



Flexible Working Arrangements Policy: Working Remotely Interstate or Overseas

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ISSUED BY:

WORKFORCE CAPABILITY
AND GOVERNANCE, CMTEDD

CONTENTS

Introduction	3
Application.....	3
Key Legislative Provisions.....	3
Principles	3
Procedure	4
Responsibilities	5
Consultation.....	7
References	7
Review	7
Approval Authority	7
Attachment A.....	8
Attachment B.....	11

Introduction

1. The ACT Public Sector (ACTPS) is committed to providing flexible working arrangements which can assist employees to manage their work and personal commitments. This must be balanced against the business requirements for the ACTPS to deliver services to the Canberra community.
2. The purpose of the Flexible Working Arrangements Policy: Working Remotely Interstate or Overseas (the policy) is to provide guidance to employees, managers and directorate's human resources (HR) practitioners who are considering a request to work remotely, be it from interstate or overseas.
3. The policy will help to manage expectations and outlines criteria for decision making, thereby promoting fairness and consistency. The policy also allows the flexibility to consider each request on its merits noting that there may also be circumstances where it is reasonable to refuse a request to work remotely from interstate or overseas.

Application

4. 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.
5. For the purpose of this policy, employees are defined as including permanent officers, temporary employees, casual workers and Statutory Office Holders of the ACTPS.
6. This policy deals purely with requests to work remotely, be it from interstate or overseas. Requests to work elsewhere in the Australian Capital Territory (the Territory) and the surrounding NSW region shall be dealt with as a flexible working arrangement or home-based work arrangement in accordance with the relevant Enterprise Agreements.

Key Legislative Provisions

7. The ACTPS enterprise agreements provide for employees to apply for flexible work arrangements. The key enterprise agreement (common core) provisions are contained in Section E: Flexible Working Arrangements and Employee Support.

Principles

8. The work of an ACTPS employee is to serve the needs of the government of the day and the Canberra community. There may be occasions when an employee's personal circumstances change and they temporarily relocate from the ACT and as such request to work remotely, be it from interstate or overseas.
9. Employees may request to work remotely from interstate or overseas for a variety of reasons which may include for example:
 - an immediate family, domestic partner or household member has been posted or assigned to work interstate or overseas
 - a family member or friend requires their help
 - they require access to medical or other care
 - to undertake study that is not available locally or accessible remotely.
10. The ACTPS recognises the benefits flexible working arrangements bring to individuals, teams and the wider ACTPS and will consider requests to work remotely from interstate or overseas on a case-by-case basis giving consideration to:

- whether the requirements of the role can be fulfilled if the employee works completely remotely
- whether the role can be performed safely
- whether the directorate or agency can ensure the employee remains connected to the workplace and can continue to work effectively with their team and manager
- whether the employee has highly specialised or technical skills that are not available or are in short supply within the ACT labour market
- the length of time outlined in the request
- any associated costs
- whether the request complies with the law, in both the home and temporary jurisdictions.

Procedure

11. An employee must make a request in writing using the Request for Flexible Working Arrangements – Working Remotely: Interstate or Overseas Application Form at **Attachment A** of this policy and provide as much detail as possible to support their request.
12. The employee and their manager should meet to discuss the application. The checklist at **Attachment B** will assist with this discussion. The manager may wish to discuss the matter with, and involve, their directorate HR area as well.
13. In considering a request to work from interstate or overseas, the same considerations given to a local flexible working arrangement request should be applied as well as additional factors to ensure such an arrangement would satisfy the business requirements of the ACTPS.
14. Where an employee intends to work remotely from interstate or overseas, consideration needs to be made regarding the public holidays that will apply to the employee. The default arrangement for entitlement to leave on public holidays will be the application of ACT Public Holidays due to service delivery requirements of the Territory workplace. Where an employee works entirely remotely interstate or overseas and can be productively tasked during ACT-specific public holidays, then the manager and employee may agree to apply the public holidays available in their location. It is important that the manager and employee clearly articulate in their flexible working arrangement which public holidays will apply to the employee. When considering substitution of a public holiday, the manager needs to be satisfied that the employee will be productively tasked. What is most appropriate for each work area and employee will be dependent on operational requirements.
15. Distance or location alone should not be the determinative factor when considering an application to work from interstate or overseas. As a guide, the following factors should be considered collectively:
 - requirements of the role
 - hours of work
 - any work health and safety (WHS) issues
 - financial considerations
 - legal considerations
 - ICT and security considerations
 - any other factors that may be specific to the employee's role.

These are covered in more detail in the checklist at **Attachment B**.

16. These considerations also apply when considering an extension to an existing request for flexible working arrangement from interstate or overseas.
17. On the application form, managers should provide details of the grounds on which they would support the request, or why they are not able to support the request. The application form can then be submitted to the delegate for review.
18. The delegate must consider the request within 21 calendar days of receiving the request and provide the employee a written response to the request stating whether the request is approved or denied. If the request is denied the delegate needs to provide clear reasons for their decision (clause E2.9 of the Enterprise Agreement).
19. Where the remote flexible working arrangement is approved, the employee, manager and delegate should also complete and approve any other necessary paperwork required. For example:
 - [Change Working Hours](#) form via the Shared Services self-service portal or
 - [Apply for Leave](#) form via the Shared Services self-service portal.
20. Details of what has been approved and agreed to are to be recorded on the Request for Flexible Working Arrangements – Remote Work: Interstate and Overseas Application Form and signed by all parties. The completed form must be sent to Shared Services HR.
21. It is recommended that agreements are implemented for a maximum period of 12 months with a review every quarter. Managers are responsible for setting review dates with the employee. Reviews will ensure that the arrangements continue to meet the needs of the employee and the ACTPS.
22. Arrangements can be varied or ceased early by agreement between the employee, manager and delegate. Written confirmation, clearly outlining the reason for varying or ceasing the arrangement should be provided to or by the delegate. Variations and terminations should be documented with a copy sent to Shared Services HR to action/record.
23. At the end of the remote flexible working arrangements' period of operation, unless a new arrangement is approved and entered into, the employee will return to their previous employment arrangement. For the purpose of interstate or overseas remote working arrangements, this includes returning to their normal work location.
24. The remote flexible working arrangement will apply to the role of the employee at the time of their application. An employee who initiates a transfer to a different position must seek approval for a new remote flexible working arrangement from their new manager. An approved remote flexible working arrangement will not automatically transfer to the new position; however full consideration will be given to each request. If an employee is transferred at the initiation of the ACTPS, the gaining delegate must consider the employee's remote flexible working arrangement and provide the opportunity for the arrangement to continue where possible.

Responsibilities

Employees

25. Employees are responsible for:
 - discussing a proposal for a flexible working arrangement to work interstate or overseas with their manager prior to submitting an application, as well as alternative options if the initial proposal is not feasible

- preparing for their meeting with their manager and ensuring they have researched and sought advice of any location-specific requirements the directorate will need to consider e.g. IT, security, privacy, tax, WHS, financial costs/considerations
- considering how the proposed flexible working arrangement can be reasonably accommodated and the impacts it may have on their role, team priorities, operations and ongoing communication including differences in time zones, and stakeholders
- complying with the conditions agreed to in their flexible work arrangement
- having a clear understanding of performance expectations and agreed outcomes
- maintaining appropriate communication links with their manager and team members and addressing any issues openly and transparently
- understanding their responsibilities and being aware of the policies associated with their working arrangements - safety and wellbeing, security, privacy and IT when working remotely
- recording their hours of work, entering leave applications, and keeping contact details up to date via the Shared Services Portal
- regularly reviewing the arrangement with their manager and discussing any changes (at least every quarter).

Managers

26. Managers are responsible for:

- considering each request on its merits
- assessing a flexible working arrangement request to work from interstate or overseas in the context of the particular circumstances of the individual employee, the role, team priorities, workloads and operation, stakeholder and client expectations and broader ACTPS requirements, and doing so in a fair and equitable manner
- considering the ability of technology to support the proposed working arrangement in respect of location, access to IT support / infrastructure, and hours
- considering and discussing alternative flexible work options, where an employee's request to work remotely from interstate or overseas cannot be approved on reasonable business grounds
- establishing clear performance expectations with agreed outcomes and effective communication strategies, including team communication, to support a flexible working arrangement
- taking into account any WHS and wellbeing risks and benefits ensuring that the proposed remote workplace meets ACTPS safety requirements. This includes seeking information from Workplace Safety and Industrial Relations (WISR) about workers compensation arrangements before approving a request.
- regularly reviewing the arrangement with their employee and discussing any changes (at least every quarter)
- contacting the relevant directorate HR area for advice where required.

Delegates

27. Delegates are responsible for:

- considering each request on its merits
- reviewing and deciding whether to approve requests giving consideration to the individual employee, their role, and operational requirements of the ACTPS to deliver service to the Canberra community.

Consultation

28. This policy was developed in consultation with People Forum, the Workforce Capability and Governance Division, Chief Ministers Treasury and Economic Development Directorate and the Head of Service.

References

29. The relevant legislation, policy and employment arrangements underlying this operational guidance are:

- a. [the ACTPS Enterprise Agreements](#)
- b. [Work Health and Safety Act 2011](#) (ACT)

Review

30. 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.

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Approval Authority

Dr Damian West
Deputy Director-General
Workforce Capability and Governance Division
Chief Minister, Treasury and Economic Development Directorate
On behalf of the Head of Service
2 September 2021

Attachment A



Request for Flexible Working Arrangements: Working Remotely - Interstate or Overseas Application Form

Instructions:

1. This request must be **signed by** the **employee**, the **manager** and the **delegate** before sending to Shared Services 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. **Conditions** - Refer to Section E of your relevant enterprise

1. Employee to complete			
Employee Details:			
Name:	Click or tap here to enter text.	AGS:	Click or tap here to enter text.
		Employment Status: <input type="checkbox"/> FT <input type="checkbox"/> PT <input type="checkbox"/> Casual <input type="checkbox"/> Temp	
Branch:	Click or tap here to enter text.	Directorate:	Click or tap here to enter text.
FWA Details:			
Start date:	Click or tap here to enter text.	End date:	Click or tap here to enter text.
Current work location:	Click or tap here to enter text.	New work location:	Click or tap here to enter text.
<input type="checkbox"/> I would like to request a Flexible Working Arrangement – Remote Work: Interstate or Overseas, in accordance with Clause E2 of the relevant enterprise agreement that is different to my current working arrangement.			
Reason for this request: Click or tap here to enter text.			
Details of the proposed arrangement:			
Requirements of the role: How will they be met? Are there any elements of the current role that may be impacted or need to be varied? List any proposed solutions for this.		Click or tap here to enter text.	
Working hours: Provide details of any variation to current work hours, impact of different time zones and how this will be managed to ensure outputs are met, how interactions		Click or tap here to enter text.	

with manager and team members will be managed?	
Attendance in the office: Provide details of days and times in the office, mode of transport if travelling, responsibility for costs to attend the office, proposals for travel time and travel allowance. If no attendance in the office, how will you keep engaged and up to date with what's happening in the office?	Click or tap here to enter text.
Financial: Provide details of any travel expenses, office equipment and stationery, internet, utilities etc. and whether these will be met by employee or directorate. Have you sought advice on types of insurances needed, overseas taxation laws, and tax and superannuation advice?	Click or tap here to enter text.
WHS: Where will you be working from, how will office set-up and costs be managed? Fatigue management and work-life balance if working in different time zone, workers compensation, reporting incidents and accidents, what will happen in case of emergencies, access to medical facilities and/or PPE, any requirements for overseas vaccines, any travel warnings, covid-19 restrictions? If the application is for child /dependent care – how will this be managed during work hours?	Click or tap here to enter text.
Legal: Any considerations, e.g., differing laws in overseas countries that may impact on employee or role.	Click or tap here to enter text.
IT: Consider: appropriate internet connection / mobile service, how will IT support / breakages / system updates be managed?	Click or tap here to enter text.
Security: Provide details of security at home or site where working from. How will files, laptop etc. be kept secure and how will sensitive information be safeguarded?	Click or tap here to enter text.
Risks: Are there any other risks you have considered or that your manager needs to be aware of?	Click or tap here to enter text.
2. Employee and manager are to meet to discuss the above.	
3. Manager to complete following their discussion with the employee:	
<input type="checkbox"/> Supported <input type="checkbox"/> Not supported	

<p>If not supported, please provide reasons below:</p> <p>Click or tap here to enter text.</p>			
<p>If supported, provide details of the rationale and reasoning of how this supports the operational requirements of the ACTPS:</p> <p>Click or tap here to enter text.</p>			
<p>If supported, insert details of all the terms and conditions that have been agreed to:</p> <p>Click or tap here to enter text.</p>			
<p>If supported, enter the planned review dates (quarterly at a minimum):</p> <p>Click or tap here to enter text.</p>			
<p>ACT Public Holidays to be observed: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If no, provide information on public holidays that are to be observed</i></p> <p>Click or tap here to enter text.</p>			
Name:		Position/Title:	
Tel:			
Signature:		Date:	
4. Employee to acknowledge:			
<p><input type="checkbox"/> I acknowledge that, unless otherwise agreed, I am accountable for all costs associated with this flexible work arrangement including but not limited to those detailed in this agreement.</p> <p><input type="checkbox"/> Any equipment provided to me will be used in accordance with ACT Government policies and procedures.</p> <p><input type="checkbox"/> This flexible working arrangement is subject to review every quarter and may be terminated by either party by providing 21 days' notice to terminate the agreement. I agree to the review dates detailed above.</p>			
Signature:		Date:	
5. Delegate to complete:			
<p><input type="checkbox"/> Approved <input type="checkbox"/> Not Approved (If not approved, please provide reasons):</p> <p><i>Note: As per clause E2 of the Enterprise Agreement, 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.</i></p> <p>Click or tap here to enter text.</p>			
<p>If approved, enter details of any additional terms and conditions agreed to:</p> <p>Click or tap here to enter text.</p>			
Name:		Position/Title:	
Tel:			
Signature:		Date:	
6. Employee to acknowledge (if any additional requirements were required by the delegate):			
<p><input type="checkbox"/> I agree to the additional terms and conditions as discussed and agreed with the delegate and my manager and noted above.</p>			
Signature:		Date:	
7. Copy of form to be sent to Shared Services HR.			
Email:	HRSharedServices@act.gov.au		
Internal mail:	Shared Services, Winyu House, GPO Box 158 Canberra ACT 2601		

Attachment B

Request for Flexible Working Arrangements: Working Remotely - Interstate or Overseas

Manager and HR Checklist

This checklist is a guide for managers and HR to discuss with the employee the guiding principles that will assist in the decision-making process for an application to temporarily work remotely from interstate or overseas.

Managers and directorate HR should consider if the nature of the employee's role is conducive to an interstate or overseas based work arrangement, together will all factors that may impact on this, and identify any potential issues and how they could be managed.

Items for discussion / consideration		Notes
Reason for FWA:	<ul style="list-style-type: none">• Understand the employee's reason for the request.• Are there any other options under the FWA policy that could apply instead?<ul style="list-style-type: none">○ For example, could the employee do a compressed week in the A.C.T. and have a long weekend for travel to and from location?○ Do they have an excess leave balance or would LWOP be an option?• Discuss that as the employee is requesting this arrangement, the directorate will not be responsible for any relocation costs (or if directorate is meeting costs, what they will be).	<ul style="list-style-type: none">• Click or tap here to enter text.
Requirements of the role:	<ul style="list-style-type: none">• Can the requirements of the role be fulfilled? Are there any elements of the current role that may be impacted or need to be varied? Will they be easy or significant changes?• Is the role highly specialised or require technical skills not available or in short supply locally?• Does the role:<ul style="list-style-type: none">○ require face-to-face interaction○ require close supervision of other staff○ need to be performed effectively accessing information, facilities or systems only accessible onsite○ can the role be done with limited/minimal supervision and no need to	<ul style="list-style-type: none">• Click or tap here to enter text.

	<p>attend onsite?</p> <ul style="list-style-type: none"> • If any child or dependent care – how will this impact on the role, hours, WHS considerations etc.? 	
Overall Performance of the employee	<ul style="list-style-type: none"> • Consider: <ul style="list-style-type: none"> ○ performance plan ○ engagement ○ productivity ○ professional development opportunities ○ access to training 	<ul style="list-style-type: none"> • Click or tap here to enter text.
Working hours:	<ul style="list-style-type: none"> • Will there be any variation to current work hours? • Consider what public holidays will be observed as part of the remote working arrangement. • Consider the impact of different time zones: <ul style="list-style-type: none"> ○ how this will be managed to ensure outputs are met? ○ on interactions with manager and team members? ○ on any face-to-face client interactions? • Fatigue management e.g. employee attending team meetings late at night their time or weekends e.g. Sunday in USA is Monday in Australia or W.A. 3 hours behind during day light savings. 	<ul style="list-style-type: none"> • Click or tap here to enter text.
Attendance in the office:	<ul style="list-style-type: none"> • Do you or the role require the employee to be in the office? <ul style="list-style-type: none"> ○ If so, how often – days? times? frequency? Can this change if needed? What happens if borders close at short notice? ○ If no attendance in the office, how will you keep employee engaged and up to date with what's happening in the office? Regular communications? • If required in the office, how will the employee get to the office? <ul style="list-style-type: none"> ○ transport – drive/fly/train/bus, Covid-19 considerations e.g. quarantine restrictions or border closures? ○ responsibility for costs – employee or directorate? • Will the travel be in work time – productivity e.g. on a plane vs self-driving? • Will travel allowance be payable? If so, under what circumstances? 	<ul style="list-style-type: none"> • Click or tap here to enter text.

	<ul style="list-style-type: none"> • Considerations for claiming overtime during travel time – employer direction vs employee request. • Consider costs and travel restrictions if employee is called back into the for office for emergency? 	
Financial:	<ul style="list-style-type: none"> • Employee or directorate to pay for: <ul style="list-style-type: none"> ○ travel ○ office equipment and stationery ○ internet, mobile phone, utilities etc. • Has the employee considered or sought advice on: <ul style="list-style-type: none"> ○ any insurances needed ○ overseas taxation laws ○ tax and superannuation advice ○ banking / pay 	<ul style="list-style-type: none"> • Click or tap here to enter text.
WHS:	<ul style="list-style-type: none"> • When considering reason for the application, for example they require access to medical or other care, are there any health issues/concerns you need to be aware of? • Where will the employee be working from? for example, another office site or home, access to water, power, toilet? • How will they ensure correct office and ergonomic set-up? • Does employee understand their obligations under WHS? • Fatigue management and work-life balance if working in different time zone. • Any impact to workers compensation, for example state legislation or premiums? • Covid-19 requirements between states and countries. • Reporting of incidents and accidents. • Emergency evacuations. • Are there any compulsory overseas vaccines? Or travel warnings to comply with? • Access to medical facilities, PPE. 	<ul style="list-style-type: none"> • Click or tap here to enter text.

Legal:	<ul style="list-style-type: none"> • Are there any employment laws in the local country the employee may be subject to? • Local customs e.g. bribery is acceptable in some countries • Conflict of Interest 	<ul style="list-style-type: none"> • Click or tap here to enter text.
IT:	<ul style="list-style-type: none"> • Will there be appropriate internet and mobile connection? • How will IT support be provided? Especially if overseas and after hours? • What if the laptop breaks? • Can system updates be managed? • Data security – laptop and mobile 	<ul style="list-style-type: none"> • Click or tap here to enter text.
Security:	<ul style="list-style-type: none"> • Security of location where employee will be working • Storage of IT and other equipment? • How will confidentiality of documents or sensitive information be safeguarded? 	<ul style="list-style-type: none"> • Click or tap here to enter text.
Risks:	<ul style="list-style-type: none"> • Have any hazards been identified? • Does a risk assessment need to be undertaken? • Can control measures be put in place? 	<ul style="list-style-type: none"> • Click or tap here to enter text.



Workforce Capability and Governance,
CMTEDD

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