

# Manager's Checklist:

## What you need to know about flexible work requests



Flexibility is important in assisting employees with work-life balance and well-being. Conversations about working arrangements play an important role in ensuring team members feel valued and supported. Achieving workable solutions for both of you will help foster a more positive and productive relationship.

While all ECU employees may request a flexible working arrangement, protections exist under the National Employment Standards (NES) for some employees who have been employed for 12 months and who have specific caring responsibilities, are aged over 55, are pregnant, have a disability, are experiencing violence from a member of their family, or have a member of their immediate family or household experiencing family or domestic violence.

Changing work hours and/or work patterns, including start and finish times, working remotely and seeking additional leave, are all examples of flexibilities that may be requested by employees. Whether your work area can accommodate the requested flexibility, may be influenced by the nature of the work performed. If you receive a request for a flexible work arrangement, you need to consider the impact on other members of the team, delivery of services and practicality of the request before making a decision on whether it can be reasonable accommodated.

You will need to respond to requests in writing and ensure that the process you undertake is compliant with NES obligations when dealing with a flexible work request from an employee who has an NES right to request a flexible work arrangement.

The checklist below outlines what you need to know.

### Work requirements

- ☐ Does the employee have an NES right to request a flexible work arrangement?
- ☐ Given the nature of the work performed, is the request practical? Has the employee explained why they are asking for the arrangement and what they are hoping to achieve?
- ☐ How will the arrangement impact the current work team and its priorities?
- ☐ How will any workload issues be managed – does this present an opportunity to develop other team members?
- ☐ Will the proposed flexible working arrangement adequately address the employee's concerns and reasons for seeking the flexible work arrangement?
- ☐ Does the proposed arrangement provide opportunity for changing how work is organised or grouping of functions? Is it something that the whole team can potentially access too? Consider the principles of work design or seek advice from your People and Culture Business Partner.
- ☐ Does the employee have face-to-face client contact and if so, can services be maintained if the flexibility is approved?
- ☐ Can work objectives be met another way if the flexible work arrangement is put in place?

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- ☐ Will the arrangement impact the employee's participation in important team events and if so, what can be done to minimise this?
- ☐ Does the request require additional resourcing and/or equipment, and if so, can that be accommodated?
- ☐ Are there alternative arrangements that may suit the employee and the team if you aren't able to accommodate their original request?
- ☐ Do you have the delegated authority to approve the arrangement?
- ☐ Is the arrangement provided for in the ECU Enterprise Agreement? Or is there a policy of guideline that needs to be considered? (eg remote working arrangements will require a WHS risk assessment)
- ☐ Will the arrangement require an employment contract variation, or can it be accommodated informally and documented at the local level? Is the employee considering home-based-work, if so use these [resources](#) to assist.
- ☐ Is the employee seeking a remote working arrangement that involves interstate or international location? If so, you need to seek advice on workers' compensation insurance, general insurance, access to Employee Assistance, tax, health care, etc (e.g. interstate, international work) from People and Culture.
- ☐ How often does the arrangement need to be reviewed? All flexible work arrangements should include a review period to ensure that the arrangement is working effectively and to determine if the arrangement is to continue.

### Can a refusal of a request be challenged?

You are required to consider all requests for flexible work and respond in writing.

If the requesting employee has an NES right to request a flexible work arrangement, you must include the reasonable business grounds for being unable to accommodate the arrangement. Examples of reasonable business grounds include:

- The arrangements are too costly.
- The request would require changes to the working arrangements of other employees and there is no capacity to do so
- The new working arrangements requested by the employee would be likely to result in significant loss of efficiency or productivity.
- The new working arrangement requested by the employee would be likely to have a significant negative impact on customer service.

Where an employee has an NES right to request a flexible working arrangement, **you must respond in writing within 21 days of the request** and include information on how the employee may appeal the decision. If after seeking an internal review, employees may seek the assistance of the Fair Work Commission if they are dissatisfied with the way their request has been dealt with.

If the employee does not have an NES right to request a flexible arrangement, they may submit a grievance regarding the outcome. If in considering the request the terms of the Enterprise Agreement have not been followed, the employee may initiate a dispute in accordance with the Enterprise Agreement.

All employees may access State and Federal discrimination authorities for assistance to seek a remedy where they believe they have been discriminated against by the handling or refusal of a request.

People and Culture Business Partners can provide further advice about your obligations.