

Flexible Work Policy

This policy is being updated to reflect the new Enterprise Agreement and may currently contain out of date information. If you have any questions, please lodge an Ask HR ticket.

Section 1 - Key Information

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| Policy Type and Approval Body | Administrative – Vice-Chancellor |
| Accountable Executive - Policy | Chief Operating Officer |
| Responsible Manager - Policy | Executive Director, Human Resources |
| Review Date | 17 August 2026 |

Section 2 - 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 3 - 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 AskHR 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 may request flexible work arrangements, under the [Fair Work Act 2009](#) the following staff have a legal entitlement to request flexible work arrangements (Legal Entitlement):

- a. continuing and fixed term staff who have been employed for at least 12 months; or
- b. casual staff who have been employed by the University for at least 12 months on a regular and systematic basis and there is a reasonable expectation that the same pattern of employment will continue; and
- c. the following circumstances apply to the staff member:
 - i. are pregnant; or

- ii. are a parent, or have the responsibility of a child who is school age or younger; or
- iii. are a carer within the Carer Recognition Act 2010 Carer Recognition Act 2010, that is, a staff member who provides personal care, support and assistance for someone who has a disability, medical condition, mental health condition or is aged and frail; or
- iv. have a disability; or
- v. are 55 years of age or older; or
- vi. are experiencing family and domestic violence; or
- vii. are providing care and support to an immediate family or householder member who requires care or support because they are experiencing family and domestic violence.

Section 4 - Key Decisions

| Key Decisions | Role |
|----------------|------|
| Not applicable | |

Section 5 - 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, this Policy and the [La Trobe University Enterprise Agreement 2023](#) (Enterprise Agreement) obligations.

Section 6 - 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 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.

(12) In circumstances where a staff member is required to attend on campus and that 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](#).

(13) Requests to work for an extended period from another Australian State or Territory (unless on a temporary basis or for specific operational requirements as determined by the University) will only be supported where it is deemed by the manager to be appropriate for business and service delivery needs and for the team requirements. In confirming this request, the manager may require the staff member to travel to a campus as various points of the year which will be documented in the agreement. The cost of any and all such travel (including any accommodation) will be borne by the staff member.

(14) Requests to work for an extended period from a foreign country will not be supported (unless for specific University strategic requirements, as determined by the University) due to the complexity of legal obligations that the University is required to meet in overseas jurisdictions. If there are specific strategic requirements for the University for work to be performed in a foreign country the University may review whether this can be undertaken, however the time for these processes to be established could be many months and as such any request should be made well in advance of the strategic University work requiring to be performed or the request will be refused.

(15) 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

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

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| 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). The staff member must set out the details of the changes sought and the reasons for the change. |
| Assessment of request | The manager assesses the request by discussing with the staff member and genuinely 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. Part G of this Policy details the requirements for what should be included in the written response. |
| Documenting the arrangement | If the request is approved, the manager will send the Form to AskHR to formalise and also document the arrangement locally as appropriate. Other documentation may be required depending on the flexible working arrangement. |
| Monitoring and reviewing the arrangement | Approved flexible working arrangements will be subject to a trial period of 3 months and will generally operate for a maximum of 12 months. Following the trial period, all flexible working arrangements will be reviewed periodically. |

Part C - Review Relevant Documents

(17) 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.

(18) 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

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

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

(21) 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

(22) 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

(23) 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.

(24) Staff who have a Legal Entitlement to request flexible work must submit their request in writing, setting out the details of the change and the reasons for the change to be entitled to the protections offered by the [Fair Work Act 2009](#).

Part F - Assessment of Request

(25) Before responding to the request, the staff member's manager will have a preliminary discussion with their manager.

(26) The manager must 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); and
- 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.

(27) 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.

(28) A written request from a staff member with a Legal Entitlement to request flexible work must not be refused unless the following criteria can be satisfied:

- a. the request has been discussed with the staff member;
- b. the University has genuinely tried to reach an agreement about making changes to the staff member's working arrangements;
- c. the University and the staff member have been unable to reach an agreement;
- d. the University has considered the consequences of the refusal for the staff member;
- e. the refusal is based on reasonable business grounds, which may include that the proposed flexible work arrangement is:
 - i. incompatible with the nature of the staff member's role; or
 - ii. too costly to the University; or
 - iii. impractical and/or there is no capacity to change the working arrangement of other staff in the team or recruit new staff to accommodate the request; or
 - iv. likely to result in significant loss of efficiency or productivity; or
 - v. likely to have a significant negative impact on customer service.

Part G - Outcome of Request

(29) 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.

(30) The manager will endeavour to meet with the staff member before providing the written response.

(31) The written response will be completed using the Form provided by the staff member who made the request.

(32) Where a staff member with a Legal Entitlement has made a written request, the University must respond in writing to the request within 21 days of receiving the request, addressing the following requirements:

- a. If the request is approved, the written response must:
 - i. state that the University grants the staff member's request; or
 - ii. set out a change that differs to the staff member's original request if the alternative change has been discussed and agreed with the staff member.
- b. If the request is refused, the written response must include:
 - i. the reasonable business ground/s for the refusal and how these ground/s apply to the request; and
 - ii. either set out alternative changes (other than the requested change) to work arrangements that the University could accommodate or state that there are no such changes; and
 - iii. that the staff member can seek a review through the University's Grievance Resolution (Staff) Procedure and if the matter is unable to be resolved at the workplace level, that a dispute can be referred to the Fair Work Commission.

Part H - Documenting the Arrangement

(33) 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

(34) 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.

(35) If the staff member has made a request for a carer's flexibility arrangement under the [Enterprise 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.

(36) 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 this Policy.

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

(38) 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.

(39) 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

(40) 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.

(41) 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

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

(43) If the staff member has a Legal Entitlement and attempts to resolve the dispute at the workplace level have been unsuccessful, either the University or the staff member can refer the dispute to the Fair Work Commission.

Section 7 - Definitions

(44) For the purpose of this policy and procedure:

- a. Flexible Work Arrangement is a work arrangement that is outside and separate to the Ways of Working Statements.
- b. Flexible Work is an agreed arrangement between an employer and an employee that varies a standard arrangement to support an employee to balance personal and work commitments, subject to business and service delivery needs. Options may include:
 - i. a change to fraction (e.g. from full time to part time);
 - ii. a change to start and/ or finish times;
 - iii. part time work;
 - iv. increasing or decreasing hours of work;

- v. alternative work location (e.g. different campus);
 - vi. work from home;
 - vii. purchased leave (e.g. 48/52 arrangement);
 - viii. leave without pay;
 - ix. hybrid.
- c. Hybrid Work is defined as a flexible working arrangement where staff divide their work time to be partly performed within their workplace, and partly at another location. For most people the alternate location is their home.
- d. Legal Entitlement for flexible work means a staff member that meets the definition outlined in clause 7 of this Policy and section 65 of the [Fair Work Act 2009](#).

Section 8 - Authority and Associated Information

(45) This Policy is made under the [La Trobe University Act 2009](#).

(46) Associated information includes:

- a. [HR Intranet](#)

Status and Details

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| Status | Current |
| Effective Date | 28th August 2023 |
| Review Date | 17th August 2026 |
| Approval Authority | Vice-Chancellor |
| Approval Date | 17th August 2023 |
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