

GUIDELINES FOR MAKING AND DEALING WITH REQUESTS FOR FLEXIBLE WORK ARRANGEMENTS

Deakin University is committed to providing equitable access to employment opportunities, and provides flexible work arrangements to accommodate the responsibilities of all staff members. The process for requesting flexible work arrangements is set out in these guidelines. Ideally, flexible work arrangements allow the University to support and retain staff members who have responsibilities and other priorities outside of work.

What are flexible work arrangements?

Flexible work arrangements can be short term or long term practices that assist staff members in balancing their work and personal life needs. Flexible work arrangements can offer staff the flexibility to decide with their manager when, where and how work is conducted to accommodate their life priorities outside of work. Flexible work arrangements also offer staff the opportunity to increase or decrease their career investment at different life stages (such as transitioning to retirement, starting a family or investing more time in study).

Staff member priorities may range from caring for family members, contributing to the community, maintaining health and wellbeing, studying, professional development, transitioning to retirement, or participating in leisure activities. There are a range of flexible work arrangements offered at Deakin to assist staff members in appropriately accommodating these priorities, including:

- Fractional and part time employment
- 48/52 employment cycle
- Flexitime
- Job sharing
- Flexible work hours
- Working from home
- Flexible leave options

Flexible work arrangements can be temporary or permanent, depending on the nature of the staff member's responsibilities and what can be reasonably accommodated by the University.

Applying for Flexible Work Arrangements

Information for parents and carers

Legislation

There is legislation in place to provide staff members with parental or carer responsibilities protection from discrimination in the workplace. Under the Victorian *Equal Opportunity Act 2010*, it is unlawful to discriminate against an employee because they have family responsibilities and under the *Fair Work Act 2009*, parents and carers have a legal right to request flexible work arrangements to assist them in caring for a child who is under school age or who is under 18 and has a disability. The *Fair Work Act* requires employers to consider reasonable requests made by staff members to adjust their working arrangements so they can meet their caring responsibilities. This means that an employer should not unreasonably refuse flexible work arrangements for staff with parental/carer responsibilities without considering all of the circumstances.

Who is a “parent” or “carer”?

While appreciating that every staff member’s circumstances are different, for the purposes of these guidelines the University applies the definitions of *parent* and *carer* given in the *Equal Opportunity Act 2010 (Vic)*. These are:

- *carer* means a person on whom another person is wholly or substantially dependent for ongoing care and attention, other than a person who provides that care and attention wholly or substantially on a commercial basis; and
- *parent* includes a step-parent, adoptive parent, foster parent or guardian.

This also includes a parent or carer who is offered employment by the University, even if that person has not commenced working for the University.

What is the process for making a request?

A request for flexible work arrangements due to responsibilities as a parent or carer must be in writing and it must set out the details of the change sought and of the reasons for the change. Staff members should try to provide as much notice as possible of the need for a change in work arrangements as this may make it easier to meet their request. The staff member and their immediate supervisor are encouraged to discuss their working arrangements and, where possible, reach an agreement that balances the responsibilities of the staff member as parent or carer and the operational requirements of the University.

All University staff (including supervisors and managers) should be sensitive about the receipt and storage of personal information disclosed by another staff member in the course of making a request.

A supervisor or manager should only ask a staff member for further information about the carer or parental responsibilities if the information is reasonably requested or required for a non-discriminatory purpose. Examples of what information may be reasonably requested or required include:

- whether the request is a result of the staff member’s parental or carer responsibilities;
- what sort of work arrangements would help fulfil these responsibilities; and
- the period of time over which the staff member will need the changed arrangements.

Generally, it is not necessary to provide further information, such as why the staff member is caring for another person or the nature of any illness this other person might have.

The supervisor should discuss the request with their manager and may seek advice from the Workplace Relations and Performance Management team in the Human Resources Division. Depending on the nature of the requested changes to work arrangements, the manager may need to refer the request to the head of the area for consideration and approval prior to responding to the request. The manager or the head of the area will formally respond to the request, in writing, within 21 days of the request being made, either agreeing to the request or refusing the request on “reasonable business grounds”.

Information for other staff members

What is the process for making a request?

Prior to formally applying for a change to current work arrangements, staff members should discuss their intent to request flexible work arrangements with their manager or supervisor. Staff members must then make the request to their supervisor in writing. Staff members should try to provide as much notice as

possible of the need for a change in work arrangements as this may make it easier to meet their request. The staff member and their immediate supervisor are encouraged to discuss their working arrangements and, where possible, reach an agreement that balances the outside responsibilities and priorities of the staff member and the operational requirements of the University.

All University staff (including supervisors and managers) should be sensitive about the receipt and storage of personal information disclosed by another staff member in the course of making a request.

The supervisor should discuss the request with their manager and may seek advice from the Workplace Relations and Performance Management team in the Human Resources Division. Depending on the nature of the requested changes to work arrangements, the manager may need to refer the request to the head of the area for consideration and approval prior to responding to the request. The manager or the head of the area will formally respond to the request, in writing, within 21 days of the request being made, either agreeing to the request or refusing the request on “reasonable business grounds”.

What are “reasonable business grounds”?

Reasonable business grounds for refusing a request from a staff member may include, for example: the effect on the workplace and the employer’s business of approving the request, including the financial impact of doing so and the impact on efficiency, productivity and customer service; the inability to organise work among existing staff; and, the inability to recruit a replacement staff member or the practicality or otherwise of the arrangements that may need to be put in place to accommodate the staff member’s request.

Tips for all staff members

- Define the factors that are influencing you to consider requesting a change in your work arrangements and explore the flexible work options that could meet those needs;
- Acquaint yourself with the University’s flexible work policies, procedures, guidelines and Enterprise Agreement clauses that relate to flexible work;
- Develop a flexible work arrangements proposal that addresses the details of the proposed change, the impact that these arrangements may have on your team and your area and identify any issues that may come up as a result and how they might be managed; and
- Be flexible in your approach and implementation of flexible work. You may have to negotiate and give your manager more than one option to consider as not all arrangements are suited to each role or each area.

Information for supervisors and managers

What should a supervisor or manager consider when their staff member requests a change to work arrangements?

The supervisor and manager must seriously consider all relevant facts in relation to the staff member’s request, which include:

- the staff member’s circumstances;

- the nature of the staff member's role;
- the nature of the arrangements required to accommodate those responsibilities;
- the financial circumstances of the University;
- the size and nature of the workplace and the University's operations; and
- the effect on the workplace and on the University's operations of accommodating those responsibilities, including-
 - o the financial impact of doing so;
 - o the number of persons who would benefit from or be disadvantaged by doing so;
 - o the impact on efficiency and productivity and, if applicable, on customer service of doing so;
 - o the consequences for the University of making such accommodation; and
 - o the consequences for the staff member of not making such accommodation.

Other considerations that might be relevant in a particular case include:

- the workload of other staff members;
- the impact on the budget, for example whether penalty or additional overtime rates would be payable;
- if additional equipment would be required, for example telephone and computer facilities for a staff member to work from home;
- when the arrangements would start and how long they would be needed;
- the accrued entitlements of the staff member, such as personal leave or annual leave; and
- whether any legal or other constraints affect the feasibility of the request, such as occupational health and safety laws, equal opportunity laws or fair work laws.

Supervisors and managers should:

- Acquaint themselves with the University's flexible work policy, procedures, guidelines and Enterprise Agreement clauses that relate to flexible work
- Consider all staff member requests for flexible work arrangements with an open mind
- Creatively explore the possibilities of new ways of working
- Engage with staff members and discuss the reasons why flexible work arrangements may or may not be suited to your area
- Consider a trial period for the proposed flexible work arrangement
- Document and regularly review flexible work arrangements within the team to assess how the new arrangement is working
- Incorporate flexible work options into team planning to ensure workloads are managed
- If the flexible work request is refused, meet with the staff member to explain the reasons why
- If the changes requested by the staff member are not possible, the supervisor and manager should also consider any other options that might be suitable

What if the request is agreed to?

If the request is agreed to, the response will include details of the approved arrangements.

These details include:

- the agreed changes to the staff member's work arrangements;
- the commencement date and duration of the arrangements;
- a trial period for the arrangements (if applicable);
- the process for review of the arrangements including regular meetings to discuss how the arrangements are working for the staff member and the University; and
- any steps which aim to include the staff member in workplace communications, consultation processes, social activities and (as far as possible) attendance at relevant training or staff meetings.

The supervisor and/or manager as appropriate should inform the staff member's colleagues of any changes to work arrangements and develop strategies to integrate any changes in workflow. The impact of the changes to work arrangements on the staff member's colleagues and on workflow should be reviewed regularly.

Details of the approved arrangements should also be provided to the Human Resources Division (if relevant).

What if the request is refused?

If the request is refused, the response will include details of the reasons for the refusal. If a staff member is not satisfied with the formal response to his or her request, they may appeal the outcome of their request to the head of the area (or if the head of the area is their supervisor, then to their supervisor's manager) who may reconsider the request.