**FLEXIBLE WORKING ARRANGEMENTS**

This template policy is intended to assist member businesses develop their own workplace policy. The following information should be used as a guide only. Any wording changes, other than those to insert a business name, may change the context, meaning or purpose of the policy. We recommend you receive advice from the Victorian Chamber of Commerce and Industry prior to making such changes.

## Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber’s team of experienced workplace relations advisors can assist members with a range of employment, human resources and industrial relations issues.

Our experienced workplace relations consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. The consultants can, among other things, provide training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on (03) 8662 5222.

Disclaimer

The information contained in this document has been prepared by the Victorian Chamber of Commerce and Industry in this format for the convenience and benefit of its members and is provided as a source of information only. The Victorian Chamber does not accept responsibility for the accuracy of the information or its relevance or applicability in particular circumstances. The information does not constitute, and should not be relied on, as legal or other professional advice about the content and does not reflect the opinion of the Victorian Chamber, its employees or agents. The Victorian Chamber and its employees, officers, authors or agents expressly disclaim all and any liability to any person, whether a member of the Victorian Chamber or not, in respect of any action or decision to act or not act which is taken in reliance, whether partially or wholly, on the information in this communication. Without limiting the generality of this disclaimer, no responsibility or liability is accepted for any losses incurred in contract, tort, negligence, or any other cause of action, or for any consequential or other forms of loss. If you are uncertain about the application of this information in your own circumstances you should obtain specific advice.

# FLEXIBLE WORKING ARRANGEMENTS

Date of issue:

Policy approved by:

Contact person:

## 1 PURPOSE

The purpose of this policy is to establish a set of procedures and guidelines which are aimed at providing flexible working arrangements for employees to:

* 1. Work flexible working hours (as an alternative to the standard hours of work);
  2. Work from home either on a part time or full time basis;
  3. Move from full time to part time employment, or vice versa; and
  4. Other reasonable flexible working arrangements as requested by employees.

To enable employees to better balance work, personal life and family commitments where these arrangements are compatible with the inherent requirements of the role and **[INSERT COMPANY NAME]**’s business objectives **including customer service responsibilities (insert if relevant**).

## 2 APPLICATION

It is expected that flexible working arrangements will operate to the mutual benefit of **[INSERT COMPANY NAME]**, employees **and customers (insert if relevant)**.

The Policy is not intended to override the terms of any award, enterprise agreement or contract that applies to an employee.

## 3 POLICY

**[INSERT COMPANY NAME]** will consider all applications to accommodate flexible working arrangements where such requests are made for valid personal or organisational reasons and where compliance with the request will not adversely affect the provision of services.

Requests will be considered on a case by case basis on equity and efficiency grounds and may include consultation with other staff where appropriate. Approval is at **[INSERT COMPANY NAME]**’s sole discretion and approval in one situation will not constitute a precedent for another situation or general approval.

Please note that where a request is for a reason relating to the health of an employee, **[INSERT COMPANY NAME]** reserves the right to request relevant supporting documentation or have an independent doctor assess the employee’s capacity to perform the requirements of the position.

Issues that may be taken into account in considering each application may include the following business and operational requirements:

* The level of disruption that might be caused to customers, the direct team, the company and the job.
* Individual performance.
* Whether home based work or alternative hours are appropriate for the particular position - for example, whether the position requires significant team involvement, frequent customer contact or whether the manager is capable of monitoring the employee’s work performance.
* The maintenance of quality customer service and the level to which employees and managers need to take action to maintain services.
* For employees requesting to work from home, whether the employee is capable of performing the job safely in the home in compliance with occupational health and safety laws.
* Whether the employee needs to attend team meetings and other employee or customer appointments or activities.
* In the event that an award applies to an employee’s position, whether the arrangement fits within the span of hours outlined within the relevant award and complies with the terms and conditions of the award generally.
* The degree to which the employee can offer flexibility if business needs require it and will take a cooperative approach with his or her colleagues and other personnel.
* Costs and benefits to the employee, **[INSERT COMPANY NAME]** and customers.
* Any other reasonable business grounds which **[INSERT COMPANY NAME]** deems to be relevant to the request.

Flexible work arrangements continue to be performance driven and any approval is granted on the condition that the employee will work efficiently, effectively and professionally in compliance with their terms and conditions of employment.

## 4 WORKING FROM HOME

### Occupational Health and Safety

Both **[INSERT COMPANY NAME]** and employees have obligations to ensure that the work environment conforms with occupational health and safety laws. These obligations extend to employees working from home. Employees should refer to and familiarise themselves with **[INSERT COMPANY NAME]‘**s OHS policy.

Employees are required to maintain the designated work space at the home office to ensure that it complies with occupational health and safety laws and that it is free from risks to health and safety of the employee and any other person who regularly has access to that space. Any approval and ongoing approval of working from home arrangements is subject to the employee agreeing to provide access to **[INSERT COMPANY NAME]** to enter the employee’s home for the purpose of conducting an inspection of the designated work space in the home to ensure it complies with health and safety laws. The employee must comply with any directions given by **[INSERT COMPANY NAME]** to re-arrange or alter the workplace. The employee must also provide access to their home in the event of an incident investigation.

The employee must notify **[INSERT COMPANY NAME]** of any changes made to the home work site and/or its access and equipment. Any problems associated with equipment and documents must be reported to **[INSERT COMPANY NAME]**.

**[INSERT COMPANY NAME]** will not be responsible for any liability on the part of a third party, unless the party is present at the home based office in connection with work related duties.

### Performance and Communication

Home-based work arrangements continue to be performance driven and should enable the employee to work as efficiently and effectively as an equivalent employee in the office. This may assist with but should not be considered as a substitute for dependent care.

The employee must be contactable and available for communication with **[INSERT COMPANY NAME]** during the periods in which home-based work is carried out.

### Requests for Flexible Working arrangements and Approvals

**Under the *Fair Work Act 2009* (Cth), any employee who is**

* the employee is the parent, or has responsibility for the care, of a child who is of school age or younger;
* 55 years old or older;
* has a disability;
* is a carer (within the meaning under the *Carer Recognition Act 2010*);
* experiencing violence from a member of the employee’s family; or
* providing support to a member of his or her immediate family\* or member of his or her household who requires care/support because the member is experiencing violence from the member’s family.

To avoid doubt flexible working arrangements also applies to an employee who:

* is a parent, or has responsibility for the care, of a child; and
* is returning to work after taking leave in relation to the birth or adoption of the child;

and who has completed at least 12 months of continuous service with **[INSERT COMPANY NAME]** (immediately prior to making the request) can make a request to **[INSERT COMPANY NAME]** for a change in working arrangements to assist them to care for the child.

Such employees, as well as all other employees, wishing to explore the option of flexible working arrangements should, in the first instance, put their request in writing to their manager titled ‘Flexible Working Arrangement Request’, setting out the details of the change sought and the reasons for the change in working arrangements.

In circumstances where further information may be required, the manager, or the manager in conjunction with HR, will discuss the request in further detail with the employee.

Any flexible working arrangement requires the approval of the employee’s General Manager.

**[INSERT COMPANY NAME]** will respond and advise employees whether their request has been approved or not:

* within 21 days from the date the request is received by **[INSERT COMPANY NAME]** - for employees who have requested flexible working arrangements on the basis of their responsibility for the care of a child under school age or under 18 with a disability;
* as soon as reasonably practicable - for all other employees who have requested flexible working arrangements for reasons not related to a responsibility for the care of a child under school age or under 18 with a disability.

### Monitoring of flexible working arrangements

Flexible working arrangements may be agreed to on either a temporary trial basis or as a permanent arrangement. Where the arrangement is temporary, it will be subject to ongoing review before a decision is made to make the arrangement permanent.

Employees will continue to be bound by their terms and conditions of employment (subject to any variations notified to the employee) and must comply with **[INSERT COMPANY NAME]**’s policies and procedures as amended from time to time. Performance levels will be monitored by the employees’ direct manager and must at all times remain satisfactory to **[INSERT COMPANY NAME]**.

WORKPLACE PARTICIPANT ACKNOWLEDGEMENT

## I acknowledge:

## I have received, read and understood the policy

## I am required to comply with the policy; and

## There may be disciplinary consequences if I fail to comply, up to and including the termination of my employment.

Name: Signature:

Date: