

# REQUESTS FOR FLEXIBLE WORKING ARRANGEMENTS

Guidelines to be used in conjunction with Policy Flexible Working Arrangements

**Guideline Owner:** Director, People and Culture

**Keywords:** 1) Flexible Work 2) Change of Hours 3) Hours of Work 4) Flexible Arrangements

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## 1. INTENT

To provide guidance on requesting and responding to requests for flexible working arrangements.

## 2. ORGANISATIONAL SCOPE

All employees including eligible casuals.

## 3. DEFINITIONS

TERM	DEFINITION
National Employment Standards (NES)Circumstances	<p>Includes any circumstances defined within section 65 of the Fair Work Act 2009 (Cth) as amended from time to time. Including:</p> <ul style="list-style-type: none"><li>a) the employee is the parent, or has responsibility for the care, of a child who is of school age or younger;</li><li>b) the employee is a carer (within the meaning of the <a href="#">Carer Recognition Act 2010</a> as amended from time to time);</li><li>c) the employee has a disability;</li><li>d) the employee is 55 or older;</li><li>e) the employee, or a member of their immediate family or household, experiences family and domestic violence;</li><li>f) the <a href="#">employee</a> provides care or support to a member of their immediate family or a member of their household, who requires care or support because the member experiences domestic or family violence.</li></ul>

	<p>Additionally, if an employee is a parent of a child or has responsibility for the care of a child and is returning to work after taking parental leave, the employee may request to return to work on a part-time basis to assist them care for the child.</p>
Eligible Casual	<p>A regular casual employee that has been engaged by the University on a regular basis for a sequence of periods of employment of at least 12 months immediately before making a request, with a reasonable expectation of continuing employment by the University on this basis.</p>
Industrial Instrument	<p>Edith Cowan University Enterprise Agreement 2022 (Enterprise Agreement) as amended or replaced.</p> <p>For Employees not covered by the Industrial Instrument, provisions within the NES will prevail.</p>
Reasonable Business Grounds	<p>Without limitation, refusal of a request is to be based on reasonable business grounds, including that:</p> <ul style="list-style-type: none"> <li>(a) the new working arrangements requested by the employee would be too costly for the University;</li> <li>(b) there is no capacity to change the working arrangements of other employees to accommodate the new working arrangements requested;</li> <li>(c) it would be impractical to change the working arrangements of other <a href="#">employees</a>, or recruit new <a href="#">employees</a>, to accommodate the new working arrangements requested;</li> <li>(d) the new working arrangements requested would be likely to result in a significant loss in efficiency or productivity; and</li> <li>(e) the new working arrangements requested would be likely to have a significant negative impact on customer service.</li> </ul>

#### 4. GUIDELINES CONTENT

- 4.1 An employee including an eligible casual may request a flexible working arrangement.
- 4.2 Where an employee is requesting a flexible working arrangement because of NES circumstances the employee will be provided with a written response within 21 days stating whether the request has been granted or declined and reasons for the decision.
- 4.3 If an employee is returning to work after a period of parental leave, the employee may make a request to return to work on a part-time basis to help them care for the child.

- 4.4 The University will use its best endeavours to support employees who seek flexible working arrangements.
- 4.5 A formal request for a change in working arrangements may be of a temporary or permanent nature. Examples of changes in working arrangements include:
- Changes in hours of work (e.g. reduction in hours worked, changes to start/finish times);
  - Changes in patterns of work (e.g. days of work, job sharing arrangements);
  - Changes in location of work (e.g. other location, working from home);
  - Pre-Retirement arrangement (as identified within the Industrial Instrument);
  - Purchased leave (as identified within the Industrial Instrument); and
  - Deferred salary scheme (as identified within the Industrial Instrument).
- 4.6 Employees are encouraged to discuss their flexible working arrangement preferences with their Line Manager to identify options and, where possible, reach an agreed arrangement that balances both of their needs prior to making a request.

## **Requests**

- 4.7 A written request which sets out the details of, and reasons for, the request is to be submitted to the relevant Line Manager for consideration and discussion.
- 4.8 The relevant Line Manager or their nominee will discuss the request with the employee and genuinely try and reach agreement, or agreement on any alternative working arrangement that will reasonably accommodate the employee's circumstances having regard to:
- (a) the employee's needs and circumstances;
  - (b) the consequences for the employee if changes in working arrangements are not made; and
  - (c) any reasonable business grounds for refusing the request.
- 4.9 The University will provide the employee with a written response to their request within 21 calendar days, stating whether the request has been granted or declined.
- 4.10 The University may grant a request in full or part or offer an alternative arrangement to what was initially requested by the employee. Where the University grants a request in part or offers an alternative arrangement, the details will be set-out in the University's written response.
- 4.11 Before refusing a request, the University will:
- (a) discuss the request with the employee;
  - (b) genuinely try to reach an agreement in order to accommodate the employee's circumstances;
  - (c) determine it is unable to reach agreement with the employee;
  - (d) consider the consequences of the refusal for the employee; and
  - (e) be satisfied the refusal is based on reasonable business grounds.
- 4.12 Where the University refuses a request the written response will:
- (a) detail the reasons for the refusal, including the business ground(s) for the refusal and how the ground(s) apply;
  - (b) set-out other changes to the employee's working arrangements the University is willing to offer or make, which may accommodate, to any extent, the

employee's circumstances, or whether there are no such changes the University is able to make; and

- (c) provide information on the ability for their decision to be appealed to the Director, People and Culture or their nominee to resolve the matter at the workplace level.

#### 4.13 **Dispute Resolution**

If discussions at the workplace level do not resolve the matter, and the request relates to NES circumstances, the employee may raise a dispute about whether the University has discussed the request with the employee in the required way under 4.11 and responded to the request in the way required under 4.9 and 4.10 above.

#### **Request Granted in Full or Part or Alternate Arrangement Agreed**

- 4.14 Approved requests will be documented and reviewed regularly.

#### **Employee Support**

- 4.15 All employees and their immediate family members may access free and confidential counselling support through the University's Employee Assistance Program (EAP). This is 24 hours 7 days a week professional independent service.

The EAP also provides a Manager Hotline which provides assistance to Line Managers who may need advice on how to manage and support employees experiencing difficulties.

- 4.16 Individual Flexibility Arrangements (IFAs) (refer to the Industrial Instrument), paid and/or unpaid leave, (eg personal leave, annual leave, compassionate leave, long service leave, family or domestic violence leave, gender affirmation leave), and the ability to pool leave (in accordance with the Leave Policy) may provide alternate avenues of support to employees who need assistance with personal circumstances.
- 4.17 An employee experiencing or affected by domestic, or family violence may request and access specific paid leave, support and flexible leave options in accordance with the Industrial Instrument, Leave Policy and Responding to the Impact of Domestic and Family Violence Guideline.

## **5. ACCOUNTABILITIES AND RESPONSIBILITIES**

In relation to these guidelines, the following positions are responsible for the following:

The Director, People and Culture has overall responsibility for the content of these guidelines and its operation in ECU.

These guidelines apply to all staff employed by the University.

## **6. RELATED DOCUMENTS:**

- 6.1 These guidelines are supported by the following:

- [Policy – Flexible Working Hours](#)

- [Policy – Leave](#)
- [Policy – Parental Leave](#)
- [Employee Assistance Program web page](#)
- [Guideline – Responding to the impact of Domestic and Family Violence](#)

6.2 Other documents which are relevant to the operation of these guidelines are as follows:

- [ECU Enterprise Agreement](#)
- [Fair Work Act 2009 \(Cth\)](#)

## 7. CONTACT INFORMATION

For queries relating to this document please contact:

Guidelines Owner	Director, People and Culture
All Enquiries Contact:	Manager Employment Relations
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## 8. APPROVAL HISTORY

Guidelines Approved by:	Director People and Culture
Date Guidelines First Approved:	30 May 2018
Date last modified:	30 June 2023
Revision History:	Updated for legislative compliance
Next Revision Due:	June 2026
TRIM File Reference	SUB/69581