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| Document ID  | 14-3008-03     | Document Title | Flexible Working Policy |
| Release date | 01 August 2015 | Review Date    | 30 June 2019            |

# FLEXIBLE WORKING POLICY

## OVERVIEW

**Company Name's** ("the Company") flexible working policy recognises the importance of aiming to achieve a fair balance between work and family responsibilities. Different flexible working arrangements can be considered depending on the degree of flexibility necessary to best accommodate employees' family commitments, without compromising the achievement of the Company's business objectives. The benefits of reviewing and implementing flexible working arrangements can include improved productivity, retention of skilled staff and improved employee satisfaction.

## OPERATION

The *Fair Work Act 2009 (Cth)* provides that certain employees (referred to in this policy as "eligible employees") are entitled to make a written request for flexible working. Eligible employees may make a request to change their working arrangements, such as working part-time, compressed hours, flexible hours, job sharing, working from home, split-shifts and work re-design. The Company will consider such requests and provide a written response.

This policy exists to assist the Company and its employees with the handling of such flexible working requests to enable all parties to comply with the law. To the extent that this policy describes benefits and entitlements, they are discretionary in nature and are not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee's written employment contract.

The Company may unilaterally introduce, vary, remove or replace this policy at any time.

## ELIGIBILITY

The Company will consider an eligible employee's request for flexible working and respond in writing to inform the employee whether their request is granted, partially granted or refused.

Employees must satisfy the following before making a permissible request for flexible working:

- Permanent employees: must have been continuously employed by the Company for at least 12 months before making their request;
- Casual employees: must have been employed by the Company on a regular and systematic basis for at least 12 months before making their request AND must have a reasonable expectation of continuing employment with the Company on a regular and systematic basis moving forward.

In addition to the minimum service requirements set out above, to be an "eligible employee" under this policy, the employee must satisfy at least one of the following circumstances, and the request for flexible working must be because of those circumstances:

- The employee is the parent, or has responsibility for the care, of a child who is of school age or younger (i.e. the age at which the child is required by the applicable State or Territory law to start attending school); or
- The employee is a carer within the meaning of the Carer Recognition Act 2010;

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- The employee has a disability;
- The employee is 55 years of age or older;
- The employee is experiencing violence from a member of the employee's family; or
- The employee provides care or support to a member of the employee's immediate family, or a member of the employee's household, who requires care or support because the member is experiencing violence from the member's family.

## DOCUMENTATION REQUIREMENTS

An employee who believes they are eligible to make a request for flexible working and considers that a change to their working arrangements would have a positive impact upon their ability to balance their work and family responsibilities should set out their request in writing to their manager. In order for the Company to properly consider the employee's request, it will be helpful if as much detail as possible is included in the employee's request. For example, the employee's request should include the following:

- the type of flexible working arrangement that is requested, or different options of flexible working that could benefit the employee;
- how a new working arrangement would benefit the employee in their day to day life;
- a proposed start date and if relevant, an end date;
- suggestions as to how the employee's proposed flexible working arrangement could impact their fellow employees and how this could be overcome;
- if it may be unclear to the Company why the employee is eligible to apply, then provide details as to why the employee believes they meet the eligibility requirements;
- any other relevant information.

## PROCEDURE

Once the Company receives the employee's written request to change their working arrangements it will consider the request, taking into account the employee's proposals and their impact upon the Company's ability to continue to meet its business objectives. **A written response will be provided to the employee within 21 days of the Company receiving the request.** The response will set out whether the employee's request is granted, partially granted (for instance, it may be granted with conditions or for a fixed period of time) or refused. In making its decision, the Company will take into consideration some or all of the following objectives: its staffing requirements, technical operations, output and productivity, workplace health & safety and the specific circumstances of the employee.

## AGREEMENT OR REFUSAL

If the employee's request for flexible working is agreed in full, then the start date of the new arrangement will need to be agreed, a review date decided and the relevant change to the employee's terms and conditions will be documented in a Flexible Working Arrangement Record. It is possible also that the employee will be asked to execute a new employment contract to reflect the changes (though this will depend on the nature of the changes).

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If the employee's request for flexible working is partially agreed, further discussion will then take place between the employee and the Company to come to a mutually convenient arrangement.

If the employee's request is refused, the Company will explain in its response letter the reasonable business grounds that led to the Company's decision to refuse the employee's request. Reasonable business grounds may include (but are not limited to):

- the effect on the workplace and the Company's business of approving the request, including the financial impact and the impact on efficiency, productivity and customer service;
- the inability to organise work among existing employees;
- the inability to recruit a replacement employee or the practicality or otherwise of the arrangements that may need to be put in place to accommodate the employee's request;
- the effect the arrangements will have on the Company's other employees;
- the arrangements that will be required to enable the employee to fulfil their parental or carer responsibilities;
- the timing of the request. For example, how quickly do the new arrangements need to begin and how long do they need to stay in place for;
- what effect of not having the flexible work arrangement may have on the employee;
- whether other legal obligations will be breached by modifying the work arrangements, for example, workplace health & safety laws.

#### INTERACTION WITH STATE ENTITLEMENTS

Any State or Territory laws applicable to the location in which the employee is employed that provide employee entitlements in relation to flexible working arrangements, such as carer's provisions under anti-discrimination laws, continue to apply to the extent that they are more beneficial to employees.

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