



# Procedure

## Flexible work arrangements

### Audience

**Implementation Date:** 01/02/2019  
**Version:** 1.0

This procedure applies to all employees of the Department of Education (the department).

### Purpose

This procedure outlines the process, timeframes and due considerations that underpin requests for, and responses to, flexible work arrangements.

### Overview

Flexible work arrangements provide benefits to employees and employers. Well-designed and planned flexible working arrangements enable employees to manage external commitments and work life balance, while increasing wellbeing and performance. They can also allow business units to respond more effectively to variations in work volumes.

All employees have the right to request a flexible work arrangement under the *Industrial Relations Act 2016* (Qld) (the Act).

A flexible work arrangement may include changes to the way the employee works. These include:

- working hours e.g. flexible hours, flexible shifts, compressed hours;
- patterns of work e.g. job sharing, days worked, change from full-time to part-time work;
- work location e.g. telecommuting, hot desking;
- work schedules e.g. planned rostering and term-time work; and
- the way work is performed e.g. use of different equipment.

Employees should seek independent financial advice regarding taxation, superannuation, leave and other entitlements as a result of the implementation of a flexible work agreement.

This procedure does not apply to:

- a change required for medical reasons to accommodate an illness or injury. These requests are managed in accordance with the department's [Reasonable adjustments](#) procedure;
- a request for part-time work arrangements as part of a return to work from parental leave (up to when the child subject to the parental leave arrangement turns 6 years and 6 months). These requests are managed in accordance with the department's [Parental leave](#) procedure where employees are entitled to access

part-time work on return to duty after parental leave. This does not prevent the employee requesting other flexible work arrangements in accordance with this procedure; or

- deferred salary or purchased leave.

## Responsibilities

### Employees

- maintain honest and open communication with their manager, principal or supervisor throughout the application process and the duration of any implemented flexible work arrangement;
- comply with the flexible work arrangements agreement;
- be accessible during agreed work hours;
- actively participate and contribute to regular performance conversations where flexible work arrangements may be reviewed and monitored;
- advise their manager, principal, supervisor of any change in circumstances which may affect the terms of the flexible work arrangement;
- understand that performance expectations of employees with flexible work arrangements are the same as those without flexible work arrangements, including compliance with department policies and procedures;
- understand that either party can request a review, change or to cease the agreement at any time and effective performance conversations should be used to discuss the expectations of the manager and employee;
- understand that there may be a need to occasionally change flexible working arrangements to meet urgent organisational requirements/business needs;
- work collaboratively with their manager/principal/supervisor to seek a variation to the terms of the original agreement in instances where changes to the flexible work arrangement routinely occurs (as a result of either employee or department initiated reasons); and
- understand that these arrangements may have an impact on wages and entitlements.

### Managers, principals and supervisors

- consider all flexible work arrangement requests, taking into account the general principle and spirit of “giving it a go”, and being open to working flexibly wherever possible;
- facilitate open and honest conversations with the employee during the flexible work arrangement application and agreement process to ensure that the employee has a clear understanding of the arrangement, work expectations, business requirements and support available;
- meet legislative timeframes for considering and responding to flexible work arrangement requests;
- meet legislative obligations to only refuse a request (in part or in full) for a flexible work arrangement on ‘reasonable grounds’;
- discuss and implement clear lines of formal and information communication, understood and put into place to ensure effective working relationships and continued business outcomes.
- consult with the whole team regarding the requested flexible work arrangement, taking into consideration the team requirements, individual and team benefits;

- conduct regular performance conversations with employees to monitor and manage performance, expectations, requirements and timeframes in relation to their flexible work arrangement;
- be open to discussions and understand that there may be a need to occasionally change flexible working arrangements to meet an employee's personal circumstances or workplace needs and ensure these changes are formally documented and updated within the appropriate timeframe;
- work collaboratively with employees to seek a variation to the terms of the original agreement in instances where changes to the flexible work arrangement routinely occurs (as a result of either employee or department initiated reasons); and
- ensure records are appropriately stored and maintained.

### Human Resources delegate

- Approve/refuse the application for a flexible work agreement.

### Process



#### 1. Employee applies for a flexible work arrangement

An employee must complete a [Flexible work arrangement – Application and agreement form](#) (departmental employees only) and submit the completed request to their manager, principal or supervisor. The request must outline:

- relevant information to support the request including the reason(s) for the proposed change;
- details of the proposed changes (for applications which include a request for a change in work location, the [Telecommuting safety self-assessment](#) form must be completed; and
- length of time the proposed changes will apply (include start and end date if applicable).

For an ad-hoc arrangement and/or a short-term arrangement of less than one month, an email outlining the above details is sufficient instead of the [Flexible work arrangement – Application and agreement form](#) (departmental employees only).

#### 2. Manager, principal or supervisor makes a decision

##### 2.1 Considerations

Flexible work arrangement requests are considered on a case-by-case basis having regard to the employee's circumstances, the type of application being made, the duties of the employee, the work undertaken by the team as well as the responsibilities outlined above for the manager, principal, supervisor and employee.

The manager, principal or supervisor should consider arrangements which promote productivity, business

continuity, teamwork and open communication. This includes being open to different ways of working and ensuring supportive communication processes are in place to deliver business outcomes and timeframes.

For further information, managers, principals and supervisors should consult the Public Service Commission [Flexible work request checklist](#) when considering requests for flexible work arrangements.

If the employee is working somewhere other than a departmental location, the manager, principal, supervisor must review the checklist and identify any safety risks. These risks should be taken into consideration when agreeing to a flexible working arrangement and any conditions which may be attached to the agreement.

In instances where an employee has an existing flexible working agreement in place, and there are departmental initiated changes (e.g. new manager or position change), continue the agreement unless there are compelling business requirements which necessitate a new agreement to be negotiated. In the instance where an employee applies for a new position, a new flexible work arrangement is to be negotiated to reflect the requirements of the new role.

## 2.2 Consultation

The manager, principal, supervisor will discuss the flexible work arrangement application with the employee in the first instance to ensure a sound understanding of the request.

In the spirit of collaboration and fairness, and to ensure everyone understands that there might be some cultural or business practice changes necessary to support the flexible working arrangement, the manager should then discuss the application with team members and other affected colleagues. A considered approach should be taken to this consultation, ensuring that team members and colleagues understand that they are *not* approving or declining the application, but are contributing to the identification of:

- possible team impacts and ways to manage these impacts; and
- how to support the arrangement to ensure their colleague is set up for success.

## 2.3 Decision

The manager, principal or supervisor must provide the employee a decision in response to their flexible work arrangement application.

A flexible work arrangement application can be:

- granted;
- granted in part or subject to conditions (on reasonable grounds); or
- refused (on reasonable grounds). The manager, principal or supervisors' decision must be recorded in the relevant section of the flexible work arrangement application and agreement form.

In making a decision, the manager, principal or supervisor must meet the following requirements under the *Industrial Relations Act 2016* (Qld):

- be in writing;
- be provided to the employee within 21 days of receipt of their application;

- advise the employee of the outcome of their application;
- clearly state whether the request has been:
  - granted in full;
  - granted in part or subject to conditions (on reasonable grounds); or
  - refused (on reasonable grounds).
- inform the employee of their appeal rights.

In making a decision, managers, principals or supervisors should consult their local Human Resources unit when they have any questions in relation to the application, the completion of the form, the assessment of the application.

In making a decision, managers, principals or supervisors should consult their local Human Resources unit as well as the manager or supervisor if they intend to refuse the request for a flexible work arrangement.

#### 2.4 Approval

In all instances the flexible work arrangement must be approved by the Human Resources delegate.

#### 2.5 Ad hoc arrangements

A flexible work arrangement of ad-hoc and/or short-term (less than one month duration) it can be formalised by the exchange of emails between the manager, principal, supervisor and employee. The email correspondence must include at a minimum:

- details of the agreed changes to the way the employee will work; and
- start and finish dates for the flexible work arrangement.

### 3. Implementation of a flexible working arrangement

If a flexible work arrangement has been approved in full, in part or subject to conditions, the arrangements are to be implemented within the team. Managers, principals or supervisors are to:

- clearly communicate with the team about the agreed changes and how they will work within the team;
- consider opportunities to reschedule important meetings or give employees the opportunity to participate remotely to ensure a positive working culture;
- notify relevant stakeholders who are impacted by the flexible work arrangement (e.g. clients);
- support the employee to ensure all necessary arrangements are in place e.g. equipment, access etc.;
- manage any risks associated with the agreement, including health and safety; and
- keep the original of the flexible work arrangement agreement on record and provide a copy to the employee.

Employees are to:

- collaboratively discuss work arrangements with colleagues, peers and team members to ensure business processes and communication channels are in place. This is to ensure work outcomes, workload and

timeframes are not negatively impacted and/or managed fairly across the team/work area as well as ensuring business continuity arrangements are in place;

- update administrative aspects of their position to ensure a smooth transition to the flexible work arrangement (e.g. update signature block, voicemail message, out of office email details, update calendar, etc.), and ensuring that relevant team members have access to emails and calendars as required;
- inform payroll services of any variations to roster by completing an [Appointment and roster variation form](#) (departmental employees only); and
- advise their manager, principal, supervisor of all workplace health and safety risks, hazards, injuries and incidents associated with their work arrangements and locations.

## 4. Review, amend, conclude

### 4.1 Review

As regular and effective performance conversations are key to ensuring productive flexible working arrangements, all flexible work arrangements must be reviewed regularly to ensure arrangements continue to meet the operational needs of the department and the needs of the employee.

This may occur at any of the following opportunities to meet the needs of the work unit and employee:

- as part of formal (6 monthly) performance discussions;
- as part of regular informal performance conversations;
- as part of workforce planning, scheduling or timetabling e.g. school terms/years; or
- at any time during the agreement provided appropriate notice is given.

### 4.2 Amendments

To request minor amendments to the flexible work arrangement in writing, and ensure these changes are agreed to in writing by all parties prior to the amendments taking effect.

Reasonable notice must be provided by employee or manager, principal or supervisor for any amendments to the flexible work arrangement during the term of the agreement.

Amendments that *materially change* a flexible work arrangement (e.g. change of work location, change to hours, change to days) will be considered as a new flexible work arrangement, rather than an amendment to an existing agreement. The employee will need to complete and submit a new [Flexible work arrangement – Application and agreement form](#) (departmental employees only).

### 4.3 Conclusion

A flexible work arrangement ceases upon reaching the end date as specified in the approved agreement form. Should the employee wish to continue with the arrangements, a new application is to be submitted. (Note: If the intention that the arrangement will be ongoing, an end date should not be included in the new agreement).

An employee may conclude a flexible work arrangement prior to the agreement end date by providing reasonable

notice taking into account all the circumstances.

A manager, principal, or supervisor may conclude the agreement at any time with reasonable notice; however, it will be treated as a refusal of the flexible working arrangement. The decision to conclude the agreement will need:

- to be provided in writing to the employee;
- to be based on reasonable grounds;
- to clearly detail the reasons to the employee;
- provide reasonable notice; and
- to inform the employee of their appeal rights.

## 5. Appeals

If an employee is dissatisfied with the flexible work arrangement decision, a genuine and reasonable effort is to be made to resolve the matter informally with their manager, principal or supervisor.

An employee who considers the flexible work arrangement decision to be unfair and unreasonable, may lodge a complaint under the [Managing employee complaints](#) procedure.

Alternatively, where an employee disputes the flexible work arrangement decision, and genuine attempts to settle the dispute have been unsuccessful, the employee may lodge an industrial dispute with the Queensland Industrial Relations Commission. Please refer to Chapter 6 of the *Industrial Relations Act 2016* (Qld) (Industrial Disputes).

## Definitions

|                                 |   |
|---------------------------------|---|
| <b>Compressed working hours</b> | Compressed working hours (also known as aggregated working hours) allow employees to enter into a formal arrangement where the standard weekly working hours are performed over fewer days. For example, nine-day fortnights.   |
| <b>Employee</b>                 | Person engaged by the department in a full-time, part-time or casual capacity. For the purposes of this procedure it excludes labour hire, contractors and volunteers.  |
| <b>Flexible working</b>         | Routine changes to working hours, places and schedules in order to deliver optimal business outcomes and ensure employee wellbeing and work-life balance  |
| <b>Hot desks/hot desking</b>    | Hot desking involves an employee not having an assigned workstation. The employee is able to work from various workstations within the office location and also other department and Queensland Government office locations.<br><br>This option may be used in connection with telecommuting and job sharing. |
| <b>Job sharing</b>              | Job sharing involves the voluntary sharing of duties and responsibilities of one position between two employees. These arrangements can be tailored to suit a variety of circumstances.   |
| <b>Part-time work</b>           | Part-time work is a type of employment provided by legislation and involves employees   |

|   |   |
|---|---|
|   | <p>working less than the full-time standard hours of work under the relevant award or agreement.</p> <p>Part time work may be:</p> <ul style="list-style-type: none"> <li>• on a permanent basis, where your employment status changes to part-time;</li> <li>• on a temporary basis via a flexible work arrangement; and</li> <li>• on a return to work arrangement post parental leave.</li> </ul>  |
| <b>Reasonable notice</b>                        | Notice that is fair in the set of circumstances and will differ on a case-by-case basis.  |
| <b>Telecommuting (including work from home)</b> | <p>Telecommuting is the option of working from an alternative location, which is away from the ordinary place of work; for example, away from the school or office. Telecommuting can be agreed to on set days or when current workloads allow this flexibility.</p> <p>Telecommuting options can include, but are not limited to, locations such as:</p> <ul style="list-style-type: none"> <li>• home office; or</li> <li>• another departmental or government office location</li> </ul> |
| <b>Term-time work</b>                           | <p>Term-time work is where an employee works only during school terms.</p> <p>This may be achieved through a combination of averaging hours worked over a year, through the use of accrued days off or purchased leave.</p>   |

## Legislation

- [Industrial Relations Act 2016 \(Qld\)](#) ss27-29 and s544.

## Delegations/Authorisations

- [HR Delegations Manual](#) (departmental employees only)

## Related policies

- [Flexible work arrangements](#)

## Related procedures

- [Hours of work, accrued time off, time off in lieu and timesheet arrangements for non-school based public servants](#)
- [Parental leave](#)
- [Purchased leave and deferred salary scheme](#)
- [Reasonable adjustments](#)

## Guidelines

- Nil

## Supporting information/websites

- [Flexible work arrangements – Application and agreement form](#) (departmental employees only)
- [Making flexibility work](#) (departmental employees only)
- [Flexible work arrangements – Public Service Commission](#)
- [Flexible work request checklist – Public Service Commission](#)

## Contact

For advice regarding flexible work arrangements, contact your local HR team in the first instance.

Further information can be sourced from the Diversity, Culture and Engagement team.

*Email:* [weallbelong@qed.qld.gov.au](mailto:weallbelong@qed.qld.gov.au)

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## Superseded versions

Nil

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