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| Embracing Flexibility at DPC  A resource to support employees and managers  to implement successful flexible work arrangements |

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# Our commitment to flexibility

DPC recognises that flexibility is an essential part of a diverse, agile and high performing workforce. DPC is committed to building a culture where our people are empowered and engaged, and where we:

* embrace and effectively manage flexible work arrangements as part of ‘business as usual’;
* provide opportunities for all employees to work to their full potential; and
* provide the resources people need to work effectively.

Under our *Flexible Work Arrangements Policy and Procedure* (the Policy), all roles across DPC can be worked flexibly and DPC employees may request flexible work arrangements for any reason. The Policy provides information on the types of formal flexible work arrangements available to DPC employees and the application process.

The *Embracing Flexibility at DPC Resource* has been developed to support our staff and managers embed successful flexible work practices and build a positive, agile, and engaged workplace culture. It is based on the Victorian Public Sector Commission’s (VPSC) guide – *Making Flexible Work a Success* and DELWP’s Flexibility Toolkit and has been adapted for DPC.



**Everyone has a role to play in making flexibility a success.**

# What is flexible work?

## Defining flexible work

There are a variety of short- and long-term practices that come under the umbrella of flexible work arrangements. Flexibility may relate to when, where and how work is done and can be grouped into the following categories:

* **flexible working hours** - including part-time work, job sharing, flexible start and finish times, and other work arrangements such as working from home or transitioning to retirement.
* **paid and unpaid leave provisions** - such as purchased leave (e.g. 48/52), volunteer leave, study leave, and unpaid leave (e.g. career breaks).
* **flexible working locations –** including working from other DPC locations or other work locations such as at the office of a stakeholder.

Flexible work arrangements succeed where there are mutually beneficial agreements that serve the interests of the organisation as well as the individuals involved.

## DPC’s flexibility principles

***Flexibility is for everyone***

All roles across DPC can be worked flexibly and employees may request flexible working arrangements for any reason. All employee requests will be considered fairly and equitably and start from a position of ‘Yes’.

Employees at all levels are eligible, including workplace programs employees such as graduates and interns. While some employees’ access to flexibility is protected under legislation, all staff have the same right to request flexible arrangements. Recruitment will also clearly articulate that positions at DPC can be worked flexibly.

***Flexibility focuses on outcomes and outputs***

Performance management is about achieving outcomes and outputs, not where or when work is completed. With clear performance expectations, employees should be able to take advantage of changing work expectations and technical developments and work in different times and places to better meet business outcomes.

***Flexibility is founded in trust***

Everyone has a role to play in establishing and making flexible working arrangements a success. Effective relationships between employees, managers, individuals and the team are important to ensure open communication, honest feedback and an ongoing commitment to performance. DPC is also committed to supporting our people and the business to implement successful flexible working arrangements.

***Flexibility is not a barrier to career development***

The decision to work flexibly should not inhibit career development or progression. All employees should have equal opportunities to grow and progress their careers within the Department, irrespective of their working arrangements.

***Flexibility must be pre-arranged***

Flexibility needs to work not just for an individual, but also for their team and the organisation. This means flexibility must be pre-arranged between an employee and their manager. Some types of flexibility require a formal application form to process pay or address OHS issues. However, the majority of arrangements are managed at a local level, so seeking approval may be as a simple as an email exchange the day prior to the arrangement. This also means flexible work should not be used as a substitute for leave entitlements such as sick leave or carers leave.

## Benefits of flexible work

### Organisational benefits

Flexibility presents a range of productivity, efficiency and compliance benefits for organisations. These include:

* **Increased staff productivity and engagement –** People work effectively in different ways. Some people may work best early in the morning, others in the evening. Providing people with choices about where, when and how they work empowers them to work when they are most productive and most engaged.Similarly, focusing on outputs and outcomes allows staff to focus on what matters most for the business.It reduces reliance on supervision of start and finish hours and frees up managers to focus on the issues that really matter.
* **Greater job satisfaction and company loyalty leading to higher retention rates and reduced costs** – Public sector data shows that employees on flexible arrangements generally have higher levels of job satisfaction than their colleagues. As a result, they are more likely to demonstrate greater organisational commitment, engagement and less likely to have intentions to leave. Retaining high performing staff not only reduces turnover costs (between 50% to 150% of annual salary) but also enhances organisational morale and knowledge retention.
* **Improved staff health and wellbeing** – VPSC research found employees on flexible arrangements tended to report lower levels of stress. A 2010 VicHealth study found that excessive job strain resulting in depression cost businesses more than $8000 per person every year – this figure is based on lost productivity and employee replacement. According to Medibank Private-commissioned research in 2008, an average of 3.2 days per worker are lost annually due to workplace stress while healthy employees are significantly more productive than unhealthy employees.
* **Enhanced workplace desirability leading to higher quality candidates** – Hiring managers reported increased candidate fields when formerly full-time jobs are re-advertised with the option of negotiating flexible arrangements. Work-life balance is the third most important attribute for attracting candidates (*Corporate Leadership Centre, 2008*). Given the trend towards a ‘job seekers’ market’ with relatively low unemployment rates, there will be an increasing demand for roles that provide flexibility.

### Changing community needs and expectations

Flexibility also allows us to adapt our workforce to changing community needs and expectations:

* **Representing all Victorians** – Flexibility provides the Victorian public sector with the ability to recruit and retain diverse talent and truly represent all Victorians. Flexibility strengthens our workplace accessibility and increases diversity in gender, age, disability and cultural and linguistic backgrounds.
* **Meeting changing expectations of hours of service** – A 2010 study by Information Victoria found an increasing expectation that citizens should experience the same quality of service from government as they do in dealings with the private sector. Work arrangements that involve flexible start and finish times across a work unit such as early and late hours enable extended service hours.
* **Meeting changing expectations about service delivery** – Communities are increasingly moving away from face to face services and opting for easily accessible web and mobile services. How clients and citizens choose to interact with service and information is driving innovation in service models. This in turn is driving the development or recruitment of employees who have the interest and capability to work flexibly or work in virtual teams. This can open the possibilities for recruiting employees who live and work in regional Victoria, interstate or overseas.
* **Protecting our environment** – Work arrangements such as flexible start and finish times promote use of off-peak transport providing benefits for the environment and reducing pressure on transport networks. Similarly, remote work including telecommuting can support more energy efficient commuting patterns.



**Flexibility empowers our staff to choose where, when and how they work.**

# Types of flexible working arrangements

## Flexible attendance

Flexible attendance allows an employee to vary their daily hours for flexible start and finish times, to better meet their personal needs and responsibilities. The hours worked must still remain within the span of hours of 7.00am – 7.00pm and must total the employee’s ordinary hours of paid work. Please see the [Hours of Work Policy and Procedure](http://internal.dpc.vic.gov.au/hours-work-policy-and-procedure) for more information on ordinary hours of work (noting lunch breaks must be taken and are unpaid).

## Part-time work (reduced hours)

Part time work is one of the most frequently used flexible work options and it involves a reduction in hours worked per week/fortnight to less than the standard 76 hours per fortnight.

All conditions of employment that are available to full-time employees are also available to part-time employees, on a pro rata basis (i.e. the same entitlements calculated with reference to the employee’s standard working hours). Public holidays will only be recognised when they fall within the employees scheduled standard hours.

Part-time work can also involve a reduction in hours over the short or medium term, rather than an ongoing arrangement. For example, it may be used to provide a full-time employee with flexibility during school holidays.

## Working remotely including work from home

Employees may request to undertake work away from the regular workplace in a remote location. The evolution of workplace technologies allows greater flexibility than ever before. Examples of remote working locations include a home office, local library, café or a private co-working space.

When assessing requests to work remotely, consideration will be given to Occupational Health and Safety (OHS) Requirements. Employees should review DPC’s *Working Remotely for Flexibility Guide* to determine whether they will be able to comply with OHS requirements. Employees will be required to undertake a Workstation Ergonomic Risk Self-Assessment prior to any agreement to work remotely on a regular or ongoing basis. If there are any OHS concerns, specialised ergonomic workstation assessments can be arranged through DPC’s [Health, Safety and Wellbeing (HSW) team](mailto:HSW@dpc.vic.gov.au).

While working remotely, employees will be expected to deliver performance targets and meet work requirements as if they were in the office. Employees should note that working remotely is not a substitute for sick leave or childcare and that the remote work location is an extension of the working office. Employees must ensure that they have appropriate childcare arrangements in place and are able to provide evidence of those arrangements. Where an employee’s child is sick and of an age where they are required to provide care, carers’ leave should be taken.

Facilities for working from home may be required and should be considered when making an application to work in this way (e.g. internet access or smart phones). Ensure you are aware of the relevant ICT policies that may apply (see page 18).

## Job sharing

Job sharing is a flexible arrangement where two people take the responsibility for one full-time position by dividing work between them. Each employee works part-time hours that together make up a full-time equivalent role.

Job sharing arrangements can be very flexible and tailored to suit a variety of circumstances. Some job share arrangements work with two x 0.6 FTE positions and this provides for a brief overlap of time when both employees are at work.

In other job share arrangements, such as two 0.5 FTE positions, employees might use a communication book or similar strategy to ensure relevant information is passed on or they might contact each other informally.

Employees considering converting their current role into a job share should discuss it with their manager first. Where a manager agrees to support a job share arrangement the manager and employee shall work collaboratively to establish an acceptable job share arrangement. The current employee may need to be flexible in their working days to be able to accommodate a job share arrangement to assist in finding a job share partner who can match their desired days.

Job share partners should have an equal level of skill and competency to meet the requirements of the position. The onus is on job share candidates to demonstrate these compatibilities during the approval process.

## Compressed work

Compressed work arrangements allow employees to work full-time but reduce their standard working fortnight to fewer than ten days by working longer hours each day. Hours worked must still fall within the span of 7am – 7pm. The most common example of a compressed working schedule is where an employee works a full-time fortnight in nine days instead of 10 days, ensuring adequate rest breaks are taken into account in determining the length of the working day.

Employees should give careful consideration to the impact of working longer hours on their health, safety and wellbeing. When assessing requests for compressed work, managers must take OHS concerns into consideration.

## Breastfeeding and lactation breaks

Short term flexible work arrangements are often used to accommodate employees who are breastfeeding. Some employees who are breastfeeding young children may be happy to return to full-time work and simply need access to facilities where they can express milk or breastfeed a child brought into the workplace for that purpose. Other breastfeeding employees may, in the short-term, want the option of part-time work, job share, or another flexible arrangement.

DPC provides parent and nursing mothers rooms for staff use. The nursing mothers’ room is a clean, private space for expressing and/or breastfeeding and is located on the ground floor of 1 Treasury Place. This room is used on a casual basis, with a “vacant/engaged” style sign on the door and an internal lock for privacy.

The parent's room provides a convenient short-term emergency space for employees who need to attend to the needs of children or other dependents. The room is located near the lactation room on the ground floor of 1 Treasury Place and can be booked using the electronic room booking system.

Baby change tables are available at all accessible facilities at DPC. When using the parent and nursing mothers rooms employees are asked to observe the [guidelines](https://internal.dpc.vic.gov.au/carer-and-lactation-room-guidelines).

The [*Victorian Equal Opportunity Act 2010*](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/7CAFB78A7EE91429CA25771200123812/$FILE/10-016a.pdf)specifically makes it unlawful to discriminate against or harass a woman on the basis of pregnancy or breastfeeding. This has been strengthened by changes to the federal *S*[*ex Discrimination Act 1984*](http://www.comlaw.gov.au/Details/C2014C00002) that specifically ban discrimination on the basis of breastfeeding, meaning that employers must take special measures to accommodate the needs of breastfeeding employees.

## Other leave arrangements

Various forms of leave are available to assist employees to balance their work-life responsibilities. Some employees may bundle a number of flexible work and [leave types](https://internal.dpc.vic.gov.au/staff-support/benefits-pay-conditions/leave-types) to meet individual needs.

Leave arrangements that support flexibility include:

* purchased leave
* long service leave
* leave without pay
* cultural and ceremonial leave
* study leave
* annual leave
* volunteer leave.

However, it should be noted that flexible arrangements, particularly remote work, should not be a substitute for sick leave or carers leave.



**Flexibility can be for any reason. Our managers reward outcomes, not long hours.**

Flexibility process

All employees have the right to request a flexible working arrangement, but everyone has a role to play in making flexible working arrangements a success. The flexibility is a cyclical process starting the second employees start considering flexibility through to discussion and approval by managers, team discussions and regular management and employee reviews.

The following diagram provides a high-level overview of the flexibility cycle at DPC.

**1.**

**Employee reviews policies and procedures** to determine what will work best for them and the team.

**2.**

**Employee makes a time to discuss** the proposal and implementation **with their manager.**

**6.**

**Manager and employee regularly review** arrangements to ensure it works for both employees and the business.

**3.**

**Employee completes** any required **forms for** manager **approval.**

**5.**

Manager makes flexibility updates **part of regular team meetings.**

**4.**

**Manager discusses** the new arrangement and any required changes **with the team.**

## Applying to work flexibly

Employees should meet with their manager to discuss proposed flexible work arrangements prior to submitting a formal request to allow for an open discussion around which arrangements will best suit the individual and the team.

The key principle underpinning DPC’s flexibility policy is that flexibility must be pre-arranged. The vast majority of flexible arrangements are managed at a local level so pre-arrangement could be as simple as an email between you and your manager the day before. Where employees are seeking an ongoing change to their working arrangements that impact on pay or location of work (e.g. part-time, job share, remote work), they should speak with their manager as early as possible to provide time to assess the request, process salary changes or OHS assessments and implement any required changes within the team. In these cases, we recommend providing at least four weeks’ notice.

The following diagram provides an overview of the types of flexibility on offer at DPC, examples, and the relevant approval process.

|  |  |  |  |
| --- | --- | --- | --- |
| **FLEXIBILITY TYPE** | **OCCURRENCE** | **EXAMPLE** | **PROCESS** |
| **FLEXIBLE START AND FINISH TIMES** | Regular or Ongoing | Li Wei starts at 7.45am and finishes at 4.21pm every day, with a 1-hour lunch break. | * Talk to your manager in advance. |
| Adhoc | Yvette takes a 90-minute lunch break when the weather is warm and sunny to do a boxing class. |
| **REMOTE WORK** | Regular or Ongoing | Mark works from home every Thursday. | * Talk to your manager in advance and complete the *Working Remotely OHS Form.* |
| Adhoc | Linda works in a café for a couple of hours of quiet time when her team doesn’t have any meetings. | * Talk to your manager and read DPC’s *Working Remotely for Flexibility Guide* prior to undertaking any remote work. |
| **PART-TIME OR REDUCED HOURS** | Regular or Ongoing | Shriya works Tuesday-Friday every week. | * Talk to your manager in advance and complete the *Change to Work Schedule Form.* |
| Adhoc | Ahmed works part-time during school holidays. |
| **JOB SHARE** | Regular or Ongoing | Gael and Ingrid job share an EA position. Gael works Monday-Wednesday and Ingrid works Thursday-Friday. | * Talk to your manager in advance. * If a job share can be arranged, both employees should complete the *Change to Work Schedule Form.* |
| Adhoc | N/A | N/A |
| **COMPRESSED WORK** | Regular or Ongoing | Lukas works the equivalent of 10 business days in 9 days. His standard working hours are 9am-6.27pm Monday to Friday with every second Friday off. | * Talk to your manager in advance and submit the *Change to Work Schedule Form.* |
| Adhoc | Omah arranges with his manager to work 10 business days in 9 days so he can attend his grandma’s 90th birthday celebration next Friday. | * Talk to your manager in advance. |
| **BREASTFEEDING AND LACTATION BREAKS** | Regular or Ongoing | Paula takes a 20-minute lactation break twice a day for two months after returning from maternity leave. | * Talk to your manager in advance. |
| Adhoc | Maya takes a 30-minute break to breastfeed her baby when her partner brings their baby into work to meet the team. | * Talk to your manager in advance. |
| **LEAVE** | Regular or Ongoing | Craig takes study leave on Thursday mornings to attend university classes. | *Study Leave*   * Talk to your manager in advance and submit the *Study Assistance Business Case Form.* |
| Talia takes two weeks annual leave to prepare and compete in the CrossFit Games. | *Long Service Leave/ Annual Leave/ Purchased Leave/Leave without Pay*   * Talk to your manager in advance. |
| Sarah takes cultural and ceremonial leave to attend a NAIDOC week event | *Cultural and ceremonial leave*   * Talk to your manager in advance. |
| Adhoc | Willow takes volunteer leave to participate in DPC’s volunteering program with Save the Children. | *Volunteer leave / Cultural and ceremonial leave*   * Talk to your manager in advance. |

## Assessing Applications

### There are a range of considerations that come into play to ensure flexible work arrangements are a success. These include:

* the benefits to the individual and the organisation;

Managers should refer to the toolkit at **Appendix 1** for a detailed checklist of issues to consider when assessing an application.

* the operational requirements of the role and the potential impact on productivity, efficiency and customer service;
* the fairness and reasonableness of the request;
* the occupational health and safety of both the employee and others potentially impacted by the requested arrangement; and
* the consequences for the employee in denying the request.

## Compliance with legislation, standards and agreements

In considering a flexible work requests, managers should be cognisant of the variety of legislation, standards and agreements that place obligations on DPC as an employer. These include:

* [*Fair Work Act 2009*](http://www.comlaw.gov.au/Details/C2012C00794) (Cth) - Employees have a legal right to request flexible working arrangements if they have certain caring responsibilities (e.g. child under school age, child under 18 with disability). Employers may only refuse a request on reasonable business grounds. Employers must also provide a written response to a request within 21 days, including reasons for any refusal.
* [*Equal Opportunity Act 2010*](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/7CAFB78A7EE91429CA25771200123812/$FILE/10-016a.pdf)(Vic) – It is unlawful to discriminate against a person because they have family responsibilities, including recruitment and progression. The Act also requires employers to consider reasonable requests made by workers to adjust their working arrangements so they can meet their caring responsibilities.
* [*Occupational Health and Safety Act 2004*](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/750E0D9E0B2B387FCA256F71001FA7BE/$FILE/04-107A.pdf) (Vic) – Employers have duties to provide a safe working environment and monitor the health of employees (Section 21 and 22). In 2016, the maximum penalty for breaches of the Act was $1,365,030 for a body corporate and $273,006 for individuals.
* [*Sex Discrimination Act 1984*](http://www.comlaw.gov.au/Details/C2014C00002)(Cth) – Employees are protected from discrimination on the grounds of breastfeeding and family responsibilities.
* *Disability Discrimination Act 1992*(Cth) – Individuals are protected from direct and indirect discrimination in employment matters.
* [*Public Administration Act 2004*](https://www.comlaw.gov.au/Details/C2014C00013)(Vic) – Section 8 of the Act sets out public sector employment principles including fair and reasonable treatment of employees, equal employment opportunity and recognition of human rights.
* Public sector guidelines and standards - Employment principles that underpin flexible work arrangements are highlighted in the public sector guidelines and standards issued by the Public Sector Standards Commissioner.
* Enterprise agreements – The Victorian Public Service Enterprise Agreement 2016 provides detail information about the rights and responsibilities of employees and employers with regard to flexible work arrangements. For example, an employee must perform work within the ordinary “span of hours” (i.e. 7am to 7pm on any weekday with the exception of Ministerial Chauffeurs). It also provides examples of reasonable grounds for refusing a request including:
  + - that the new arrangements would be too costly for the employer;
    - that there is no capacity to change the working arrangements of existing employees or recruit new employees to accommodate the request;
    - that it would require impractical changes to the arrangements or other employees or recruitment of new employees;
    - that there is no capacity to change the working arrangements of existing employees or recruit new employees;
    - that the new arrangement would result in a significant loss in efficiency or productivity; and
    - that the new arrangement would have a significant negative impact on customer service.

## Unsuccessful Requests

### If an application from an existing employee cannot be supported and alternatives have not been successfully negotiated, managers must:

1. Complete the Approval to Refuse a Flexible Work Request for their Director’s approval;
2. Provide a written response to the applicant within 21 working days of the request; and
3. Make a time with the employee to discuss the rejected application, opportunities and next steps.

If a flexible work request has not been approved, managers and employees may consider the following:

* Have a further conversation and ensure you are both clear about the reasons the request has not been approved;
* Have a meeting to collaborate on solving the problems identified; and
* Request / implement a trial of proposed work arrangements, for a specified period of time, and work with your manager to identify measures of success.

## Appealing a decision

Managers and employees are encouraged to work together in good faith to positively resolve matters at a local workplace level. Where matters cannot be resolved at a local level, DPC has formal avenues available for employees to appeal decisions relating to the application for or review of flexible working arrangements.

*a) Regular and ongoing arrangements*

All regular and ongoing arrangements require a compelling written case for refusal, approved at Director-level or above. Should an employee believe the case against their flexible work application or current arrangements is unsubstantiated and that the alternative options provided are unreasonable, they should raise their concerns in writing with their manager as soon as possible.

Where a self-managed resolution cannot be achieved, employees should speak directly with their HR Business Partner for advice or assistance. People and Culture branch can provide a range of options to assist with achieving an acceptable resolution.

Should an employee wish to escalate the matter further, it will be handled according to DPC’s [Complaint and Dispute Resolution Policy and Procedure](https://internal.dpc.vic.gov.au/node/1082).

*b) Adhoc arrangements*

A manager must provide their employee with reasonable business grounds for refusing a request for adhoc flexible working arrangements. If an employee has any concerns, they should raise these in writing with their manager as soon as possible.

Where an employee believes that their manager is consistently refusing their requests for ad hoc flexibility without reasonable cause, they should contact their HR Business Partner for advice and assistance.

## Reviewing or Changing an Arrangement

All regular or ongoing arrangements are subject to review after an initial period of three months. Following the initial three-month review, ongoing arrangements should be reviewed annually.

The arrangement may need to be reviewed earlier or more regularly if required, such as where:

* the operational or team requirements have changed;
* the employee is not meeting their performance requirements or there are performance issues;
* the employee wishes to change the arrangement; or
* the flexible work arrangements impact the employee’s ability to effectively undertake their role.

Managers will have informal discussions with their employee regularly about their working arrangements and any necessary adjustments to support them or their team.

Where a current arrangement can no longer be accommodated on reasonable business grounds, the reasons why and available options should be discussed with the employee with the view to reaching a mutually acceptable outcome. If a mutually acceptable agreement cannot be reached, Director level approval will be required for any refusal to continue ongoing arrangements. Managers are required to provide at least 28 days written notice where a regular or ongoing arrangement needs to be changed.

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**Don’t forget to undertake a new OHS assessment if you change your work location.**

# Roles and responsibilities

Everyone has a role to play in making sure flexible working arrangements are a success for the individual, team and organisation.

All employees should familiarise themselves with DPC’s *Flexible Work Arrangements Policy and Procedure.*

Further information on the responsibilities and privileges of public sector employees is available in the [Code of Conduct for VPS Employees](http://vpsc.vic.gov.au/html-resources/code-of-conduct-for-victorian-public-sector-employees-2/) and the Public Sector Standards Commissioner’s [standards](http://vpsc.vic.gov.au/resources/standards/) on how to apply the Public Sector Employment Principles.

## Senior leaders

Research highlights that leaders play a critical role in the success of cultural change initiatives. By demonstrating vocal commitment, implementing support mechanisms and modelling desired behaviours, they can have a significant impact on the organisation’s ability to implement and sustain new ways of working.

To make flexible work successful, leaders should:

* encourage and actively promote flexible work arrangements;
* engage with managers to discuss possibilities and barriers for flexible work;
* maintain open communication channels throughout the organisation and be open to feedback and opportunities for continuous improvement;
* support the development of policies and guidelines to assist managers and staff implement flexible work arrangements; and
* review and consider new and improved ways to support our people, including appropriate systems and tools that support new ways of working.

## Managers

Supportive line management is critical for the successful implementation of flexible work practices. As the ‘gatekeepers’ of workplace flexibility, managers play an essential role in interpreting and implementing flexible work policies and practices.

To make flexible work successful, managers should:

* start from a position of ‘YES’ and be open to new ways of working;
* reward high quality outcomes not long hours;
* build trust and initiate conversations with your team about how flexibility can work for everyone;
* establish protocols and expectations about flexible work e.g. adherence to notice provisions, preferred communication systems, how remote workers will participate in team meetings;
* Incorporate flexible work options into team planning meetings to ensure everyone is aware of when staff are available, provide an open communication channel for feedback and suggestions for improvement and create a supportive team environment;
* respond to requests in a fair, equitable and timely manner – avoid making assumptions about a perceived hierarchy of needs i.e. some reasons being ‘more deserving’ than others;
* provide a written response within 21 days for all ongoing or regular arrangements;
* be aware of relevant legislation, standards and agreements that may influence decision-making;

Managers should read the *Manager Quick Guide to Flexibility* or check the tools available at **Appendix 1** for help managing flexible teams.

* document and regularly review flexible work arrangements to ensure continuing benefit to all parties involved;
* be mindful of continuing inclusive practices and considering the health and well-being of employees regardless of whether they are working in the office or off site (e.g. ensure the employee is included in emails relevant to their work and the wider team, ensure they are invited to team events);
* review material available on the DPC ‘Working Flexibly’ Intranet page and stay up to date with best practice;
* provide all employees with equal access and consideration for career development opportunities;
* model a healthy work-life balance — employees often follow the work style of their immediate manager;
* provide appropriate notice if you need to change existing arrangements – recognise that your employees may have commitments or requirements that cannot be easily re-arranged (e.g. childcare arrangements and respite services); and
* ask for help when you need it. Your HR Business Partner is always here to help.

## Employees

All employees play a vital role in achieving mutually beneficial outcomes from flexible work options. It is important that employees communicate effectively with their managers and work together to find ways of working that achieve a better work-life balance while also helping the team achieve its goals.

To make flexible work successful, employees should:

* engage early with their manager and have an open discussion when considering flexible work arrangements;
* be realistic about the opportunities and challenges in working flexibly and how you will address these;
* understand that not all flexible work options are suited to each role – be flexible in your approach and implementation and recognise the needs of your role, team and manager;
* complete any required paperwork for progressing flexible arrangements in a timely manner;

Employees should refer to **Appendix 1** for helpful guidance when considering how flexibility can work best for them and their team.

* implement strategies to ensure effective flexible work arrangements e.g. communication with your manager and team, work planning and prioritising and regular assessment;
* recognise that arrangements are subject to review and may need to be renegotiated;
* be sure there are clear expectations about your work including any reasonable limitations; and
* engage in regular review and assessment of your arrangements to ensure the arrangements remain mutually beneficial.

## Teams

Flexible working arrangements don’t simply impact employees and managers. In establishing a flexible arrangement, work may need to be redistributed or shared throughout a team and ways of working may need to change to support remote work. This makes it vital that teams play an active role during the implementation and review of flexible working arrangements.

Teams need to:

* understand that the need for flexible work arrangements can arise at any stage during an individual’s career and such arrangements can vary over time;
* recognise the importance of focussing on outcomes and outputs for the team, not who is present in the room;
* respect the different working needs and styles of colleagues on flexible arrangements;
* participate in opportunities to discuss work planning;
* be open in these discussions and bring all issues to the table;
* identify creative ways of reorganising and conducting work and providing business coverage;
* be open to learning and embracing new ways of working and technical tools; and
* reach out to colleagues and build relationships and trust, particularly with remote workers.



**Making flexibility a success requires everyone to be open to new ways of working.**

## Corporate Services

Corporate Services division are responsible for reviewing, developing and implementing policies, procedures and guidelines relating to flexible work arrangements at DPC. They also provide a range of technical systems, supports and services to ensure DPC staff have the equipment and environment they need to get the job done.

HR Business Partners provide advice and guidance to staff and managers on flexible working arrangements, including the department’s expectations, employee rights and responsibilities, OHS issues, and considerations for reviewing flexible working arrangements. If you are having any difficulties negotiating a mutually acceptable flexible working arrangement, speak to your HR Business Partner as soon as possible for assistance with achieving a positive resolution.

The Health, Safety and Wellbeing (HSW) team provide support to the department on a broad range of HSW matters, including the implementation and management of key policies, procedures and initiatives. The HSW team review applications for remote work including employee workstation ergonomic self-assessments.

The Information Management Technology Team provide technical assistance to support flexible working arrangements. This includes ultramobile notebooks, mobile phones and citrix tokens. For more information on technical assistance available see the next section “Support for Flexible Work”.

*External providers*

HR Shared Services process and maintain records where there is a change to an employee’s hours or days of work that will impact salary and leave entitlements.

# DPC Support for Flexible Work

## Technical Assistance

DPC provides a variety of technical supports to assist staff working from remote locations.

Ultramobile notebooks enabled with Wi-Fi and 4G are available to all staff. This supports remote access such as an employee’s home, other government departments, or while travelling interstate or overseas. Wifi access through the CenITex network can currently be accessed at 1 Treasury Place (all levels), 80 Collins, 1 Macarthur Street (all levels), 121 Exhibition Street (level 34),1 Spring Street (level 9 & 27) and 35 Collins Street (level 29). More information can be found in DPC’s [Remote Access Policy (4G and WiFi)](https://internal.dpc.vic.gov.au/node/1191).

Staff can also access the DPC network on their own computer using a Remote Access (Citrix) token. DPC’s [Remote Access Policy (Citrix)](https://internal.dpc.vic.gov.au/node/1192) sets out the process for applying for a Citrix token from the IT Team.

Mobile devices such as smart phones and tablets are also available to support staff working remotely where there is a clear business case. Application forms should be submitted to DPC’s IT team.

## Health, Safety and Wellbeing Assistance

Transitioning to new flexible working arrangements can present health, safety and wellbeing issues for staff, managers and/or their teams.

A variety of resources are available on the intranet to assist staff in successfully managing their health, safety and wellbeing while working flexibly. This includes guidance material and links to free online resources on mental health and wellbeing, and occupational health and safety.

Employees considering working remotely and their managers should read DPC’s *Working Remotely for Flexibility* guide for tips on how to manage health, safety and wellbeing.

The Employee Assistance Program also provides a personal coaching and counselling service that offers confidential, short-term support for a variety of work-related and personal issues.

## Career development

Working flexibly presents a great opportunity to learn new skills to develop your career. Flexible workers often develop stronger capabilities in multitasking, time management, decisiveness and adaptability and agility. However, moving to a flexible work arrangement can also present new challenges and obstacles for career development. There are tools such as Skype and Zoom which provide video conferencing capability and enables remote face-to-face exchanges to ensure a reduced physical presence is not a barrier to building and maintaining professional relationships and networks that are important for growing a career and building trust and rapport. Similarly, learning and development opportunities such as conferences and courses may only be offered by companies within the traditional 9am-5pm workday.

DPC is committed to making flexibility ‘business-as-usual’ and minimising any impediments to career development for our staff. Your manager will be your first point of call and will help you navigate career goals and professional development. Programs and supports are also available for staff working flexibly including mentoring, coaching and on the job training. For further advice, speak to DPC’s Senior Adviser, Learning and Development

Further reading and related information

Please contact your HR Business Partner, People and Culture Branch, for assistance or for further information on implementing successful flexible work arrangements.

Relevant guides:

* [DPC: ‘Working Flexibly’ Intranet Page](https://internal.dpc.vic.gov.au/working-flexibly)
  + - DPC: Working Remotely for Flexibility
    - DPC: Manager’s Quick Guide to Flexibility
    - DPC: Flexibility and how to apply (one-page)
* [VPSC: Mainstreaming Flexibility across the VPS Resources](https://vpsc.vic.gov.au/resources/mainstreaming-flexibility-across-vps-resources/)

DPC Flexibility Policy:

* [DPC’s Flexible Work Arrangements Policy](https://internal.dpc.vic.gov.au/node/1095)

Other Relevant Legislation and Policies:

* [DPC’s Recruitment Policy and Procedure](https://internal.dpc.vic.gov.au/node/1171)
* [DPC’s Information Security Policy](https://internal.dpc.vic.gov.au/node/711)
* [DPC’s Hours of Work Policy](https://internal.dpc.vic.gov.au/node/1114)
* [DPC’s Acceptable Usage Policy](https://internal.dpc.vic.gov.au/node/1077)
* DPC’s [Remote Access Policy (4G and Wi-Fi and Citrix)](https://internal.dpc.vic.gov.au/remote-access)
* [The Code of Conduct for Victorian Public Sector Employees](trim://D08/35490?view)
* [The Equal Opportunity Act 2010 (VIC)](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/51dea49770555ea6ca256da4001b90cd/7CAFB78A7EE91429CA25771200123812/$FILE/10-016a.pdf)
* [The Occupational Health and Safety Act 2004 (VIC)](http://www.austlii.edu.au/au/legis/vic/consol_act/ohasa2004273/)
* [Disability Discrimination Act 1992](http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264/)
* [Sex Discrimination Act 1984](http://www.hreoc.gov.au/about/legislation/index.html#Age)
* [Racial Discrimination Act 1975](http://www.hreoc.gov.au/about/legislation/index.html#Age)
* [Racial and Religious Tolerance Act 2001](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/CBE6EADBA4439759CA256E5B00213F28/$FILE/01-047a.pdf)
* [Age Discrimination Act 2004](http://www.hreoc.gov.au/about/legislation/index.html#Age)

Appendix 1: Flexible work toolkit

Establishing and managing flexible work arrangements

All employees have a right to request a flexible work arrangement. Flexible work arrangements succeed where there are mutually beneficial agreements that serve the interests of the organisation as well as the individuals. The following resources are based on tools devised and implemented by DELWP and the VPSC.

**CONTENTS**

| TOOL | DESCRIPTION | TARGET AUDIENCE |
| --- | --- | --- |
| 1. Considering flexible work - Employee self- assessment | Employee self-assessment to help identify options and obstacles and consider implications for flexible work. | Employees |
| 1. Managing flexible work – Assessing an application | Outlines what managers should consider when assessing an application for flexible work arrangements. | Managers |
| 1. Managing flexible work – Manager self-assessment checklist | A practical checklist for managers to prepare for dealing with flexible work requests, identify strengths and areas that could be improved to manage flexibility effectively. | Managers |
| 1. Managing flexible work – Team planning tool | This questionnaire provides an overview of current flexible work arrangements in the team and will assist managers to plan for the team. | Managers |
| 1. Reviewing flexible work arrangements | This tool will assist managers and employees to review and assess current flexible work arrangements. | Managers and employees |
| 1. Understanding responsibilities and rights – scenarios | Short scenarios to test your understanding of rights and responsibilities | Managers and employees |

## Considering flexible work:

**TOOL ONE**

## Employee self-assessment

This worksheet is designed to help employees prepare for a discussion with their manager about working flexibly. It will help identify options, obstacles and required support as well as consider personal and business implications.

1. What do you need to change in order to achieve work-life balance?
2. What are the requirements of your job? (e.g. hours, deadlines, face-to-face time, technology, client needs) Which of these are compatible with flexible work arrangements? Which are not compatible?
3. What is your preferred style of working? Is this compatible with flexible work arrangements?
4. What is your preferred outcome? What is negotiable? (e.g. being able to change workdays if business needs arise).

1. Which of these options will meet your work-life needs? (select one or more)

* Flexible Start/Finish
* Part- time
* Job Share
* Working remotely
* Compressed work
* Other (please specify)

1. Are you familiar with the following?

* your work unit’s goals and priorities
* DPC’s policies on flexible work arrangements
* the decision-making process for approving flexible arrangements

1. What support do you need in order to implement flexible arrangements?
2. What is the likely impact of the proposed arrangements on others (e.g. colleagues, manager, stakeholders)? Do you have ideas for how these can be minimised?
3. What is the likely financial impact of the proposed arrangements (e.g. if you are working remotely will you require a mobile phone and citrix token, if you are changing your hours will additional staff be required)?
4. What are you willing to do to ensure the success of your flexible arrangements?
5. What are your other options if your request is declined?
6. Are you ready to discuss your request with your manager?

* Yes- see tips below and complete the proposal form
* No

**TIPS FOR DISCUSSING YOUR PROPOSAL WITH YOUR MANAGER:**

* + - Make a time with your manager early. Don’t leave it until the last minute to discuss your options.
    - Be realistic and clear about what you are requesting.
    - Be prepared – bring any notes and document what you’ve agreed at the meeting.
    - If you are unsure about your proposal, try and discuss with a trusted colleague beforehand.
    - Be professional and calm and make it clear you are committed to making the arrangement work for all parties.
    - Be open to alternatives.

## Managing flexible work:

**TOOL TWO**

## Assessing an application

Managers have a responsibility to consider all requests on a fair and equitable basis and start from a position of ‘yes’ when considering a request. However, sometimes flexible working requests may not be able to be supported for team and/or operational reasons.

This checklist provides decision making criteria, to assist in determining an outcome with the employee requesting flexible work; it does not need not be kept on file.

**When assessing an application, managers should consider the following:**

*Individual*

* Will the employee be able to continue to fulfil their duties?
* Can responsibilities and workload be adapted to meet the proposed changes?
* Will the employee be able to continue to meet their responsibilities to stakeholders (internal/external)?
* Will any changes be required to supervisor arrangements?
* If the proposal is rejected or modified, would there be consequences for the employee?

*Team*

* Would the proposal significantly impact the operation of the team (consider business objectives, efficiency, communication, allocation of responsibilities to others)?
* Can the employee maintain sufficient interaction with their manager and colleagues? Can accommodations be made to support participation in team meetings?
* Is the arrangement compatible with the existing flexibility arrangements of other team members? (i.e. is there adequate capacity, coverage and supervision?)

*Organisation*

* Are there benefits to the proposed arrangements? (e.g. increased productivity, increased engagement, extra office space?)
* Will key business objectives still be met?
* Is the proposal in accordance with DPC’s policies, procedures and guidelines? Will it meet DPC’s obligations as an employer under the *Fair Work Act 2009* (Cth), *Occupational Health and Safety Act 2004* and the *Equal Opportunity Act 2010*?
* Are there any potential risks (e.g. knowledge management and communication, impact on career and development, appropriate job design, health and safety)? Can the risks be mitigated?
* Are any additional resources required (e.g. backfill, recruitment, equipment) and can these be accommodated?
* Are there preferred alternatives that could be offered to provide flexibility and have these been discussed with the employee?

## Managing flexible work –

## Manager self-assessment

**TOOL THREE**

This checklist will help you to identify your strengths and weaknesses in planning, managing and implementing flexible work arrangements.

* I am familiar with DPC policies and procedures regarding flexible work options.
* I am aware of DPC’s obligations as an employer including relevant legislation and know where to get advice if needed.
* I understand the purpose of flexible work options and the benefits to both my organisation and employees.
* I understand the planning, decision-making and review processes involved in considering flexible work arrangements and have communicated these to all my team members.
* I am confident and competent in managing my team members’ performance, particularly giving and receiving feedback and setting performance objectives.
* I am confident in making decisions that are fair and transparent and able to explain my reasons to colleagues.
* I model work-life balance and encourage this among team members. I walk the talk.
* I discuss expectations for hours of work, communications and notification of absences.
* I have set clear work expectations for my team and trust and empower them to organise their work to meet business needs.
* I ensure performance plans are updated to reflect changes to work arrangements.
* I anticipate risk with declining proposals to work flexibly and identify possible remedies.
* I check in with staff from time to time to ensure arrangements are going to plan.
* I encourage my team members to participate in work planning and organisation decisions.
* I am open to suggestions for creative and flexible ways of working to achieve business results.
* I periodically review staffing arrangements and identify which flexible work arrangements are still effective for employees and business requirements. I am comfortable with asking team members to review arrangements, expand successful practices, and involving them to identify other potential options.
* I am competent at designing jobs that accommodate flexible arrangements.

## Managing flexible work:

**TOOL FOUR**

## Team planning tool

You may find some of the following considerations useful when planning flexible work and business outcomes for your team or branch.

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **No.** |  | **no. or %** |  | | **no. or %** | |  | | **no. or %** |
| **Total no. of employees** |  | **How many full-time?** |  | **Part-time?** | |  | | **Work flexibly?** | |  |
| **Total no. of managers** |  |  |  |  | |  | |  | |  |
|  |  |  |  |  | |  | |  | |  |
| Are there examples of career advancement of people working flexible arrangements? | | | | | * Yes | | * No | | * Don’t know | | |
| Is attraction of new talent easy? | | | | | * Yes | | * No | | * Don’t know | | |
| If talented individuals have left the team in the past two years has flexibility and work-life balance been an issue? | | | | | * Yes | | * No | | * Don’t know | | |
| Is there sufficient flexibility to meet your future business needs? | | | | | * Yes | | * No | | * Don’t know | | |
| Are there internal demands from individuals for more flexibility? | | | | | * Yes | | * No | | * Don’t know | | |
| Are there external demands from individuals for more flexibility? | | | | | * Yes | | * No | | * Don’t know | | |
| Is there a culture of working long hours? | | | | | * Always | | * sometimes | | * never | | |

List the major objectives for your team for the current year:

|  |
| --- |
|  |

List the major objectives for the next three years:

|  |
| --- |
|  |

Can you identify ways in which flexible working can contribute to those objectives?   
How effective are current arrangements?

|  |  |  |  |
| --- | --- | --- | --- |
|  | | | |
| Have you reviewed your approach in light of employee and organisational need? | * Yes | * No |  |

Using the knowledge of teams can result in innovative, effective flexible working arrangements that benefit the organisation as well as teams and individuals. When team members participate in planning, they take ownership of the outcomes and work to ensure problems are resolved.

Here are some suggested planning discussions to have with your team.

**Review current situation regarding flexible work and business needs.**

* + What type of flexible work is in place?
  + How effective is the flexible work?
  + What works well and could be extended?

**Confirm the understanding of DPC’s approach to flexible working and what that means to the team.**

* + Confirm understanding of policies and benefits of flexible work arrangements.
  + Confirm approaches for requesting flexible work.
  + Discuss how the cycle of planning, decision-making and review may impact on planning for flexible work.

**Discuss needs of business and individuals.**

* + What is the minimum staffing coverage required?
  + What are the minimum requirements for team meetings and communications?
  + How will learning and development needs be addressed?
  + Can work be reorganised to better achieve business results? Do any jobs need redesign? How will this be addressed?
  + What will build trust and accountability? (Or what will undermine it?)
  + What are the measures of success for the flexible work arrangements? What evidence already exists and can be extended to these arrangements?
  + What are the possible challenges to meeting business needs?
  + What will trigger an immediate review? What are possible warning signs that a flexible working arrangement is not going to plan?

**Establish a flexible work plan for the team. Include the requirements for staff coverage/resourcing, team measures of success, performance objectives and review date.**

## Reviewing flexible work arrangements

**TOOL FIVE**

The manager and employee should review the original Flexible Work Arrangements Application and review any other notes or documentation that is relevant to the review (e.g. the employee’s performance plan). Managers and staff may find some of the following considerations useful when reviewing flexible work arrangements.

Is the arrangement continuing to serve the needs identified in the original proposal?

***What impact has the arrangement had on the employee?***

Are responsibilities and workload appropriate for the hours of work?

Has appropriate learning and development been completed?

Is the employee continuing to meet performance goals?

Is there sufficient interaction with managers and colleagues?

Has communication been adequate?

Has the employee been able to participate in team meetings?

***What impact has the arrangement had on the team?***

Has the arrangement impacted team productivity?

Has the arrangement impacted efficiency?

Has the arrangement impacted on the team’s stakeholder relationships?

Has there been any unexpected financial impact?

***Can the arrangement be improved?***

Are additional supports required?

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Are changes required to ways of working within the team?

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Does the arrangement need to be modified? If so, what changes will be made:

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***Recognising success***

What should be recognised or celebrated?

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## Scenarios:

**TOOL SIX**

## Understanding responsibilities and rights

**Question 1.** Shelley has decided she needs to work from home today. She has her files in her briefcase, so she has everything necessary to put in a good day’s work. She sends a text to her manager’s mobile to let her know what’s happening. Is this OK?

### Answer: This is problematic. Depending on the organisation’s working from home policy and workplace agreements, this may become a conduct issue, especially if there has been no prior agreement or understanding with the manager.

**Question 2.** Tony’s carer responsibilities have changed. He has decided it would work better for him if he changed around his days and hours of work. Tony is part-time. Can this be done?

**Answer:** Employees’ hours of work are covered by clauses in workplace agreements. While it is expected that ‘agreement by the employer will not be unreasonably withheld’, there is requirement for agreement between employee and employer. Therefore, Tony needs to seek agreement from his manager. He cannot make the change based on a unilateral decision.

**Question 3.** When Maya went on maternity leave, she expected to eventually return to work part-time. While she was on maternity leave, her work unit was restructured. While she was on leave, her manager told her that she will have to return to work full time, because of the changed nature of work. She refused the role, so another person was appointed to the role. Upon her return to work, she is placed in a part-time role, but of lower status/ pay. Is this OK?

**Answer:** No, an employee has a right to return to their pre-maternity leave role. Should this be unable to be worked part-time an alternative role, at the same level, should be identified that can accommodate part-time. A similar case formed the basis of a complaint lodged under the [*Sex Discrimination Act 1984*](http://www.comlaw.gov.au/Details/C2014C00002)*.* The matter was conciliated, and the employee received an undisclosed severance payment. \*

**Question 4.** Eric asked his manager to change his work hours so he could start later and finish later. Eric has a mental illness and wants to avoid crowded peak hour trains. The manager refuses to approve the request because it could open the floodgates for requests by others. Can the manager do this?

**Answer:** No. Each request for flexibility must be considered on its own merits. A similar case formed the basis of a complaint lodged under the *Disability Discrimination Act 1992.\**

**Question 5.** Simone is on maternity leave. She wants to return to her old job in the crisis response team but cut her time down to two days per week. Her manager says the service requirements of her job demand a full-timer. So, she is offering a different job which suits Simone’s skills, at the same level and status. Is the manager doing the right thing?

**Answer:** Yes. The manager can refuse the request on reasonable business grounds. In this instance, the role required the employee to respond to client crises or attend court hearings the next day. It would be unworkable to constantly switch cases between case workers to accommodate Simone’s work hours and potentially detrimental to client service. Instead Simone is being provided with a role equivalent in status and pay that suits her skill.

\* For more information on workplace discrimination and case studies, refer to the Australian Human Rights Commission.