



Version	Approved by	Approval date	Effective date	Next full review
1.0	Vice-President Human Resources (Acting)	30 September 2019	30 September 2019	October 2022
Procedure Statement				
Purpose	The University understands the importance of developing a workplace culture that supports the needs of a diverse workforce. The <i>Flexible Work Guidelines</i> assist staff and their manager/supervisor when they are making or considering a request for a flexible work arrangement. The University recognises the need for staff to be able to balance and integrate their work and other life responsibilities by providing a range of options. These Guidelines help ensure alignment with the Equity, Diversity and Inclusion Policy , adoption of safe and healthy work practices, and compliance with legal and other obligations.			
Scope	All staff undertaking, or desiring to undertake, a flexible work arrangement including professional and academic staff.			
Are Local Documents on this subject permitted?	<input type="checkbox"/> Yes, however Local Documents must be consistent with this University-wide Document		<input checked="" type="checkbox"/> No	
Procedure Processes and Actions				

1. The case for flexible work

UNSW understands the importance of fostering a workplace culture that supports the work and life needs of its staff. Flexible work arrangements provide flexibility on how, where, when and at what times employees work. Flexible work arrangements can benefit both staff and the University.

The University recognises that people may need different types of flexibility at various times in their lives. Flexible work arrangements have several benefits; support the workforce participation of diverse groups including people with disability; enable staff to interact with students working in different timeframes; enhance the University's ability to attract and retain talented staff; are environmentally beneficial in terms of travel and time saving; help staff better manage their work and personal responsibilities including carer responsibilities. Employees increasingly expect and value a level of flexibility in their roles and access to flexible work arrangements has been shown to improve employee engagement, wellbeing and productivity.

UNSW supports and is committed to making access to flexible working available for all staff whenever possible. The University acknowledges that some employees, particularly academic staff, are already working flexibly. It is not the intention of these guidelines to restrict existing arrangements. Rather, it is to set out a consistent framework for all staff irrespective of their role or work unit.

The *Flexible Work Guidelines* operate within the flexible work provisions contained in UNSW's [Enterprise Agreement for Academic Staff \(2018\)](#) and [Enterprise Agreement for Professional Staff \(2018\)](#).

For the purpose of this document, the term 'manager' refers to all roles that involve managing people. This includes Supervisors, Heads of School, School Managers, Deans and other senior managers.

2. Types of flexible work

2.1. Informal requests for flexibility

Informal requests for flexibility to meet ad-hoc and short-term needs are not continuing arrangements. UNSW recognises that informal flexibility is a feature of the way that many academics work. Requests should be discussed by the manager and employee as they arise or agreed in advance as part of regular myCareer discussions. Such requests may include but are not limited to:

- Changing the days of work occasionally (for part-time arrangements)

- Changes to start and finish times outside of what might be considered core or expected hours of work (this might vary depending on one's staff function)
- Individualised work schedules
- Working from home or at another location occasionally.

2.2. Formal requests for flexibility

Formal requests for a flexible work arrangement may impact an employee's pay or entitlements and therefore require a variation to the employee's employment contract. These requests tend to be ongoing or regular or for a defined period. Arrangements may include but are not limited to:

- Working part-time, job-share or reduced hours arrangements
- Moving to a compressed work schedule
- Flexi time (available for Professional staff only)
- Working from home on a regular basis.

Such arrangements should be documented in writing by the manager and employee to provide clarity and avoid misunderstandings. The manager and employee may seek the advice of HR. Where flexible work arrangements are already in place these should be reviewed, discussed and documented as part of the regular myCareer discussions that are conducted with staff. Where a working from home arrangement is agreed, the Working from Home (or another location) Agreement Form should be completed.

3. Guiding principles on flexible work at UNSW

These principles serve as a guide to accessing flexible work arrangements. Flexible work arrangements should involve a conversation between the employee and their manager. The following principles inform and guide employee/manager conversations.

- 3.1 An employee may make a written request for flexible work.
- 3.2 All employees, including those who meet the Fair Work Act criteria, have the right to request a flexible work arrangement¹. Flexibility is not a special provision for a certain type of worker or a reward that needs to be earned. The type of flexibility will differ from person to person, based on individual needs and their role.
- 3.3 While employees are normally expected to provide a reason for their request, if they have privacy concerns, they may discuss their request with HR.
- 3.4 Both the manager and the employee have a responsibility to genuinely consider the requested flexible work arrangement taking into account:
 - a. the employee's role and responsibilities
 - b. the employee's colleagues, clients and any other relevant stakeholders
 - c. business requirements (including but not limited to efficiency and productivity, customer service and any costs) and the work unit's ability to meet its operational objectives.
- 3.5 Managers must seek to ensure that flexible work arrangements are fair and equitable, taking into consideration the potential impact of declining the request while having regard for the operational requirements of the work unit.

¹ Under the Fair Work Act, employees who have worked with the same employer for at least 12 months can request flexible working arrangements if they:

- are the parent, or have responsibility for the care, of a child who is of school age or younger
- are a carer (within the meaning of the *Carer Recognition Act 2010*)
- have a disability
- are 55 or older
- are experiencing violence from a member of their family, or
- provide care or support to a member of their immediate family or household, who requires care or support because they are experiencing violence from their family

See [information from the Fair Work Ombudsman regarding Section 65 - 66 of the Fair Work Act 2009 \(Cth\)](#).

- 3.6 Staff are encouraged to discuss their request with their manager and then put in a written request and the manager should respond in a timely manner².
- 3.7 A flexible work request can only be refused on [reasonable business grounds](#).
- 3.8 If the flexible work request cannot be accommodated, the manager and employee should consider whether alternative arrangements could be put in place that will assist the employee.
- 3.9 Another employee's flexible work request (within the same work unit or another area of the University), does not set a precedent or create a right for another employee to be granted the same or a similar change to their work arrangement.
- 3.10 If approved, the flexible work arrangement should be subject to a trial period. This period should involve regular formal or informal reviews by the manager, including feedback from the employee as to how the arrangement is going. Generally, a three-month trial period allows enough time to see if the arrangement is working, though the time may vary depending on the nature of the request. At the completion of the trial period both the manager and the employee should discuss whether the arrangement continues.
- 3.11 If the arrangement continues after the trial period it should be reviewed on a regular basis, at least annually from the date of commencement, by the manager and employee. A regular review provides an opportunity to address any concerns that may arise and to ensure the arrangement continues to be effective in meeting the needs of the University, the work unit and the employee. These reviews should be documented.
- 3.12 Documentation of the flexible work arrangement is important to provide clarity and avoid misunderstandings. A copy should be kept and maintained by the manager in a confidential and secure way. The employee should also keep a copy of the agreement.
- 3.13 UNSW's policies and procedures continue to apply regardless of when or where an employee's work is done.
- 3.14 An employee may request to end their flexible work arrangement early, and this will need to be discussed and agreed with their manager. A minimum notice period of 4 weeks will usually apply.
- 3.15 If it is determined by the manager that the flexible work arrangement must come to an end or be modified, the manager should discuss this with the employee and allow at least 4 weeks' notice so the employee can make appropriate arrangements.
- 3.16 Regardless of an employee's flexible work arrangement, performance expectations, including those agreed as part of myCareer discussions, continue to apply.
- 3.17 When participating in a flexible work arrangement, employees must, as in any work environment, take reasonable care for their health and safety, take reasonable care of any UNSW equipment in their use and comply with UNSW Health and Safety [Policy](#), [Procedures](#) and [Guidelines](#).

Where these *Flexible Work Guidelines* refer to documentation this may include email, myCareer forms or other relevant HR forms. Documentation should include the start date of the arrangement, length of the trial period and the date the arrangement will be reviewed.

If UNSW (rather than an individual employee) proposes to introduce a change to the regular roster or ordinary hours of work, it may also be required to consult with employees in accordance with the relevant Enterprise Agreement. Please seek advice from your HR Business Partnering team.

4. Working from Home or Another Location

The University recognises that working from home or another location is a key component to flexible work offerings, however, the opportunity to work from home or another location is not an entitlement or a right.

If an employee is approved to work from home, they do so with the understanding that:

- Unless directed by the University to work from home or another location, all costs associated with setting up a suitable home office space is borne by the employee. This includes, but is not limited to desk, office chair, internet connection.

² Some staff are entitled to a response within 21 days of the request being made and to have the reasons for refusal stated in writing, including employees who have at least 12 months continuous service and long term casual employees, who: care for school age children or younger; are a carer; have a disability; are aged 55 years or older; are experiencing family violence or who care for or support an immediate family / household member experiencing family violence. See [information from the Fair Work Ombudsman regarding Section 65 - 66 of the Fair Work Act 2009 \(Cth\)](#).

- IT set up, including access to a laptop and certain software packages should be discussed between the manager, employee and IT.
- When working from home when children are present, employees should discuss realistic performance outcomes with their manager. However, working from home should not be considered as a substitute for childcare.
- Staff must remain fully contactable while working from home or another location.
- Where feasible, staff-occupied areas, such as offices, should be made available to campus-based employees when the usual occupant is off-campus.
- A Working from Home (or another location) Agreement Form must be completed and submitted to HR when working from home on a regular basis.
- Approved Working from Home Agreements may not carry over to any new position which a staff member may transfer or be promoted into. If the employee wishes the arrangement to continue they must discuss it with their manager.

5. Flexible Work Toolkit

An online [Flexible Work Toolkit](#) is available for staff on request. The [toolkit](#) contains practical advice, checklists, FAQs and examples of flexible work arrangements, including case studies that show how various flexible work arrangements can be managed. It includes a step by step checklist that both managers and employees can follow.

The relevant HR Business Partnering Team or Workplace Diversity workplace.diversity@unsw.edu.au may also be contacted for further guidance.

6. Appeals process

Where an application for a flexible work arrangement is not approved, the employee may seek advice from the HR Business Partnering team or Workplace Diversity as appropriate. If the employee remains unsatisfied with the decision they can refer to UNSW's [Staff Complaint Procedure](#).

Accountabilities	
Responsible Officer	Vice-President, Human Resources
Contact Officer	Workplace Diversity Consultant
Supporting Information	
Legislative Compliance	<p>This Procedure supports the University's compliance with the following legislation:</p> <p>Anti-Discrimination Act 1977 (NSW)</p> <p>Australian Human Rights Commission Act 1986 (Cth)</p> <p>Disability Discrimination Act 1992 (Cth)</p> <p>Discrimination Act 1991 (ACT)</p> <p>Fair Work Act 2009 (Cth)</p> <p>University of New South Wales Act 1989 (NSW)</p> <p>Work Health & Safety Act 2011 (Cth)</p> <p>Workplace Gender Equality Act 2012 (Cth)</p>
Parent Document (Policy)	Equity, Diversity and Inclusion Policy

Supporting Documents	UNSW (Academic Staff) Enterprise Agreement 2018 UNSW (Professional Staff) Enterprise Agreement 2018 Flexible Work Toolkit Employee Checklist Manager Checklist Safe Remote Working Checklist Working from Home (or another location) Agreement Form			
Related Documents	Code of Conduct (staff) Health and Safety Policy Reasonable Adjustment Guidelines for Managers of Staff and Potential Staff with Disabilities Change of Hours Request Form (HR09)			
Superseded Documents	Working from Home Policy			
File Number	2019/38024			
Definitions and Acronyms				
Flexible Working	Flexible working includes (but is not limited to), part-time, job share, compressed work week, working remotely, flexi-hours.			
Job Function	Refers to academic or professional staff member status.			
Part-time	Working a portion of a standard full-time hours / week.			
Job share	Two people are retained on a part-time basis to perform a job on a regular basis.			
Compressed work week	Standard workweek is reduced to fewer than five days, and employees make up the full number of hours per week by working longer hours.			
Earlier/later start and finish times	Employees vary their hours of starting and finishing work.			
Working from home or another location	Employee works outside the office, including from home.			
Flexi-time	An arrangement allowing for extra hours to be worked and then reclaiming those hours as time off (this applies to Professional Staff only).			
Revision History				
Version	Approved by	Approval date	Effective date	Sections modified
1.0	Vice-President Human Resources (Acting)	30 September 2019	30 September 2019	New Procedure