



# Workplace Flexibility Policy

## HR Policy

This policy applies to all non-SES employees of Services Australia (the agency) and, where stated, contractors.

WORKPLACE RELATIONS BRANCH

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## Principles

1. Workplace flexibility can help you to balance your personal needs, while meeting the performance expectations of your role. It can improve workforce diversity and capability, and attract and retain employees to support the community in more locations.
2. While flexibility can apply to all roles, different types of flexibility may suit different roles and needs. You and your manager should discuss various options to see what works best for you and the agency.
3. Delegates must consider requests on a case-by-case basis, with a bias towards approving requests, and genuinely try to reach agreement with you. Delegates may only refuse requests on [reasonable business grounds](#).
4. The agency is committed to engaging with employees and their union to build a culture that supports flexibility at all levels.
5. You must continue to meet your employment obligations, such as [work health and safety](#) (WHS), security, privacy, performance and conduct.
6. You and your manager must review arrangements at least every 12 months.
7. Delegates must refer to the [HR Delegations](#) before making decisions.

Employees, managers and delegates should have genuine discussions to reach a common understanding of individual, team and business needs. Delegates must respond in writing within 21 calendar days of your request.

## Available arrangements

You may access more than one arrangement at a time, where this balances business, team and individual needs. Arrangements can be [ad hoc](#), short-term or long-term. They include, but are not limited to, changes in:

- Hours of work, such as:
  - part-time work, or
  - a change in your ordinary pattern of hours
  - compressed hours
  - a Regular Hours Agreement
  - working outside of the bandwidth
- Patterns of work, such as:
  - job sharing
  - split shifts (refer to subclause [F14.14](#) of the Agreement for more), or
  - swapped shifts (refer to subclause [F14.17](#) of the Agreement for more), or
- Location of work, such as:
  - working from home, or
  - working from another Services Australia site.

# Hours of work

## Part-time arrangements

You work part-time if you:

- work fewer than 150 hours per settlement period on an ongoing basis or for a fixed period
- have a formal [part-time work arrangement](#) in place, and
- are not a casual employee.

You may apply to work part-time at any time. Managers will not unreasonably refuse requests. This is in line with clause [F5](#) of the Agreement. Managers cannot compel a full-time employee to work part-time, or vice versa.

All employees can apply for part-time hours. If you are returning from parental leave, you have an additional right to access part-time hours until your child's 3rd birthday. This is in line with subclause [F5.8](#) of the Agreement. After this time, you can continue to request part-time hours under the relevant Agreement or the [Fair Work Act 2009](#) (FW Act).

## Changes to your hours

You may apply to change your working hours at any time. This can include:

- working 150 hours in a settlement period over fewer days, with a planned day(s) off. This is also known as compressed hours
- a Regular Hours Agreement, which is a fixed pattern of working hours over a settlement period. This includes start and finish times, and the timing (if you choose) and duration of lunch breaks. This may also include one or more planned days off.

You may also apply to work outside of the bandwidth (7 am to 7 pm, Monday to Friday). This may be on a temporary or ongoing basis. Your manager will consider if there is sufficient work that needs to be performed outside of the bandwidth. They will also consider supervision and safety arrangements for your site and/or business area. Where your manager agrees to your request, you will generally not be eligible for shift or overtime penalties. This is in line with clause [F3](#) of the Agreement.

Before changing your hours, you and your manager are encouraged to discuss:

- if you can perform your work effectively in the new arrangement
- if there are any [reasonable business grounds](#) that apply, including any impacts on your team or others, or on WHS, and
- how you will manage [fatigue](#).

If the [delegate](#) approves your request, you and your manager must update your hours in [ESSentials](#).

# Patterns of work

## Job sharing

Job sharing is where 2 or more employees share one full-time job. Job sharing is initiated by employees. If you are job sharing, you are a part-time employee. This is in line with clause [F6](#) of the Agreement.

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Not all jobs or employees are suited for job sharing. When considering job sharing, employees and managers will consider if it is suitable for the role, including:

- the duties of the role and business requirements
- how the job sharing will work in practice. This may include which days and/or hours you will each perform the role, and communication and handover arrangements, and
- if there are any [reasonable business grounds](#) that apply, including any impacts on your team or others.

Employees and managers need to agree to an arrangement before it starts.

# Location of work

## Working from home

All employees, including casual employees, can apply to work from home. You may apply for [ad hoc](#) or [long-term](#) work from home using the relevant forms. You and your manager can trial an arrangement before agreeing to a longer-term one. If the [delegate](#) approves your request, you and your manager must record it in [ESSentials](#).

To ensure your role is suitable, it should involve:

- a sufficient volume of work that you can perform at home, reflecting a suitable range of your duties
- a high degree of autonomy, and
- minimal security, privacy and WHS risks, or sufficient controls in place.

If you work from home, you will have access to the same employment conditions as other employees. This includes preparation and pack-up time, breaks and [overtime](#), where relevant. You should also agree with your manager on how you will continue to respond to priorities and connect with your team. During your agreed, planned working hours, your attention must remain on your work. Suitable leave, [flex time](#) or other flexible work options may be available if you have personal matters that need attention.

Your request can include some days in the office and some days at home. This can ensure you stay more connected with your team and others in the workplace. However, the agency will not impose caps on the amount of time that groups of employees can work from home. Delegates must continue to consider individual circumstances. Depending on your arrangement and circumstances, you may need to use a [shared desk](#) when you attend the office.

Sometimes, the agency may need to change your work from home days due to unplanned or urgent work priorities. The agency will provide you with as much notice as reasonably possible in these circumstances. If you need to change your days due to one-off personal needs, you must also provide as much notice as possible to your manager. You don't need to complete a new form in these cases.

You must not use a personal email account or personal computer to conduct your duties. For more, read the [Conduct and Behaviour Policy](#) and [Acceptable Use of ICT Facilities](#). You must also handle sensitive data in line with the [Information Handling Guide](#).

In the first instance, the agency may provide a mobile computer for you to work from home. You must not take desks home. In limited instances (such as in an emergency or for a [workplace adjustment](#)), you may take chairs home. You must seek approval from your manager beforehand. The agency may reimburse you for other costs required for setting up work from home. Refer to [Equipment for home-based work](#) for more.

The agency will not compel employees to work from home, unless it is lawful and reasonable to do so. This may include where employees are unable to attend an office due to a natural disaster, pandemic or emergency. In these cases, managers will consider individual circumstances and options for working safely. This is in line with subclause [F17.22](#) of the Agreement.

## Working from another Services Australia site

You may apply to work from another site on a short-term or long-term basis, if:

- it meets personal and business needs
- there are no [reasonable business grounds](#) that apply. This includes no significant, negative impact on your team or other teams, and
- a suitable workstation is available.

This includes if you need to work somewhere for compassionate, caring, disability, medical or emergency reasons. Delegates must also consider an Aboriginal and Torres Strait Islander employee's connection to country and cultural obligations, where the employee requests to change their location of work. This is in line with subclause [F17.12](#) of the Agreement.

Not all agency sites may be suitable locations for all employees, especially on a long-term basis. You should consider the purpose and location of a site before applying to work there, along with any reasonable business grounds that may apply. This includes if you request to work from other sites in your same region. For example, the purpose of a Service Centre is to serve our customers. Generally, only employees who can provide face-to-face services to customers, or who directly support that Service Centre, should work in that site.

Before you move, you must receive approval from the [delegate](#) by using the relevant [form](#). You should also check for seating availability beforehand. If approved, you and your manager must update your location in [ESSentials](#). You will be responsible for all personal relocation costs.

## Requesting flexible working arrangements

Before making a formal request, you are encouraged to have a discussion with your manager. You can discuss your needs and preferences and the type of arrangement you are seeking. You and your manager should explore arrangements that best suit your needs and the agency, with a positive bias. Refer to the [Workplace Flexibility Toolkit](#) for more. You can still formally request and discuss an arrangement with the delegate.

You must make formal requests to your manager and the [delegate](#) in writing. This must include:

- the type of arrangement you are seeking
- the proposed length of the arrangement
- the reasons for your request, and
- the basis on which you are making your request (such as under the relevant Agreement or under [legislation](#)).

You may do this by email. You should provide as much notice as possible. Some requests have specific forms, which you must complete. Refer to the relevant sections of this policy for more. Your manager(s) must ensure the delegate receives your written request as soon as possible.

Delegates may ask for more details or evidence to support your request, to ensure it is suitable and safe. Requests for evidence will be appropriate to the circumstances. Refer to the [Delegate's Guide](#) for more. Managers and delegates must handle information and evidence in line with the [Staff Information Policy](#).

## Requests under the Enterprise Agreement

All employees can request flexible working arrangements under the relevant Agreement. You can apply for any reason. This includes if you do not meet the criteria for requesting an arrangement under [legislation](#).

## Requests under the *Fair Work Act 2009*

The FW Act also includes a right for certain groups of employees to request flexibility. You must have worked with the agency for at least 12 months and meet the [criteria](#). This includes if you are a casual employee.

If you experience family and domestic violence (FDV), flexibility may also be essential for you and your family's safety. You can request flexibility if you experience FDV, or provide care or support to an immediate family or household member experiencing FDV. This is provided under both the FW Act and clause [H5](#) of the Agreement. Refer to [Supporting staff affected by FDV](#) for more.

## Requests for workplace adjustment

Employees with disability can also request flexibility as a [workplace adjustment](#). Delegates will aim to support requests for adjustment, where possible, in line with the *Disability Discrimination Act 1992*. Refer to [Responding to requests](#) for more. You can also refer to the [Workplace Adjustment Policy](#) or contact the [National Disability Access Coordinator](#) (NDAC) for guidance.

## Requests for ad hoc arrangements

You may also request ad hoc arrangements. These are generally one-off or short-term arrangements for specific needs that are not ongoing. This may include, but is not limited to, appointments or school holidays.

Where possible, you should request ad hoc arrangements in writing with as much notice as possible. The arrangements you can request include those set out in this policy.

Requests for ad hoc arrangements are not subject to the provisions set out in [Responding to requests](#). However, [delegates](#) should:

- consider requests on a case-by-case basis
- have a bias towards approving requests
- consider your needs
- consider if there are any [reasonable business grounds](#) that apply, and alternative arrangements if so, and
- respond to you in writing as soon as possible.

Where there is a pattern of ad hoc requests, managers should consider if a formal request is more suitable.

## Responding to requests for flexible working arrangements

Delegates should discuss your request with you and/or your manager(s). This will help with reaching a common understanding of individual, team and business needs. It can also allow delegates to understand the basis on which you have made your request. Refer to the [Delegate's Guide](#) for more.

Delegates must provide a written response to you within 21 calendar days of your request. This must clearly set out whether they approve, refuse or agree to an alternative arrangement.



## Approving a request

Where the delegate approves your request, they must set this out in writing. This written response must include:

- details of the arrangement, including the start date, review date, your working days, hours and location
- any security and WHS requirements, along with general expectations around performance, conduct and behaviour
- a review date that is no more than 12 months away, and
- costs, where relevant.

Once the delegate approves your request, you and your manager must update your details in [ESSentials](#).

## Discussing alternatives

If the delegate cannot approve your request, they must discuss this with you. They may propose an alternative arrangement that can support your needs, which you and the delegate may agree to. If so, the delegate must provide written approval of the alternative arrangement in line with this policy.

## Refusing a request

Delegates may only refuse a request if they have:

- discussed the request with you
- genuinely tried to reach agreement with you on arrangements (including alternatives) that would accommodate your circumstances
- not been able to reach agreement with you
- considered the consequences for you from refusing your request, and
- based their refusal on [reasonable business grounds](#).

If the delegate refuses your request, they must, in writing:

- establish the reasonable business grounds that specifically apply to your request
- set out relevant alternatives that may be suitable, or state there are no such alternatives, and
- state that you may [dispute](#) the decision and seek further resolution at the workplace level (or, following that, refer it for a [review](#) or to the Fair Work Commission). Failure to provide the written response within 21 calendar days of the request is also subject to dispute resolution.

If unsure, managers and delegates should consult [HR Support](#) before refusing a request.

## Reasonable business grounds

Reasonable business grounds for refusing a request are set out in subclause [F17.11](#) of the EA and the [FW Act](#). They include, but are not limited to, if:

- accommodating the request would be too costly for the agency
- there is no capacity to change the working arrangements of other employees to accommodate the request
- it would be impractical to change the working arrangements of other employees, or recruit employees, to accommodate the request
- accommodating the request would likely lead to a significant loss of efficiency or productivity



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- accommodating the request would likely have a significant, negative impact on customer service
- there are significant security or WHS risks that cannot be reasonably addressed.

### Refusing requests for workplace adjustment

If you request flexibility as a workplace adjustment, delegates can only refuse if:

- the arrangement would not assist you to perform the inherent requirements of the role, or
- providing a workplace adjustment would impose an unjustifiable hardship on the agency. This includes if it were too expensive, difficult or time-consuming, considering the size or resources of the agency.

The criteria for establishing these grounds is higher than establishing reasonable business grounds for other requests. Delegates can refer to the [Workplace Adjustment Policy](#) or contact the [NDAC](#) for guidance.

### Work health and safety considerations

Under the *Work Health and Safety Act 2011*, the agency has a duty to ensure the safety of workers. This extends to any location where employees perform work. The agency must, as far as reasonably practicable, eliminate (if possible) or minimise risks from a flexible working arrangement. Risks can relate to both physical and psychological health. Refer to the [WHS Policy](#) and [Mental Health Safety Policy](#) for more.

In considering what is reasonably practicable, delegates must consider the likelihood of hazards occurring and the degree of harm. Delegates must also consider the availability and suitability of control measures to eliminate or minimise these risks.

For work from home, the forms for [ad hoc](#) and [long-term](#) arrangements set out general WHS requirements. When considering requests on a case-by-case basis, delegates may reasonably assess whether to ask for further control measures. This may include requesting further reasonable evidence. Refer to the [Delegate's Guide](#) for more.

## Reviewing flexible working arrangements

You and your manager must review your arrangement at least every 12 months. You may agree to review your arrangement before then. You and your manager should review arrangements if your personal needs or business needs change, or if any concerns arise (such as around performance or safety).

When reviewing your arrangement, you and your manager will discuss the effectiveness of the arrangement. This may also include relevant matters including:

- your performance needs
- any changes to [reasonable business grounds](#) that may impact the arrangement, and
- other factors, such as your learning needs and wellbeing.

If your arrangement is effective and meeting individual and business needs after a review, you do not need to apply for it again, unless your circumstances have changed. You must continue to review the arrangement at least every 12 months.

If you are changing jobs, you should discuss your arrangements with your future manager. This will determine if they can support them.

## Varying, pausing or ending your arrangement

You may request to vary, pause or end your arrangement at any time. You should discuss this with your manager in the first instance, before putting your request to them in writing. If your arrangement has a specific form, you may need to complete it again when varying an arrangement. This will depend on how much of the arrangement and your circumstances are changing.

The [delegate](#) may vary, pause or end your approved arrangement:

- on [reasonable business grounds](#)
- with reasonable notice in writing, and
- considering your circumstances.

Before the delegate can do so, they must:

- discuss their intention to vary, pause or end your arrangement with you, and the reasons why
- genuinely try to reach agreement with you on making other changes to your working arrangements that would accommodate your circumstances
- consider the consequences for you from varying, pausing or ending your arrangement
- ensure they make their decision on reasonable business grounds, and
- inform you in writing of the changes to your arrangement, including the details set out in [Refusing a request](#).

Exceptions to these requirements for the delegate are:

- urgent and critical business needs, or
- an employee's demonstrated and repeated failure to comply with their agreed flexible working arrangement.

## Reviewing moves to another site

Any moves to another site under this policy must meet business needs (in line with [reasonable business grounds](#)). Moves must also be sustainable for the hosting site. You and your manager will review your arrangement at least every 12 months.

Your arrangement may end in line with the provisions set out in [Varying, pausing or ending your arrangement](#). Depending on seating availability, the agency may ask you to work from:

- your previous site
- a site with other members of your team, or
- a suitable location for the type of work you perform.

If you work in a remote location, the agency will consider this when reviewing arrangements.

You and your manager may also discuss other flexible working options that can support employee and agency needs. The relevant sections of this policy apply.

## Contractors

In some cases, contractors may apply for workplace flexibility. Requests from contractors must be directed to their direct employer. Where contractors make a request under the FW Act, the obligation to provide flexibility remains with the contractor's employer.

The contractor's employer must advise in writing that there are no restrictions in a contract to allow for flexibility. Local managers may support arrangements where suitable, in consultation with the contractor's employer and in line with the contract. Decisions should generally be consistent with the considerations for APS employees under this policy. This includes WHS, privacy, performance and security needs. The agency must also support workplace adjustments for contractors where required.

For more advice, you can refer to [Procurement and Contract Management](#) and [ICT contractors](#).

## About this policy

The A/g General Manager, Wellbeing and HR Support, endorsed this policy in May 2024.

The agency will review this policy in May 2026.

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# Workplace flexibility

## A delegate's guide

A guide for decision-makers when considering requests for flexible working arrangements

This resource supplements the more detailed [Workplace Flexibility Toolkit](#) for managers. It should also be read in conjunction with the [Workplace Flexibility Policy](#)

# Introduction

Our people appreciate having a balance between their work and personal needs. Workplace flexibility helps us all to manage these priorities. It's also an important way of attracting and retaining staff.

At the same time, our agency has high expectations to deliver services to the community. Our flexible working arrangements must support this goal.

In addition, it's important for delegates to understand their legislative obligations when considering requests for workplace flexibility.

Delegates must balance these obligations with individual and business needs, and respond to requests in a timely, robust and reasonable way.

Delegates must consider requests on an individual basis. However, there should still be consistency in the decision-making **process**, rather than **outcomes**. This guide aims to assist delegates to achieve this.

## Discussing a request

Delegates will have a bias towards approving requests. Delegates must discuss a request with the employee, before being able to refuse it. In addition, you must genuinely try to reach agreement with the employee.

Delegates can use this discussion to ask and test any areas of risk or concern. These could include impacts on productivity or customer service, information security and work health and safety (WHS). Delegates and employees should also discuss how they will maintain effective communication and supervision, to manage any risks around performance or wellbeing.

Some requests include application forms, which outline these risks generally. However, delegates can still consider areas of risk or concern relevant to the employee and their business area. Delegates and employees should then be able to determine how risks will be mitigated as part of a joint responsibility. Trialling short-term arrangements may also be a useful way of addressing concerns.

If risks can't be mitigated, delegates and employees can discuss alternative arrangements. This could include finding a middle ground to ensure individual needs, business needs and risks are balanced. Alternatives or other arrangements may also need to be considered, if there are practical barriers (such as ICT or team availability) that mean a requested arrangement can't commence until a later time.

In some cases, an employee may need to provide further information to support their request. This includes if delegates identify specific risks (e.g. information security) in an application. An employee may also agree to have an external assessment conducted in limited circumstances. However, this may not be able to occur within 21 calendar days. In these instances, delegates should have a discussion with the employee to better understand the request, and explore how risks could be mitigated in the immediate term. Delegates must still provide a response within 21 calendar days.



In limited cases, it may not always be practical for delegates to have a direct discussion with an employee (e.g. due to a large number of requests in a business area). However, discussions and correspondence with intermediary managers still need to be fully conveyed to the delegate, while maintaining the employee's privacy. This also needs to be documented at each step.



## Considering a request

Under both the *Fair Work Act 2009* and the Enterprise Agreement, delegates can only refuse requests for workplace flexibility on [reasonable business grounds](#). Refer to the information below for examples of how some of these grounds may be discussed with employees and applied in practice.

- When considering **efficiency or productivity** when working flexibly, outcomes should be similar to when an employee usually works in the office.
  - Delegates and employees can discuss how they will achieve this, including agreeing to performance expectations and regular check-ins beforehand.
- When considering **impacts on customer service**, arrangements must be balanced against how and when customers are able to access our services.
  - For example, if all employees in a Service Centre requested to work part-time or from home on a Friday, this may result in that site being closed for that day.
  - While considering requests individually, delegates can balance them at a team level. They can then explore a middle ground with employees that limits customer service impacts.
- When considering **security requirements**, delegates should be satisfied that an employee's work environment will maintain physical and information security.
  - For example, if an employee proposed to work in a common area in a shared living environment, this would pose a risk to information security.
  - Some roles may also have higher security clearances, which may impact an employee's ability to work remotely while handling sensitive information.
  - Employees and delegates should identify any risks and discuss how they will be addressed. This may include identifying secure spaces where employees can work and store agency assets/information.
- When considering **WHS requirements**, it's usually not necessary for delegates to request a WHS or workstation assessment. These are generally for when employees have a workplace adjustment or another injury or illness. Where an employee already has one in place in the office, this can be replicated for their flexible working environment.
  - Instead, delegates and employees can refer to self-assessments in the first instance, and discuss the need for further information if needed. Refer to the following page for more.

Where one or more of these issues (or others) arise, and cannot be addressed following a discussion, this may form reasonable business grounds for declining a request.

Delegates can also refer to page 5 of the [Workplace Flexibility Toolkit](#), including for examples of what are **not** suitable grounds for refusal.

In addition to reasonable business grounds, employees and delegates can discuss and agree to the following aspects to ensure an effective arrangement:

- How employees will receive **support**, including channels for technical support and escalations, as well as how employees will stay connected with their team
- Expectations around **collaboration and performance**, and how employees will contribute to team outcomes and activities in the same way they would in the office
- **General expectations** while working flexibly, including standards of dress, having suitable internet connections, and being present and visible in virtual meetings



## Balancing a decision

The following considerations may also assist delegates when assessing a request in the context of reasonable business grounds.

### What is reasonable?

The word 'reasonable' implies some form of balancing. This involves objectively weighing your business needs with individual needs. The onus of establishing [reasonable business grounds](#) lies with delegates, and grounds should be genuine, relevant and able to withstand scrutiny. In addition, requests for [workplace adjustment](#) **will be considered reasonable by default**.

### Costs

Many requests may result in some cost or loss of efficiency, even if only small. Delegates would need to refer to costs or adverse impacts **over and above** inevitable or small impacts.

### Work health and safety

Under the *Work Health and Safety Act 2011*, the agency must ensure the health and safety of workers. This extends to any location where work is performed.

**This isn't to say the agency must eliminate every possible WHS risk** from a flexible working arrangement. There may be some everyday risks that the agency would need to manage, so far as reasonably practicable. It may also be appropriate to accommodate the personal or health needs of an employee through workplace flexibility, where the agency is aware of these needs. Where there are no significant risks, no further WHS assessments may be needed.

For some arrangements (like work from home), it's reasonable for delegates to understand risks where employees will have a different physical and psychosocial work environment. Generally, a description of the home workplace may be sufficient, along with a discussion. In other cases (like if an employee interacts with customers or lives in a shared environment), risks such as customer aggression or information security may be heightened. Delegates may seek further information to ensure risks are addressed, and that support and escalation processes are in place if needed.

### Workplace adjustments

Workplace flexibility may be requested as a workplace adjustment. Adjustments help employees with disability and [other needs](#) to participate equally in the workplace. While adjustments in the form of workplace flexibility (such as work from home or part-time hours) may follow a similar approval process, requests from eligible employees must generally be granted.

An adjustment would only be unreasonable if it poses an unjustifiable hardship (in addition to any reasonable business grounds). This would include if it was too expensive, difficult or time-consuming to implement, considering the size and/or resources of the agency. This would be rare, and delegates must contact the [National Disability Access Coordinator](#) when considering refusal.

If needed, delegates may ask for evidence to support an adjustment. However, **the agency has a positive obligation** to approve adjustments. This is in line with the *Disability Discrimination Act 1992*. Delegates should adopt an expansive view when considering adjustments and evidence.

### Requesting evidence

It's open for delegates to request new or further evidence to ensure arrangements are appropriate and safe. This includes where requests arise from an employee's medical condition. Evidence must be considered on a case-by-case basis. However, there is **no default requirement** for employees to provide evidence. For home-based work, the agency's forms allow for WHS self-assessments in the first instance. This may be reasonably practicable as evidence of risks and controls.

### Contractors

The agency holds the same WHS duty to contractors as it does to APS employees. The agency shares this duty with the contractor's employer. Where contractors request flexibility, both duty holders must consider this. The agency should ensure it is satisfied with any arrangements put in place by the contractor's employer.

## Communicating your decision

Delegates must respond with their written decision within **21 calendar days** of the request (regardless of the outcome).

Delegates must document their decision, along with all discussions with the employee and any intermediary managers. Records will assist in the event of a dispute.

If a request includes an application form, and you and the employee discussed additional details, include these in your decision. This will help employees and team leaders have a full and consistent understanding of expectations upfront.

When setting out your decision in writing:

- summarise the request, including details such as the proposed start date and length
- state your decision clearly, whether you approve the request, propose an alternative or refuse the request
- if refusing a request, outline the **reasonable business grounds** and how they specifically apply. Do not rely on generic wording
- demonstrate how you have considered the impacts on the employee from refusing their request, and
- advise the employee they may dispute the decision and seek further resolution at the workplace level (or, following that, refer it for a [review](#) or to the FWC).

As employees may refer disputes to the FWC, delegates may need to appear as witnesses in FWC conferences or hearings. Delegates should ensure they are thoroughly familiar with an employee's request, and be able to speak to their decision in detail. This includes where delegates make their decision on a recommendation from a lower manager.

The [Employee Relations Team](#) is available to assist delegates in these cases.

## Summary

As a decision-maker, you are responsible for understanding the basis on which a request is made, and the reasons behind the request. You must then balance the individual's needs with each of the considerations in this guide.

To ensure your decisions withstand scrutiny, make sure they are robust yet reasonable, considering all factors. You must also document your decision.

**Refer to the checklist on the following page for the key steps to follow.**

- If you need further advice, you can contact [HR Support](#).
- You can also refer to the [10 principles of good decision-making](#).

# Checklist

This checklist summarises the key steps for delegates:

- ☐ Do you understand the basis on which an employee has made their request (i.e. under the [Fair Work Act 2009](#), the Enterprise Agreement or as a workplace adjustment)?
- ☐ Have you considered the request on an individual basis, with a bias towards approval?
- ☐ Have you considered whether the business requirements of the employee's role are suitable for the requested arrangement?
- ☐ Have you discussed the request with the employee (including before refusing the request), and genuinely tried to reach agreement?
- ☐ Have you considered the impacts on the employee if you refuse their request?
- ☐ Have you considered WHS risks to a reasonable extent, in the context of the individual circumstances?
- ☐ If requesting evidence, is this appropriate to the circumstances and has the employee's privacy been maintained?
- ☐ If you can't approve a request, have you proposed alternatives that the employee may agree to (or stated there are no such alternatives)?
- ☐ Have you contacted [HR Support](#) (or the [National Disability Access Coordinator](#) for workplace adjustments) prior to refusing a request?
- ☐ If refusing a request, is this on [reasonable business grounds](#) that can withstand scrutiny (or **unjustifiable hardship** for workplace adjustments)?
- ☐ Have you provided your written decision within **21 calendar days** of the request?
- ☐ Have you advised the employee they may dispute your decision and attempt to seek resolution at the workplace level (or, following that, refer it for a review or to the FWC)?
- ☐ Have you kept a record of your decision and all associated discussions?

# Workplace Flexibility Toolkit

A guide for managers to understand the process for requesting flexible working arrangements

This resource supports the [Workplace Flexibility Policy](#)

For general policy queries and to provide feedback on the toolkit, contact [HR Policy](#)

For advice on specific employee requests and applying the toolkit, contact [HR Support](#)



# Introduction

Workplace flexibility is about balance. For employees, it's about finding a way to balance life at work with life outside of work. For the agency, it means balancing the needs of employees with the needs of our business and customers.

In some cases, flexible work arrangements may be easy to support. Some arrangements may need more in-depth discussions, before reaching an outcome that works for everyone. In addition, the nature of our work means that some arrangements may not be possible for every role. Employees and managers should be open to discussing a range of options to see what works.

While delegates must consider requests on an individual basis, the decision-making process should be consistent. This toolkit provides a structured process for managers and delegates, even if outcomes may vary for individual requests. To support decisions, it's important for delegates to **discuss** their reasoning and any concerns with the employee throughout the process. This will help both delegates and employees to reach a common understanding of expectations, find solutions and implement effective arrangements.

The overall aim of this toolkit is to:

- provide practical advice that supports, and should be read in conjunction with, the [Workplace Flexibility Policy](#)
- encourage transparency on the process for requesting flexibility, and
- assist managers and delegates to respond to requests in a considered way.

For further advice on specific considerations for delegates, refer to the [Delegate's Guide](#).

## What are flexible working arrangements?

The type of flexibility that suits an employee and the agency will vary, depending on the circumstances.

An employee may request and access more than one type of flexibility (e.g. part-time hours and work from home). However, the delegate may balance this against reasonable business grounds.

Arrangements include, but are not limited to, adjustments to:



Hours of work	Patterns of work	Location of work
<ul style="list-style-type: none"><li>• Part-time work</li><li>• Change in regular hours</li><li>• Compressed hours</li></ul>	<ul style="list-style-type: none"><li>• Job sharing</li><li>• Split shifts</li><li>• Swapped shifts</li></ul>	<ul style="list-style-type: none"><li>• Working from home</li><li>• Working from another Services Australia site</li></ul>

# Steps to follow when considering flexible work arrangements

## Step 1: Managers have a **team discussion**

Managers should discuss flexibility with their team. This can focus on how flexibility can support personal needs while achieving business needs.

Employees and managers can consider the following:

- How can flexibility support us in achieving our goals?
- What are the expectations when we work flexibly (e.g. around [performance](#) and communication)?
- How can we monitor the success or impacts of flexible work?

This can help employees understand their needs in the context of the team and agency. It also supports managers to take a fair and collaborative approach to workplace flexibility. Managers should encourage employees to then have an individual discussion if they're considering a flexible working arrangement.

## Step 2: Managers have an **individual discussion**

Managers must take the time to understand requests. To assist, employees and managers are encouraged to have an initial discussion. Make sure to remain open-minded and understand the basic facts, such as:

- Is the employee requesting a short-term or long-term arrangement?
- On what basis is the employee making their request (e.g. [Fair Work Act 2009](#) (FW Act), Enterprise Agreement (EA), workplace adjustment)?
- What are the employee's reasons for their request?
- Who has the [delegation](#) to approve the request?

Managers should determine if they can support the request with an ad hoc arrangement or a formal one.

Managers **must** [keep a record](#) of all discussions.

## Step 3: Employee submits a **formal request**

Employees must make formal requests in writing. They should outline:

- the type of arrangement they are seeking and its proposed length
- why they are making the request. Noting that workplace flexibility is inclusive, the reasons for the request should not be a driving factor, and
- the basis on which they are making the request (such as the FW Act or EA).

Line managers may make initial assessments and provide recommendations to the delegate. However, **only the delegate can approve or refuse a request**.

Delegates must respond with their written decision **within 21 calendar days of the request**. For workplace adjustments, delegates should acknowledge requests within 5 days, and provide their written decision within 14 days.

Delegates can ask the employee for more information if needed. However, delegates must still provide their written response within 21 days.

## Step 4: Delegate considers the request

To meet this, suggested timeframes for managers and delegates are as follows:

- Week 1 – initial assessment and in-principle decision/discussion with employee, referral for external advice if needed (e.g. HR Support if considering refusal, or any required assessments)
- Week 2 – assessment of all information/evidence, formal discussion with employee if needed (where refusal is being considered)
- Week 3 – draft decision, seek advice from HR Support if refusing, communicate the decision to the employee.

As a delegate, it's important to understand the basis on which an employee has made their request. Requests under the FW Act or as a workplace adjustment may indicate a need for flexibility, rather than a choice. At the same time, delegates must follow the same process for requests under the EA. Workplace adjustments also have higher decision-making standards under the *Disability Discrimination Act 1992*. Refer to the [Delegate's Guide](#) for more.

Delegates need to:

- seriously consider the employee's circumstances and **make all reasonable attempts to support their request**, having a bias towards approval
- consider the needs of the business and capacity of the team
- decide within 7 days whether to give in-principle approval and proceed with the request – or begin outlining reasons why they can't support the request
- if needed, reasonably request further information, such as around work health and safety (WHS) or security aspects of the requested arrangement
- consider other suitable options if the arrangement won't work for your area
- refuse a request on [reasonable business grounds](#) (or **unjustifiable hardship** for workplace adjustments), explaining how they specifically apply, and
- provide their written decision within 21 calendar days of the request.

Delegates who plan to refuse a request must liaise with [HR Support](#) early. Delegates can share their proposed written response, especially if the matter is complex. For workplace adjustments, delegates must contact the [National Disability Access Coordinator](#).

## Step 5: Delegate discusses the request

Before responding, delegates must discuss the request with the employee and/or intermediary managers. This can help reach a joint understanding of:

- the proposed changes to the employee's working arrangements
- the needs and preferences of both the employee and agency
- impacts on the employee if the delegate refuses the request
- if there are any reasonable business grounds for refusing the request
- if there are specific risks or concerns that need to be addressed (refer to the [Delegate's Guide](#) for more), and how these will be mitigated, and
- if there are alternative arrangements that could be discussed and agreed to.

If delegates need to refuse a request, be honest with the employee. Help employees understand why you can't support their request. Refer to [Difficult conversations](#) for advice.

Delegates **must keep a record** of discussions and how they tried to reach agreement. Follow up verbal discussions with an email or file note.



## Step 6: Delegate responds in writing

Delegates must set out their final decision in writing. Include business reasons in detail. Employees are more likely to accept decisions if there is clear reasoning that considers their needs.

Delegates can refer to the following steps when drafting their response.

### 1. Summarise the request

Show that you have understood the request in full. Include details such as the proposed start date and length of the requested arrangement.

### 2. Approve the request

State the decision clearly. If approved, confirm the start date, length and location of the arrangement. Delegates and employees may also consider trialling an arrangement (if so, include a review date). This may help to provide assurance around the effectiveness of the arrangement and any risks. In all cases, delegates should remind the employee of their security, WHS and privacy obligations.

### 3. Or, propose an alternative

Give clear details of alternate arrangements that may be more suitable, and include the reasons why. Give the employee time to consider and respond in writing. Employees must agree to any alternatives.

### 4. Or, refuse the request

If there are no possible alternatives, delegates must say so. Delegates must outline the reasonable business grounds for refusing the request. These include arrangements that:

- lead to an unreasonable cost for the agency
- need an unreasonable change to another employee's working arrangements, or an impractical need to recruit a new employee
- are likely to have a significant loss in efficiency or productivity
- are likely to have a significant, negative effect on customer service, or
- pose significant security or WHS risks that cannot be addressed.

Delegates must **explain how reasonable business grounds specifically apply to the request**. Delegates may use evidence to support this. Refer to the [Delegate's Guide](#) for more advice on how reasonable business grounds may apply.

Delegates **must not refuse requests solely for general reasons** that do not relate to reasonable business grounds. General reasons are unlikely to withstand scrutiny. Examples that may be unsuitable on their own include:

- general references to wellbeing or the 'intrinsic benefits' of the office
- stating that the 'default work location' is the office
- saying 'we are too busy', without explaining specific demands or peak times
- using the basis of an employee's age, gender, disability or any other [personal characteristic](#)
- determining that the requested arrangement would not meet an employee's personal circumstances.

Delegates must inform employees of their access to dispute resolution under the FW Act and EA.

## Step 7: If the delegate refuses a request

### 5. Keep a record

Keep a copy of the final response. This may be helpful if delegates need to refer back to their decision.

Employees should talk to their manager if they're unhappy with a decision. [Discuss](#) ideas for what could work instead. Employees and managers must keep a record of discussions.

If the request is for a workplace adjustment, managers must also contact the [National Disability Access Coordinator](#).

If this doesn't resolve the matter, employees may refer disputes to the Fair Work Commission. The [Employee Relations team](#) can support delegates in these cases.

## Step 8: If approved, employee and manager implement together

Clear and open communication is vital for successful arrangements. Together, employees and managers should:

- have an upfront discussion on work hours and communication
- set realistic expectations of work outcomes
- be realistic about a period of adjusting to the arrangement
- agree to how the arrangement will be monitored and reviewed over time, and
- document these discussions.

Remember, flexibility requires managers and employees to be adaptable.

## Step 9: Employee and manager monitor and review

It's important that both the employee and their manager keep track of how the arrangement is going. Review the arrangement formally at least every 12 months. Employees and managers can agree to formally review it sooner, if needed.

Ensure the arrangement is still meeting both the employee's needs and business needs. Managers should address any concerns as soon as possible, such as [performance](#) issues. Where required, the EA sets out provisions for varying, pausing or ending an arrangement. Managers can contact [HR Support](#) for advice.

Managers should also consider the following:

- Is the employee meeting agreed expectations?
- Does the arrangement allow for connection with colleagues?
- Is the work and workload of the employee consistent with their duties?

**Workplace tip:** Some employees may perform additional workplace responsibility roles, such as emergency wardens or first aid officers. Flexible working arrangements don't necessarily exclude employees from performing these roles. However, managers can consider the amount of in-person availability needed for employees to effectively perform those roles.

## Costs and benefits

When considering costs and benefits, it may not be possible to give a clear, 'numeric' value to each one. The following examples are general in nature. Costs and benefits will be different for each team and request. Delegates need to consider factors relevant to their area, and what costs would be **significant** or **unreasonable**.

### Costs

Costs may be direct or indirect. These include:



The cost to our customers in being able to service them effectively. For example, flexibility may reduce the number of employees who can serve a customer, without proper planning.



The need to prioritise equipment. For example, providing equipment to one employee might mean a lack of equipment for another.



Reimbursements for setting up long-term home-based work, where eligible. For more, refer to [Equipment for home-based work](#).



A site's capacity may limit the use of flexibility, such as the days that desks are free for employees.

### Benefits

Flexibility may also have benefits that can offset costs, including:



Improved productivity, performance and engagement. It can also attract and retain employees.



Financial savings for the agency, such as when managers combine working from home with [desk sharing](#). This may free up desk space and reduce property costs.



Reduced pressures on employees trying to balance work and personal needs. Employees can focus more clearly on work when flexibility eases those pressures.



Personal savings for employees, such as time saved on travel.

**Scheduling tip:** With working from home, benefits to both home and office settings can be balanced and harnessed. Some tasks may be better in an office with in-person support, while others may be suitable for home. Try and schedule arrangements to maximise the benefits from the time spent at home and in the office.

## Managing performance

Managers should address performance concerns as soon as possible. Take the time to understand why the employee is not meeting performance goals. This includes discussing if flexibility is a factor.

Removing or adjusting access to flexibility may not always be the first step. However, it may be a valid option. In some cases, implementing or continuing workplace flexibility may help in improving performance.

In other cases, the office may be better suited for employees who need in-person support. For guidance, refer to the [Performance Management Policy](#) and [Underperformance toolkit](#), or contact [HR Support](#).

**Communication tip:** When working remotely, employees should act the same way as they would in the office. This includes adhering to standards of dress, and having suitable internet speeds to ensure productive work. In addition, turning on your camera in virtual meetings can help you maintain connection and avoid misunderstandings. Otherwise, it can be hard to build rapport remotely.

## Health and safety

Managers must consider the health and safety of employees throughout an arrangement. This includes ensuring employees are safe at any work location, including at home. Managers must be satisfied that relevant WHS risks have been eliminated or minimised, as far as reasonably practicable. Employees and managers can also agree to a suitable and reasonable wellbeing check-in process. In addition, employees must take reasonable care of their own health and safety, and comply with reasonable WHS instructions.

When applying to work from home, employees must complete a WHS self-assessment in the first instance. This may be reasonably practicable evidence of risks and hazards, without the need for more assessments. However, employees and managers can discuss further risks in the context of an individual's circumstances, to ensure the home environment is safe, secure and suitable to work in. This may include asking additional questions where needed, such as where risks may be heightened (for example, around information security). Managers should ensure requests for further information are reasonable, while respecting an employee's privacy. For more, refer to the [Delegate's Guide](#), [Working from home safety](#) and [Comcare](#).

Where employees face genuine distress from emotionally impactful events, flexibility may be a form of distress support and first aid. This is usually short-term, and may include changes to hours or duties. The type of support will depend on the circumstances. Employees and managers should discuss together to understand their needs. For more, refer to the [Staff Distress Response toolkit](#) or contact [SAFE.SERVICE.DESIGN](#).

If an employee discloses they are affected by family and domestic violence, contact [Respect](#).

## Privacy

Where employees provide further information to support their request, it must only be accessed by those who need it, and for the purposes it was provided. This reflects that the information may be sensitive. This is in line with the [Staff Information Policy](#).

## Training

Managers can visit the [Learning Library](#) to find out more about effective arrangements. Courses include [s47E\(d\) Workplace Flexibility](#), [s47E\(d\) Leading Virtual Teams](#) and [s47E\(d\) Creating Mentally Healthy Workplaces](#).

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