

## FLEXIBLE WORK PRACTICES CONSIDERATIONS - APPENDIX 2



This checklist can be used to help Managers assess and implement requests for flexible work arrangements. Flexible work arrangements can be agreed or established through:

- general approval: such as flexible start times through discussion between an employee and supervisor
- ad hoc arrangements: such as short-term tele-commuting through discussion or email between an employee and supervisor
- documentation: for ongoing or long-term job sharing—this is particularly important where salary is affected—through a flexible work agreement.

The Industrial Relations Act 2016 provides employees with the right to request flexible work arrangements. The Act also specifies how requests must be made and how the request should be considered. There is no requirement for there to be a specific reason (such as caring) or category that the employee falls into (such as a parent).

### General Considerations

- Flexibility can take many forms and be for many reasons – don't discriminate.
- Come from the position of 'how can we make this work?'
- Be creative and solutions focused.
- Understand the business outcomes.
- Promote 'guilt-free' attitude to requests.
- Cultivate an open and trusting environment.
- No one size fits all – everybody and every situation is different.

### Details of Request

Individual's needs	<ul style="list-style-type: none"> <li>• Promote a 'guilt-free' attitude to working flexibly. Flexible work is not an 'easy way out' and requires genuine effort to communicate expectations and deliver productive outcomes.</li> <li>• Consider individual employee's circumstances. Are their needs likely to change over time?</li> <li>• Anyone can request flexible working. There is no requirement for a specific reason (such as caring) or category of employee (such as parent).</li> </ul>
Duration	<ul style="list-style-type: none"> <li>• Is this a permanent (part time only) or temporary arrangement?</li> <li>• What is the proposed start and end date (if applicable)?</li> </ul>
Option	<ul style="list-style-type: none"> <li>• What type of flexible work is requested?</li> <li>• Are there other options or combinations of options that could be considered?</li> </ul>
Flexibility	<ul style="list-style-type: none"> <li>• Be flexible about flexibility.</li> <li>• What flexibility does the employee have to alter their work arrangement on an ad hoc basis to cover peak periods, attendance at meetings, training courses etc.?</li> </ul>
Entitlements	<ul style="list-style-type: none"> <li>• It is the employee's responsibility to consider the impact of the arrangement on their pay, taxation, superannuation, leave provisions and other entitlements. Has the employee made enquiries in these areas?</li> </ul>

### Details of Request

Agency Needs	<ul style="list-style-type: none"> <li>• Does the request contribute to the implementation of operational/work plans? <ul style="list-style-type: none"> <li>- any issues relating to operational requirements (e.g. dealings with clients)</li> <li>- requirements in relation to taking leave (e.g. job share partners are sometimes asked to cover each other's periods of leave and therefore cannot take leave at the same time)</li> <li>- review arrangements and criteria (refer to section on review for further details)</li> <li>- future checkpoints (e.g. the process for either party to alter, discontinue or extend the arrangement)</li> <li>- process for managing concerns or issues arising.</li> </ul> </li> </ul>
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### Implementation

Notification	<ul style="list-style-type: none"> <li>• Notify human resources and other relevant parties, including co-workers and regular clients about the change in working arrangements.</li> <li>• Ensure documentation is filed appropriately.</li> <li>• Include arrangements on the email signature block.</li> </ul>
Showcase best practices	<ul style="list-style-type: none"> <li>• Showcase other flexible work arrangements that have been successful and achieved positive outcomes, use these examples as a guide for implementing this arrangement.</li> </ul>
Address risks	<ul style="list-style-type: none"> <li>• There is always an element of risk in anything, however this should not necessarily be a reason not to approve an arrangement. It should prompt you to consider the best way to engage with the risk and to discuss possible solutions.</li> <li>• Review your workplace health and safety requirements to ensure the safety of employees.</li> </ul>



## Implementation (cont.)

Equipment and technology	<ul style="list-style-type: none"> <li>• Is any additional equipment, furniture or space required to make the arrangement possible (e.g. laptop or computer/modem for telecommuting)?</li> <li>• Can technology enhance the effectiveness of flexible work arrangements (e.g. mobile phones, computer networking, internet and email access at home, and teleconferencing/skype)?</li> </ul>
Timing of meetings and other events	<ul style="list-style-type: none"> <li>• Can regular events (e.g. staff meetings) be scheduled to maximise staff attendance?</li> <li>• Ensure that part-time employees can attend other events (e.g. training, planning days, social events).</li> </ul>
Capability development	<ul style="list-style-type: none"> <li>• Ensure employees have equal access to training and career development opportunities and performance development processes.</li> </ul>
Impact on co-workers	<ul style="list-style-type: none"> <li>• Discuss the new arrangement with co-workers. Address any concerns they may have and develop strategies to ensure other staff are not disadvantaged from this arrangement. Manage resistance and negative attitudes from co-workers that may affect the success of the arrangement.</li> <li>• Encourage all staff to raise queries or concerns regarding flexible work arrangements as they arise and effectively deal with these issues without delay.</li> <li>• Ensure workloads are managed and co-workers are not picking up additional work they cannot manage.</li> </ul>
Communication strategies	<ul style="list-style-type: none"> <li>• Put strategies in place to ensure effective communication with employees to keep them informed of any changes or important issues arising when they are not present.</li> <li>• How will the request affect staffing requirements?</li> <li>• Will there be any budget implications?</li> <li>• Is the flexible work arrangement responsive to changing needs of the agency?</li> <li>• What is the impact on client service requirements?</li> </ul>
Impact on co-workers	<ul style="list-style-type: none"> <li>• Will the new arrangement impact the job role, workload and morale of other employees?</li> <li>• How will this be managed?</li> <li>• Has the employee talked about this with their colleagues?</li> <li>• What are the concerns, objections or barriers? How can these be addressed?</li> </ul>
Job redesign	<ul style="list-style-type: none"> <li>• Jobs may need to be redesigned and duties re-assessed to ensure they are suitable and achievable under the new flexible work arrangement. Where this occurs, job description forms or position statements may need to be amended accordingly.</li> <li>• Ensure workload is appropriate to the new hours of work.</li> </ul>
Confidentiality	<ul style="list-style-type: none"> <li>• Maintain confidentiality, particularly in relation to personal circumstances. Where discussion with others is required in order to assess a request, ensure only relevant details are disclosed and discussion is restricted to relevant parties only.</li> </ul>
Employee's skills and suitability	<ul style="list-style-type: none"> <li>• Consider employee's skills and ability to manage their work role while undertaking a flexible work arrangement. Is specific training or development required to address skill gaps (e.g. time management skills may be needed when an employee reduces their hours of work).</li> </ul>
Supervisory responsibilities	<ul style="list-style-type: none"> <li>• For positions with supervisory responsibilities, consider strategies for ensuring adequate supervision levels are maintained.</li> </ul>
Employment conditions	<ul style="list-style-type: none"> <li>• Does the employee's award/agreement contain conditions pertaining to their request? Ensure the request meets the requirements contained within their award and/or agreement.</li> </ul>
Policy requirements	<ul style="list-style-type: none"> <li>• Refer to any policy/guidelines that apply to this request (e.g. parental leave, reasonable adjustment).</li> </ul>



## Decision

Case-by-case	<ul style="list-style-type: none"> <li>Assess requests on a case-by-case basis. Also consider other flexible work arrangements currently in place and how these will interact with one-another and potential flow-on. Do not deny requests based on the possibility of potential flow-ons, but be conscious of the impact this may have on other activities.</li> <li>Weigh up the benefits and challenges for the employee, work group and organisation associated with this flexible work arrangement.</li> </ul>
Decision making	<ul style="list-style-type: none"> <li>Have you involved the employee and other affected parties in your decision making process and agreed on how the request will be determined?</li> <li>Have you spoken with human resources or other relevant experts to assist in making a decision?</li> <li>Have you fully and properly considered the request in a timely manner?</li> <li>Have you provided your decision in writing to the employee within 21 days of receiving the request? If you do not respond within 21 days, it is considered a refusal and the employee has the right to appeal on these grounds.</li> <li>Is your decision making process fair, transparent and capable of review?</li> <li>Have you documented (if appropriate) your decision and factors considered in making your decision? Are you able to justify the reasons for your decision?</li> <li>Have you advised the employee of the outcome of their request, both verbally and in writing and included a full explanation for your decision?</li> </ul>
Negotiation	<ul style="list-style-type: none"> <li>Where the original request may not be appropriate, negotiate with the employee alternative arrangements that will suit the needs of all parties involved.</li> </ul>
Right of review	<ul style="list-style-type: none"> <li>Where a request for flexible work is denied, the employee should be made aware of any other procedures available to them in order to review the decision, including the new appeal process under the Industrial Relations Act 2016.</li> </ul>
Documentation	<ul style="list-style-type: none"> <li>Prepare a suitable agreement to document the agreed arrangements. The agreement may address the following:                             <ul style="list-style-type: none"> <li>parties to the agreement</li> <li>duration (e.g. start and end date, and trial period)</li> <li>days and hours of work (e.g. roster details)</li> <li>communication arrangements (e.g. communication with co-workers, supervisor, job share partner if applicable, out-of-hours contact etc.)</li> <li>changes to job role, duties or functions</li> <li>any requirements relating to supervisory responsibilities</li> </ul> </li> </ul>

## Review

Review procedures	<ul style="list-style-type: none"> <li>Consider how the arrangement will be reviewed (e.g. ongoing or periodic basis). When and how will the arrangement be measured? Set timeframes for review.</li> <li>Arrangements may be fine-tuned over time to ensure they adapt to changing circumstances.</li> </ul>
Impact of flexible work arrangements	<ul style="list-style-type: none"> <li>Consider what impact the flexible work arrangement had on:                             <ul style="list-style-type: none"> <li>attraction and retention of staff</li> <li>budget</li> <li>diversity of the workforce</li> <li>staff morale, performance and productivity</li> <li>employee health and wellbeing (reduction in absenteeism)</li> <li>employee's ability to balance their work and life.</li> </ul> </li> </ul>
Modifications to arrangements	<ul style="list-style-type: none"> <li>What problems or issues have been raised throughout the arrangement? How have these been rectified?</li> </ul>
Support	<ul style="list-style-type: none"> <li>How can arrangements be better supported?</li> </ul>
Outcome of the review	<ul style="list-style-type: none"> <li>Following full evaluation – the future of the arrangement should be discussed between the parties involved and prior to the expiry of the arrangement.</li> </ul>