FLEXIBLE WORKING POLICY

# OVERVIEW

Company Name’s (“the Company”) Flexible Working Policy recognises the importance of achieving a fair balance between work and other responsibilities (such as family responsibilities and care-giving). The Company recognises the beneﬁts of implementing ﬂexible working arrangements such as improved productivity, retention of skilled staﬀ and improved employee satisfaction.

# OPERATION

The [Insert relevant legislation]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 in accordance with the law. To the extent that there are inconsistencies between this policy and the [Insert relevant legislation]*,* then the[Insert relevant legislation]will prevail.

Where an employee who is not an “eligible employee” within the meaning of the [Insert relevant legislation]makes a request for ﬂexible working, the Company will consider such a request at its own discretion, but the terms of this policy will not apply to that request.

In so far as this policy imposes any obligations on the Company (i.e. additional to those set out under legislation), those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes beneﬁts and entitlements for employees (ie those additional to those set out under legislation), they are discretionary in nature and are also 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 request for ﬂexible working under the [Insert relevant legislation]*:*

[Update to include eligibility requirements as per relevant legislation]

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:

[Insert relevant circumstances under which an employee can apply for flexible working arrangements]

# 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

other 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; 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.

If an employee is covered by a modern award, the Company will ﬁrst discuss the request with the employee to try to reach an agreement about changes to the employee’s working conditions, taking into consideration:

The needs of the employee;

Consequences for the employee if changes in working arrangements aren’t made; Any reasonable business grounds for refusing the employee’s request.

**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.

# 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).

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.

The Company can only refuse a request on “reasonable business grounds” (see below). If a request is refused the written response must include the reasons for the refusal.

Modern awards contain speciﬁc information on what needs to be included in the written response if the request is refused or if a diﬀerent change in working arrangements is agreed.

The [Insert relevant legislation]lists the following as examples of reasonable business grounds for refusing a request (the list is not exhaustive)

That the new working arrangements requested by the employee would be too costly for the Company;

That there is no capacity to change the working arrangements of other employees to accommodate the new working arrangements requested by the employee;

That it would be impractical to change the working arrangements of other employees, or recruit new employees, to accommodate the new working arrangements requested by the employee;

That the new working arrangements requested by the employee would be likely to result in a signiﬁcant loss in eﬃciency or productivity;

That the new working arrangements requested by the employee would be likely to have a signiﬁcant negative impact on customer service.

# 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 carers provisions under anti-discrimination laws, continue to apply to the extent that they are more beneﬁcial to employees.

# OTHER POLICIES

Employees are encouraged to read this policy in conjunction with other relevant Company policies, including: Remote Working & Working from Home Policy.