arrangement will apply to the role of the employee at the time of their application. An employee who initiates a move to a different position must seek approval for a continuation of the flexible working arrangement in their new position from their new manager. An approved flexible working arrangement will not automatically transfer to the new position; however, full consideration must be given to the request.
48. If an employee is transferred at the initiation of the ACTPS, the gaining work area must consider the employee's flexible working arrangement and provide opportunity for the arrangement to continue. If the current arrangement must be varied to suit the new workplace, the changes must be agreed to by both parties and captured on the Flexible Working Arrangement Request form at **Attachment A**.
49. The purpose of completing a flexible working arrangement is to negotiate, settle and document the flexible working arrangement. It is expected that both the employer and employee can rely on this arrangement being in place for the length of the arrangement negotiated. It follows from this that it would be unreasonable for either party to terminate a flexible working arrangement without mutual consent, merely on a whim or change of mind.
50. However, there may be exceptional circumstances where a flexible working arrangement needs to be revoked without mutual consent. Where this occurs, consultation should occur between the parties to the arrangement. This must include a comprehensive discussion about options to continue the arrangement in a different form, and only where that cannot be achieved, the arrangement will be cancelled.
51. In such circumstances 3 months' notice must be given to the employee unless a reasonable period of notice has been agreed between the parties to allow an amendment or managed exit from the arrangement or where there are extenuating circumstances.
52. Reasonable grounds to amend or revoke a flexible working arrangement may include, but are not limited to, the following:
- a. the employee's role has changed significantly and the current flexible working arrangement is no longer suitable;
  - b. there is increased risk of injury or illness or where there are other work health and safety concerns; or



- c. there is a history of underperformance as documented in an underperformance plan or evidence of behaviour concerns.
- 53. Revoking a flexible work arrangement should not be considered until after efforts to amend arrangements have been attempted.
- 54. Where the employee and employer do not agree on the terms of termination of the agreement the employee may seek the assistance of the Fair Work Commission through the dispute resolution provisions contained in the enterprise agreements.

## **Where an employer denies a request for a flexible working arrangement**

- 55. The manager may only deny a request on reasonable business grounds (as outlined in clause E2.9 of the 2021-2022 enterprise agreements and B20.7 of the proposed 2023 agreements) after **all** the following steps have been taken:
  - a. the manager has discussed the request with the employee;
  - b. the manager has genuinely tried to reach an agreement with the employee about making changes to the employee's working arrangements to accommodate the employee's particular circumstances;
  - c. no other alternative arrangement is available; and
  - d. the manager has considered the consequences of the refusal for the employee.
- 56. Reasonable business grounds to deny a request include where any of the following apply:
  - a. the new working arrangements requested by the employee would be too costly to implement, or would likely result in significant loss in efficiency or productivity, or would likely have a significant negative impact on service;
  - b. there is no capacity to change the working arrangements of other employees to accommodate the new working arrangements requested by the employee;
  - c. 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;
  - d. it would be a genuine risk to the health and safety of an employee(s); or
  - e. demonstrable exceptional circumstances have arisen that mean the request cannot be approved.
- 57. The manager must provide their reason/s for denying a request in writing and in accordance with FW Act requirements must include all of the following information:
  - a. details of the reasons for the refusal;
  - b. the reasonable business grounds for the refusing the request;
  - c. how the reasonable business grounds apply to the request;
  - d. one of the following;
    - i. provide alternative proposals for changes in the employee's working arrangements that would accommodate, to any extent, the employee's circumstances.
    - ii. state that there are no alternative changes available that would accommodate, to any extent, the employee's circumstances.

- e. The dispute mechanisms available under the enterprise agreement and the ability to refer the dispute to the Fair Work Commission.
58. The manager must consult with the employee to explore other alternative flexible working arrangements that may be possible.
59. An employee may seek an internal review of the decision in accordance with section I of the enterprise agreements.

## Frequently Asked Questions

### **Q1: What options are available to the employee if the flexible working arrangement is not approved by the head of service?**

A: If a request for flexible working arrangements is not approved, the manager will provide their reasons in writing and consult with the employee to explore any other alternative flexible working arrangements that may be possible.

The employee may request a support person, which could be an employee representative, in these discussions. The employee may also be able to seek an internal review of the decision in accordance with section I of the enterprise agreements. A dispute may also be referred to the Fair Work Commission where an internal review does not resolve the matter.

### **Q2: Do flexible working arrangements limit the ability to access other provisions within the enterprise agreement?**

A: No, nothing in clause E2 of the 2021-2022 agreements or clause B20 of the proposed 2023 agreements diminishes any provisions expressed elsewhere in the enterprise agreements, where those entitlements are entitlements in their own right and can be applied for outside of the flexible working arrangements clause.

### **Q3: What can an employee do if they do not receive a response within 21 calendar days?**

A: If a response to the request has not been received within the time limit, employees are encouraged to speak to their manager in the first instance to ascertain the cause of the delay. If the delay continues, employees are encouraged to contact their directorate HR area for further assistance.

### **Q4: Following approval for a flexible working arrangement, does the employee need to put in a separate application/s depending on flexible working arrangement option chosen?**

A: Depending on the flexible working arrangement that is being accessed, the employee may need to complete other necessary paperwork required. For example:

- a. the Change Working Hours form via the Shared Services Portal or the Human Resource Information Management System (HRIMS);
- b. the Apply for Leave form via the Shared Services Portal or HRIMS.

### **Q5: What should an employee or manager do if issues arise with the working arrangement?**

A: The employee and manager should review the arrangement at least once a year (more often if required) to ensure it is working for all parties and continues to meet the circumstances under which it was originally granted. If issues arise outside of the review period, a discussion needs to occur as soon as possible between the employee and their manager to discuss the issue and possible solutions. If the agreement is to be varied or ceased, this must be captured in writing (the Flexible Working Arrangement Request form can be used for this). In exceptional circumstances the arrangement can be terminated by either party without mutual consent.

**Q6: Can an employee who has an active workers' compensation claim also have a flexible work arrangement in place?**

A: A flexible working arrangement may assist an employee with an active workers' compensation claim in managing their injury or illness and returning to work to their pre-injury capacity. Advice should be sought from the return to work coordinator and directorate's HR area.

**Examples:**

*Example 1 – A short term flexible working arrangement:*

*Sam works as a nurse. His roster is 1pm - 9pm Monday to Wednesday (evening shift) and 5am - 1pm on Thursday and Friday (day shift).*

*Sam has been unable to arrange a shift swap with colleagues or vary the roster as it has been published, so that he can take his kids to swimming lessons on Wednesday afternoons next term.*

*As such he discusses a flexible work arrangement with his Manager to work 1pm - 4pm, leave for swimming lessons and then return to work 7pm – 12 midnight to complete his hours for this shift on Wednesdays for the 10-week term.*

*His manager advises the reasonable business grounds on which this cannot be supported; a split shift is not possible in this environment as it will impact other employees and it would be impractical and costly to fill a 3-hour shift from 4-7 in his absence.*

*Together Sam and his manager look at other options and agree that Sam can take annual leave every Wednesday for the 10-week term instead as it is only a short-term arrangement.*

*A flexible working arrangement request form is completed and approved, and the annual leave is applied for via HR21 or through the OneGov Service Centre.*

*Example 2 – Altering flexible working arrangements due to reasonable business grounds:*

*Access Canberra counter services operate from 9:00am – 5:00pm Monday to Friday. Due to customer feedback, new opening hours will be 8:30am – 5:00pm Monday to Friday.*

*Gerald works as a counter officer. His hours are 9:30am – 5:30pm each day which has been agreed and approved under a flexible working arrangement for the past 3 years. He has annual reviews with his manager, Maryanne to ensure the flexible working arrangement is working for all parties and continues to meet the circumstances under which it was originally granted.*

*Another counter officer, Thomas, has recently taken steps to assist his aging father and he is now required to meet a carer at his father's house at 8:30am for three days a week. He has discussed and submitted a flexible working arrangement application to work from 9:30am – 5:30pm, three days a week with Maryanne who has advised she will consider it and come back to him within 21 business days*

*As a manager, Maryanne supports flexible working arrangements due to the positive benefits they have on her team (e.g. lower absenteeism, increased productivity) however she also needs to meet this change in business requirements against each person's and the team's needs.*

*Maryanne meets with Gerald to speak with him about reviewing his flexible working arrangement. She explains the change in opening hours for Access Canberra due to customer feedback and the need for the team to ensure service delivery for Canberrans.*

*They discuss Gerald starting at 9.00am three days a week and maintaining his 9.30am start the other two days in order to meet operational requirements and ensuing equity for flexible working arrangements across the team. Gerald is agreeable to this.*

*She is then able to approve both Gerald and Thomas' flexible working arrangement requests and together as a team they agree to review the arrangements in a shorter timeframe of 6 months to ensure the flexible working arrangement is working for all parties and continues to meet the circumstances.*

*Note: Had Gerald not agreed to Maryanne's proposal Maryanne would need to discuss and consider other reasonable alternative options before any action is taken*

## Responsibilities

60. **Employees** are responsible for:

- a. discussing a proposal for a flexible working arrangement with their manager prior to submitting an application as well as exploring alternative options if the initial proposal is not feasible;
- b. considering, and including in their application, details of how the proposed flexible working arrangement can be reasonably accommodated and the effect it may have on their work environment;
- c. having a clear understanding of performance expectations and agreed outcomes;
- d. maintaining appropriate communication with their manager and team members and addressing any issues openly and transparently;
- e. understanding, reporting and managing WHS risks associated with their flexible working arrangement and complying with their responsibilities under the [Work Health and Safety Act 2011](#), including taking reasonable care for their own health and safety;
- f. being aware of and adhering to relevant policies and guidance including use of IT, information privacy and security as relevant to their flexible working arrangement;
- g. recording their hours of work, including start and finish times, and recording all leave taken via *HR21* or through the *OneGov Service Centre*;
- h. advising their manager of any changes to their circumstances.

61. **Managers** are responsible for:

- a. being aware of employer obligations under the *Fair Work Amendment (Secure Jobs Better Pay) Act 2022* and ACTPS flexible work policy including where referenced in the relevant enterprise agreement.
- b. embracing a commitment to work and life balance and promoting and facilitating flexible working arrangements;
- c. considering a flexible working arrangement request on its merits and in the context of the particular circumstances of the individual employee;
- d. considering any savings or efficiencies in a flexible working arrangement;
- e. enabling fair and equitable flexible work arrangements as appropriate for all employees to support their team's work and ACTPS needs;
- f. embracing technology as a means to facilitate flexible working arrangements, including remote ways of working, communicating and collaborating;
- g. considering and discussing alternative flexible work options, where an employee's request cannot be approved on reasonable business grounds;

- h. establishing clear performance expectations with agreed outcomes and effective communication strategies, including team communication, to support a flexible working arrangement;
- i. monitoring and reviewing the effectiveness of the flexible working arrangement and discussing any concerns as they arise or changes to the arrangement as required;
- j. taking into account any safety, health and wellbeing risks and benefits in approving a flexible working arrangement;
- k. contacting the relevant directorate HR area for advice where required;
- l. embedding flexible work arrangements into the design and structure of their workforce, this includes consideration of when teams may need to be in the workplace together to achieve outcomes and to build team cohesion;
- m. reviewing and deciding whether to approve requests giving consideration to the individual employee, their role, and operational requirements.

## Consultation

62. This policy was consulted with the ACTPS People Forum, unions, the Office of Industrial Relations and Public Sector Employment, Chief Ministers Treasury and Economic Development Directorate and the Head of Service.

## References

63. The relevant legislation, policy and employment arrangements underlying this operational guidance are:
- a. [\*ACTPS Enterprise Agreements\*](#)
  - b. [\*Public Sector Management Act 1994\*](#)
  - c. [\*Public Sector Management Standards 2016\*](#)
  - d. *and Fair Work Amendment (Secure Jobs Better Pay) Act 2022*
  - e. [\*Flexible Working Arrangements Policy: Working Remotely Interstate or Overseas Policy\*](#)
  - f. [\*ACT Public Service Responsibilities under the Work Health and Safety Act 2011\*](#)
  - g. *Work Health and Safety Act 2011,*

## Review

64. This policy is due for review in 3 years from the last issued or reviewed date, or earlier where there are changes that affect the operation of the policy.

Document name: Flexible Working Arrangements Policy – Facilitating Flexible Working Arrangements	Prepared by: Assistant Director, Industrial Relations and Public Sector Employment, WCAG, CMTEDD
Policy Number: 9/2021	Feedback to: <a href="mailto:eba@act.gov.au">eba@act.gov.au</a>
Last Review Date: June 2023	Next Review Date: June 2026

## Approval Authority

Dr Damian West  
Deputy Director-General  
Office of Industrial Relations and Workforce Strategy  
Chief Minister, Treasury and Economic Development Directorate  
On behalf of the Head of Service  
5 June 2023

## Attachment A



# Flexible Working Arrangements Request Form

### Instructions:

1. This request must be **signed by the employee**, the **manager** before sending to shared services [hrsharedservices@act.gov.au](mailto:hrsharedservices@act.gov.au) to action.
2. Please also **complete** and **attach** any other relevant application forms e.g. [Change Working Hours](#) form, [Apply for Leave](#) form etc.
3. **Guidance** - Refer to the Flexible Working Arrangements policy.
4. **Conditions** - Refer to Section E of the 2021-2022 enterprise agreement or Section B of the proposed 2023 agreement..

### 1. Employee to complete

#### Employee Details:

<b>Name:</b>	Click or tap here to enter text.	<b>AGS:</b>	Click or tap here to enter text.	<b>Employment Status:</b>
				<input type="checkbox"/> FT <input type="checkbox"/> PT <input type="checkbox"/> Casual <input type="checkbox"/> Temp
<b>Branch:</b>	Click or tap here to enter text.	<b>Directorate:</b>	Click or tap here to enter text.	

#### FWA Details:

☐ I would like to request a flexible working arrangement that is different to my current working arrangements in accordance with Clause E2 of the 2021-2022 agreements, or Clause B20 of the proposed 2023 agreements.

☐ This is a new request

☐ This is a variation to an existing request

<b>Start date:</b>	Click or tap here to enter text.	<b>End date:</b>	Click or tap here to enter text.
<b>Current work location:</b>	Click or tap here to enter text.	<b>New work location (if different or home based):</b>	Click or tap here to enter text.

Reason for this request:

Click or tap here to enter text.

Details of the proposed arrangement:

Click or tap here to enter text.

I believe that any effect on my work environment can be accommodated by (optional):

Click or tap here to enter text.

<b>Signature:</b>		<b>Date:</b>	Click or tap here to enter text.
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### 2. Employee and manager are to meet to discuss the above.

### 3. Manager to complete following their discussion with the employee:

☐ Supported ☐ Not supported

If not supported, please provide reasons below:

Click or tap here to enter text.

If supported, insert details of any specific terms and conditions that have been agreed to:

Click or tap here to enter text.

If supported, enter the planned review dates (annually at a minimum):

Click or tap here to enter text.

Name:		Position/Title:		Tel:	
Signature:		Date:			

### 4. Employee to acknowledge:

☐ I acknowledge that this flexible working arrangement is subject to review annually (or more often as required) and may be terminated by either party by providing 3 months notice or a reasonable period of notice has been agreed between parties to terminate the agreement unless there are extenuating circumstances. I agree to the review dates detailed above.

☐ I acknowledge my responsibilities under the *Work Health and Safety Act 2011* Act in exercising my duties under this flexible working arrangement.

Signature:		Date:	
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### 5. Delegate to complete:

☐ Approved ☐ Not Approved (If not approved, please provide reason/s):

*Note: As per clause E2 of the 2021-2022 Enterprise Agreements or B20 of the proposed 2023 agreements, a decision is required within 21 days of receipt of application and an application may only be refused under reasonable business grounds as specified within the EA and the Flexible Working Arrangements policy.*

Click or tap here to enter text.

If approved, enter details of any additional terms and conditions agreed to:

Click or tap here to enter text.

Name:		Position/Title:		Tel:	
Signature:		Date:			

### 6. Employee to acknowledge (if any additional requirements were required by the head of service):

☐ I agree to the additional terms and conditions as discussed and agreed with the head of service and my manager and noted above.

Signature:		Date:	
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### 7. Copy of form to be sent to Shared Services HR.

Email:	<a href="mailto:HRSharedServices@act.gov.au">HRSharedServices@act.gov.au</a>
Internal mail:	



## Attachment B

# Flexible Working Arrangements Request Form - Manager Checklist

This checklist is a guide for managers to use when considering an employee's request for flexible work arrangements and to identify any areas for further discussion.

### General considerations when reviewing a flexible working arrangement request:

- Just as there is no 'one-size-fits-all' approach to flexible working, there is no 'one-size-fits-none' either. Certain roles, types of flexible working arrangements or services should not be excluded. Each flexible working proposal must be considered on its own merits.
- Remember the positives that flexible working arrangements can bring to the workplace: retain employees, positive workplace culture, help everyone have a better work-life balance.
- Flexible working is not a reward; all employees have the ability to request flexible working arrangements in accordance with the *Fair Work Amendment (Secure Jobs Better Pay) Act 2022* and relevant enterprise agreement via a flexible working arrangement proposal.
- Poor performance is not a reason to deny a proposal to work flexibly. Poor performance should be addressed via formal ACTPS underperformance measures before discussing flexible working options
- Understand the reason for the request. If the request is unsuitable, are there other types of flexible working arrangements that could suit this role?
- Flexible working can improve service delivery and customer satisfaction. How does the arrangement proposed continue to support and deliver business outcomes? How will the arrangement meet the needs of the customer (internally or externally)?
- Does the arrangement proposed require an adjustment to the way the work is arranged, and can this be accommodated?
- Are there any operational or business restrictions on when and where the work proposed can be performed?
- Does the employee have the resources needed for the arrangement to work e.g. remote access, technology, communications, IT security?
- Communication – what tools and technology can you use to communicate?
- What if everyone in the team wants to work flexibly, and some arrangements clash? The manager should make attempts to try to accommodate the needs of all their employees, or if this is not possible, they should explore alternative options, for example, a coverage plan, taking turns, and considering who may not be able to work at all if not for a given arrangement.
- Set up and agree upon clear goals and outcomes in advance, lead by example.
- Employee health and safety must also be assured in any flexible working arrangement, if relevant in the circumstances.



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