

Flexible Work Policy

Section 1 - Background and Purpose

(1) La Trobe University is committed to providing a diverse, inclusive and respectful working environment for all staff.

(2) As part of this commitment, the University aims to provide, whenever practicable, flexible work arrangements to assist staff manage their work and personal commitments. This can be at any stage of their life and employment lifecycle, while still taking into account business and service delivery needs.

Section 2 - Scope

(3) This Policy applies to all continuing and fixed term staff of the University.

(4) This Policy only applies to casual staff if they have been employed by the University on a regular and systematic basis for a sequence of periods of employment of at least 12 months immediately before making the request and there is a reasonable expectation of continuing employment with the University on a regular and systematic basis.

(5) Casual staff who do not meet the requirement in section (4) of this Policy, may however request flexible work arrangements in certain circumstances, for example if the request relates to carer responsibilities or disability accommodation. Please contact HR Assist or your HR Business Partner for specific advice.

(6) All eligible staff have the right to request flexible work arrangements to manage their personal and work commitments, subject to business and service delivery needs.

(7) While all eligible staff have the right to request flexible work arrangements, under the [Fair Work Act 2009](#) staff with the following attributes or personal circumstances have a legal right to request flexible work arrangements if they:

- a. are a parent, or have the responsibility of a child who is school age or younger;
- b. are a carer within the [Carer Recognition Act 2010](#), that is, a staff member who provides personal care, support and assistance for someone with a disability, medical condition, mental health condition or who is aged and frail;
- c. have a disability;
- d. are 55 years of age or older;
- e. are experiencing violence from a family member; or
- f. are providing care and support to an immediate family or household member who requires care or support because they are experiencing violence from a family member.

Section 3 - Policy Statement

(8) La Trobe University is committed to:

- a. attracting and retaining staff by offering flexible work arrangements, whenever operationally possible;
- b. providing a work environment which promotes a healthy work-life balance;

- c. providing staff with a consultative process when requesting flexible work arrangements;
- d. giving careful consideration to requests for flexible work arrangements, in line with legislative requirements and the [La Trobe University Collective Agreement 2018](#) ('Collective Agreement') obligations.

Section 4 - Procedures

Part A - General

(9) This Procedure sets out the process for staff who wish to make a request for flexible work arrangements and for managers to consider and respond to such requests.

(10) The University will consider all requests for flexible work arrangements however no request will be automatically granted. Each request for flexible work arrangements will be considered on a case-by-case basis and determined based on the individual circumstances, position requirements and the business and service delivery requirements at the time of the request.

(11) The University is a campus-based institution and needs all staff to attend on campus as required – including for ad hoc business requirements. These requirements need to be managed in accordance with the University's obligations to ensure the safety of all staff. In circumstances where a staff member resides more than two hours from a La Trobe University campus, a flexible work arrangement will only be approved where the staff member can demonstrate that they are able to attend campus as required in a safe manner that does not require excessive commuting in a single day. Information about safe driving and the Journey Management Plan can be found [here](#). Requests to work for an extended period from another Australian State or a foreign country will not be supported (unless on a temporary basis or for specific operational requirements as determined by the University) due to insurance (including workcover) and taxation obligations that the University is required to meet.

(12) This Procedure does not cover requests for ad-hoc/ temporary flexibility, for example, where a staff member has to work at home on a one-off basis or needs to change their start/finish times to attend an appointment. Such arrangements can be agreed verbally in advance between the staff member and their manager at the local level.

Part B - Process Overview

(13) This Procedure sets out the following process in respect of requesting flexible work arrangements:

Review relevant documents	The staff member reviews the relevant flexible working documentation including the flexible working toolkit and the flexible working policy.
Discuss potential options with manager	The staff member has preliminary discussions with their manager about their request.
Provide written request to manager	The staff member submits a Flexible Work Arrangements Form ('Form') in writing to their manager (the onus is on the staff member to detail the reasons why the University should approve their request).
Assessment of request	The manager assesses the request by discussing with the staff member and trying to reach an agreement on the change in working arrangements. The Manager then completes the Assessment section of the Form, which sets out the reasons for approval or denial of the request. If necessary, the manager may seek approval from a higher authority.
Outcome of request	The manager provides the Form to the staff member in writing within 21 days from the manager's receipt of the Form.
Documenting the arrangement	If the request is approved, the manager will also send the Form to MyHR to formalise and document the arrangement. Other documentation may be required depending on the flexible working arrangement.

Part C - Review Relevant Documents

(14) Staff should review the La Trobe Flexible Working Toolkit when considering what type of flexible work arrangement would best suit their circumstances, role and the business and service delivery needs.

(15) Staff may consider flexible work arrangement options, including:

- a. a change to fraction (e.g. from full time to part time)
- b. a change to start and/ or finish times
- c. part time work
- d. increasing hours of work
- e. alternative work location (e.g. different campus)
- f. work from home
- g. purchased leave (e.g. 48/52 arrangement)
- h. leave without pay

(16) Staff may request one option or a combination of flexible work options.

(17) Staff should be aware that not all flexible work options are suited to every role.

(18) Flexible work arrangements may also be considered in combination with other arrangements and staff entitlements, including recreation leave, personal leave, parental leave and/or long service leave.

Part D - Discuss Potential Options With Manager

(19) Prior to submitting a written request, staff should discuss with their manager what flexible work arrangement options would be suited to their circumstances, their role and the business needs.

Part E - Provide Written Request to Manager

(20) The staff member should submit a written request for a flexible work arrangement to their manager by completing the Flexible Working Arrangements Request Form ('Form') at least four (4) weeks before the arrangement is proposed to commence. It is important for the staff member to detail the reason for the request and why the University should approve their request.

Part F - Assessment of Request

(21) Before responding to the request, the staff member's manager will have a preliminary discussion with their manager and, if relevant, the Approving Person.

(22) The manager will then discuss the request with the staff member and genuinely try to reach agreement on a change in working arrangements that will reasonably accommodate the staff member's circumstances having regard to:

- a. The needs of the staff member arising from the circumstances (for example whether the needs are based on carer responsibilities or work/life balance);
- b. The consequences for the staff member if changes in working arrangements are not met; and

c. Any reasonable business grounds for refusing the request.

(23) The request can only be refused on reasonable business grounds, which include:

- a. the nature of the staff member's role is incompatible with the proposed working arrangement;
- b. the proposed working arrangement would be too costly to the University;
- c. it would be impractical and/or there is no capacity to change the working arrangements of other staff in the team or recruit new staff to accommodate the proposed working arrangement;
- d. the proposed working arrangement would be likely to result in significant loss of efficiency or productivity; and/or
- e. the proposed working arrangement would be likely to have a significant negative impact on customer service.

(24) If the request for a flexible work arrangement cannot be agreed in its current form, the manager will discuss with the staff member alternative proposed flexible work arrangements. The staff member must be provided at least three (3) working days to consider the alternative proposals.

Part G - Outcome of Request

(25) The staff member's manager will seek approval from their manager and if relevant the Approving Person as to whether to grant or refuse the request.

(26) The staff member's manager will then provide a written response to the request in the Form within 21 days, which states whether the request has been granted or refused. The manager will endeavour to meet with the staff member before providing the written response.

(27) If the manager and staff member have agreed to an alternative flexible work arrangement to the initial arrangement requested, the written response will set out the agreed alternative flexible working arrangement.

(28) If the request for a flexible work arrangement is refused and the manager has not reached agreement with the staff member for any flexible work arrangements, the manager will set out:

- a. the reasons for the refusal, including the business ground/s for the refusal and how the ground/s apply;
- b. whether there are any other flexible work arrangements that could be offered to better accommodate the staff member's circumstances; and
- c. if those flexible work arrangements could be offered to the staff member, set out those flexible work arrangements and provide the staff member with at least three (3) working days to consider the proposed alternative arrangements.

(29) If a request is refused, the staff member may not make a further request until 12 months has elapsed, unless circumstances change.

Part H - Documenting the Arrangement

(30) If the request for a flexible work arrangement is approved, the manager will complete any relevant forms and send to ASK HR to formalise and document the arrangement.

Part I - Monitoring, Reviewing and Ending the Arrangement

(31) Approved flexible work arrangements will generally operate for a maximum of 12 months or if the staff member is on a fixed term, the end date of the fixed term or casual engagement.

(32) If the staff member has made a request for a carer's flexibility arrangement under the Collective Agreement, the arrangement may be for a period of up to two (2) years or longer, if agreed between the staff member and their manager.

(33) Approved flexible work arrangements will be subject to a trial period (usually 3 months) to determine if the arrangements work for both the staff member and the University. If the manager determines that the flexible work arrangement is not working, it may end the arrangement in accordance with section 35 of this Policy.

(34) Following the trial period, all flexible work arrangements will be reviewed periodically (recommended to be quarterly) to ensure ongoing suitability.

(35) Flexible work arrangements will cease at the end of the agreed period. Should the staff member wish to continue the same flexible work arrangement at the end of the period, they will need to submit a request, in writing, to their manager to renew the current flexible work arrangement, at least two (2) weeks before it is due to end. If the staff member requires a different flexible working arrangement, they will need to submit a new Form. The request will be assessed on the staff member's circumstances and the business and service requirements at that time.

(36) The University may, at its discretion, terminate the flexible work arrangement by:

- a. giving 28 days' written notice to the staff member; or
- b. at any time, if the staff member and the University agree.

Part J - Other

(37) Staff working under an approved flexible work arrangement should pro-actively manage their workload and ensure that their performance is not negatively impacted by the flexible work arrangement.

(38) If staff members transfer to a different position within the University, the flexible work arrangement will not normally transfer from one position to another. The staff member will need to make another request for flexible work arrangements to their new manager.

Part K - Review

(39) A staff member may seek a review of the outcome of a flexible working arrangement request through the University's [Grievance Resolution \(Staff\) Procedure](#).

Section 5 - Definitions

(40) Nil.

Status and Details

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