

Flexible Working Policy

Section 1 - Key Information

Policy Type and Approval Body	Administrative – Vice-Chancellor
Accountable Executive – Policy	Chief Operating Officer
Responsible Manager – Policy	Chief People Officer
Review Date	23 May 2028

Section 2 - Purpose

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

(2) This Policy outlines the range of Flexible Working Arrangements that are available at the University and the Procedures under which these requests can be made and managed to support staff in meeting their work and personal commitments while taking into account business and service delivery needs.

Section 3 - Scope

(3) This Policy applies to all staff of the University are eligible to request Flexible Working Arrangements, as outlined in Section 6, Part A below.

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

(5) Professional staff may also request ad hoc, short term or regular Hybrid Working Arrangements in accordance with clause 53 of the [La Trobe University Enterprise Agreement 2023](#) as outlined in the Hybrid Working Procedure.

(6) This Policy provides a process for Flexible Working Arrangement requests that include work interstate or overseas, as detailed in Section 6, Part L.

(7) Staff who are requesting a Flexible Working Arrangement due to having a disability or caring for a person with a disability should also refer the [Workplace Adjustment \(Staff\) Policy](#) as it provides additional support.

Section 4 - Key Decisions

Key Decisions	Role
Assessing and approving requests for Ad Hoc arrangements	Supervisor
Assessing requests for Flexible Working Arrangements	Supervisor
Final approval of requests for Flexible Working Arrangements	Executive Director/Dean

Section 5 - Policy Statement

(8) The University is committed to:

- a. providing a work environment which promotes staff health and wellbeing;
- b. providing staff with a consultative process when requesting Flexible Working Arrangements;
- c. giving careful consideration to requests for flexible work arrangements, in line with legislative requirements, [Enterprise Agreement](#) obligations and this Policy.

(9) Staff may consider Flexible Working Arrangement options, including one or a combination of:

- a. decreasing or increasing hours of work;
- b. a change to start and/or finish times;
- c. alternative work location (e.g., different campus, working from home);
- d. purchased leave (e.g., 48/52 arrangement);
- e. leave without pay.

(10) Flexible Working 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.

(11) Not all Flexible Working Arrangements are suited to every role.

(12) 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.

(13) All Flexible Working Arrangements must align with the Health, Safety and Wellbeing of our staff.

Section 6 - Procedures

Part A - Eligibility to Request a Flexible Working Arrangement

(14) Both the [Enterprise Agreement](#) and [Fair Work Act 2009](#) (Fair Work Act) provide circumstances where staff are eligible to request Flexible Working Arrangements (Eligibility). This Procedure provides a process for compliance with both the [Fair Work Act](#) and [Enterprise Agreement](#).

(15) All staff have an Eligibility to request Flexible Working Arrangements if they:

- a. have caring responsibilities (includes caring for young/school aged children; for children or adults with disabilities, mental illness, medication conditions or chronic illness; or for older people);
- b. have a disability;
- c. are 55 years of age or older;
- d. are pregnant;

- e. are experiencing family and domestic violence; or
- f. are providing care or support to an immediate family or household member who is experiencing family and domestic violence.

Staff who do not meet the eligibility criteria above

(16) Professional Staff should refer to the Hybrid Working Procedure if the desired arrangement includes a Hybrid Working Arrangement.

(17) Academic Staff should complete the form relevant to their request (e.g., purchased leave, unpaid leave, workplace adjustment) which will then be considered on a case-by-case basis in accordance with the requirements for the type of request.

(18) In exceptional circumstances, the University may allow a staff member who does not have Eligibility to submit a written request for a Flexible Working Arrangement. For the request to be assessed, the staff member must have obtained previous approval from their supervisor with advice from People & Culture.

Part B - Process Overview

(19) This Procedure sets out the following process in respect of requesting Flexible Working 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 supervisor	The staff member has preliminary discussions with their supervisor about their request.
Provide written request to supervisor	The staff member submits a Flexible Working Arrangements Request Form ('Form') in writing to their supervisor. The staff member must set out the details of the changes sought and the reasons for the change.
Assessment of request	The supervisor assesses the request by discussing with the staff member and genuinely trying to reach an agreement on a change in working arrangements, including consideration of alternative options. If the request will be refused, the supervisor must obtain advice from People & Culture. The supervisor then completes the Assessment section of the Form, which sets out that the request is approved or the reasonable business grounds for refusal. The supervisor must seek approval of the outcome from and Executive Director/Dean.
Outcome of request	The supervisor provides the Form to the staff member in writing within 21 days from the supervisor's receipt of the Form. Part G of this Procedure details the requirements for what should be included in the written response.
Implementing the arrangement	If the request is approved, the supervisor and the staff member will complete any processes required to implement the 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.
Ceasing the arrangement	Flexible Working Arrangements will cease at the end of the agreed period, or may be changed or terminated earlier in accordance with this Policy.

Part C - Review Relevant Documents

(20) Staff should review this Policy and the Flexible Working Toolkit when considering what type of Flexible Working Arrangement would best suit their circumstances, role and the business and service delivery needs. Staff should also confirm that they believe they are eligible to request a Flexible Working Arrangement (refer to Part A above).

Part D - Discuss Potential Options with Supervisor

(21) Prior to submitting a written request, staff should discuss with their supervisor the Flexible Working Arrangement that would be suited to their circumstances, their role and the business needs.

Part E - Provide Written Request to Supervisor

(22) The staff member must submit a written request for a Flexible Working Arrangement to their supervisor by completing the Flexible Working Arrangements Request Form ('Form').

(23) The Form should be submitted at least four (4) weeks before the arrangement is proposed to commence.

(24) It is important for the staff member to detail the reason/s for the request and how the Flexible Working Arrangement will impact their duties and responsibilities, if the proposed arrangement was approved.

Part F - Assessment of Request

(25) Before responding to the request, the staff member's supervisor will have a preliminary discussion with their supervisor and confirm that the staff member is eligible to request a Flexible Working Arrangement in accordance with Part A.

(26) If the supervisor has a concern about approving the request they should seek guidance from People & Culture prior to advising the staff member.

(27) The supervisor 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;
- b. the impact for the staff member if changes in working arrangements are not met; and
- c. operational, environmental and cultural considerations that arise as a consequence of the request.

(28) If the request for a Flexible Working Arrangement cannot be agreed in its current form, the supervisor will discuss with the staff member alternative proposed Flexible Working Arrangements. The staff member must be provided at least three (3) working days to consider the alternative proposals.

(29) A request for a Flexible Working Arrangement 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 Working 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.

(30) If the supervisor intends to refuse the request, they must obtain advice from People & Culture in relation to the reasonable business grounds prior to completing the Form. Workplace Relations will review the reasonable business grounds and provide advice on whether the refusal should proceed.

(31) Once the staff member's supervisor has assessed the request, they must obtain final approval from the Executive Director/Dean equivalent before notifying the staff member.

Part G - Outcome of Request

(32) When providing the Form, the supervisor will meet with the staff member to inform them of the outcome of their request.

(33) The written response will be completed using the Form provided by the staff member who made the request. A copy of the Form will be provided to People & Culture to be stored on the staff member's personnel file.

(34) The completed Form must be provided to the staff member within twenty-one (21) days of the date the Form was received.

(35) The Form must address the following requirements:

- a. if the request is approved, the Form must state that the University grants the staff member's request; or
- b. if the request is refused, the Form 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. whether the staff member has agreed to any alternative changes; and
 - iv. that the staff member can seek a review through the University's [Workplace Issue Resolution \(Staff\) Procedure](#). If the matter is unable to be resolved at the workplace level, and the staff member has a [Fair Work Act](#) Eligibility, a dispute can be referred to the Fair Work Commission.

(36) Where a request is refused and no alternative arrangements have been agreed, a staff member may make a further application for a Flexible Working Arrangement where circumstances have changed or after two (2) years from the date of the initial application.

Part H - Documenting the Arrangement

(37) If a Flexible Working Arrangement is approved, the supervisor and the staff member will complete any relevant processes required to implement the arrangement (for example, a variation to employment form to adjust the staff member's time fraction).

Part I - Monitoring and Reviewing Arrangement

(38) Approved Flexible Working Arrangements will generally operate for a maximum of two (2) years or if the staff member is employed on a fixed term contract, the end date of the contract (if a lesser period than two (2) years) or for a casual staff member, end of the agreed period for the Flexible Work Arrangement.

(39) All Flexible Working Arrangements will be reviewed periodically (recommended to be quarterly) to ensure ongoing suitability.

Part J - Ceasing the Arrangement

(40) Flexible Working Arrangements will cease at the end of the agreed period. Should the staff member wish to continue the same Flexible Working Arrangement at the end of the period, they will need to submit a request, in writing, to their supervisor to renew the current Flexible Working Arrangement, at least three (3) weeks before it is due to end. If the staff member requires a different Flexible Working Arrangement, they will need to submit a new request. The request will be assessed against the staff member's circumstances and the business and service requirements at that time.

(41) The University may change or terminate a flexible work arrangement where the staff member is not complying with the terms of the arrangement, or where the University can demonstrate reasonable business grounds. In such cases, the University will consult with the staff member before making any changes or termination and will provide reasonable notice to allow the staff member to make appropriate arrangements.

(42) Where a manager is considering changing or terminating a flexible work arrangement under clause 41, advice must be sought from People & Culture before proceeding.

(43) Notwithstanding clause 41, a flexible work arrangement may be changed or terminated at any time by mutual agreement between the staff member and the University.

Part K - Disputes

(44) In the first instance, staff and supervisors should attempt to resolve disputes informally at the local level with support from People & Culture, as needed.

(45) 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](#).

(46) If the staff member meets the eligibility requirements under the Fair Work Act 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.

Part L - Requests for Working from an Interstate or Overseas Location

(47) There may be occasions when a staff member's personal circumstances change, and the staff member may need to request to temporarily relocate to work remotely interstate or overseas.

(48) 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 supervisor to be appropriate for business and service delivery needs and for the team requirements. In confirming this request, the supervisor 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.

(49) 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.

(50) Requests will be considered on a case-by-case basis. Requests for interstate and overseas location need to be

submitted:

- a. Interstate – at least four (4) weeks in advance of undertaking work interstate.
- b. Overseas – at least four (4) months in advance of the strategic University work requiring to be performed or the request will be refused.

(51) If a staff member is requesting to work interstate or overseas due to a reason that provides they have an Eligibility, then they must submit a request for a Flexible Working Arrangement. Ad Hoc arrangements or requests due to University business or study should be managed by the business area with escalation to People & Culture as required below.

Approval for Interstate Work Location Requests

(52) Approval for interstate Flexible Working Arrangements will be applied as per the table below:

	Approval	Additional Consideration
Up to 2 months per calendar year	Supervisor of the staff member	Deemed by the supervisor to be appropriate for business and service delivery needs and for the team requirements.
Greater than 2 months per calendar year	Chief People Officer	Specific operational or strategic requirements, costs, insurance coverage and local laws.

Approval for Overseas Work Location Requests

(53) The supervisor must consult with People & Culture for all Flexible Working Arrangement requests for Overseas work locations.

(54) Approval for Overseas Flexible Working Arrangements will only be given under extremely limited circumstances and as per the table below:

	Approval	Additional Consideration
Up to 2 months per calendar year	Supervisor of the staff in consultation with People & Culture	Must meets the legal, tax, and insurance requirements as well as local laws in overseas jurisdictions.
Greater than 2 months per calendar year	Not supported unless exemption by the Chief People Officer	To be considered for approval, the request must demonstrate specific strategic requirements for the work to be performed in a foreign country and demonstrate the work can be undertaken (including considering operational and strategic requirements, costs, insurance coverage, security, safety and local laws and taxes). The business area will be responsible for the cost of any legal compliance with the overseas jurisdiction laws. Noting that there may be some circumstances where the University will be unable to meet the requirements of the local jurisdiction laws and in such circumstances the request will be refused. In making any determination University Policy's, cyber security requirements, domestic legislative requirements will also be taken into consideration.

Part M - Health, Safety and Flexible Working

(55) The University has a duty to provide and maintain, so far as is reasonably practicable, a working environment that is safe and without risks to the health of staff.

(56) Where the Flexible Working Arrangement involves an alternative work location, the University will provide necessary information, instruction, and training to staff to help them manage the setup of their workspaces.

(57) Regardless of their work location and arrangements, staff should pro-actively manage their workspaces setup.

(58) Where it is not possible to ensure the health and safety of staff while undertaking a Flexible Working Arrangement, the University will require the staff to return to working solely on campus until the health and safety concern is addressed.

(59) Staff must complete a Working from Home Self-Assessment, prior to commencing an arrangement to work from home.

(60) Staff who wish to work from an alternate location will be responsible for the establishment of their workspace to meet the requirement outlined in their workplace assessment, including any associated costs.

Part N - Other

(61) Staff working under an approved Flexible Working Arrangement should pro-actively manage their workload and ensure that their performance is not negatively impacted by the Flexible Working Arrangement.

(62) If staff members transfer to a different position within the University, the Flexible Working Arrangement will not automatically transfer from one position to another. The staff member will need to make another request for a Flexible Working Arrangement to their new supervisor.

Section 7 - Definitions

(63) For the purpose of this Policy and Procedure:

- a. Ad hoc arrangements: are flexible or hybrid working arrangements that are temporary and usually operate for a week or less per occasion. Ad Hoc arrangements can be agreed between a staff member and their supervisor.
- b. Alternative Location/Workspaces: are all locations/workspaces outside of their regular on-campus workspaces include home office.
- c. Enterprise Agreement Eligibility applies to a staff member requesting a Flexible Work Arrangement that meets the criteria of clause 39 of the Enterprise Agreement.
- d. Eligibility refers to a staff member that has circumstances which mean they are eligible to request a Flexible Working Arrangement in under the Enterprise Agreement and/or Fair Work Act.
- e. Fair Work Act Eligibility for requesting a Flexible Working Arrangement is a staff member that meets the definition of section 65 of the [Fair Work Act](#). The [Fair Work Act](#) includes additional service requirements to the [Enterprise Agreement](#) Eligibility.
- f. Flexible Working Arrangement is a work arrangement that is outside and separate to the Ways of Working Statements. This includes requests made in accordance with the [Enterprise Agreement](#) and [Fair Work Act](#). It is an arrangement between the University and a staff member that varies a standard arrangement to support the staff member to balance personal and work commitments, subject to business and service delivery needs.
- g. Hybrid Work Arrangement is a 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. Professional Staff can request a Hybrid Work Arrangement in accordance with clause 53 of the [Enterprise Agreement](#).
- h. Professional Staff are all staff other than Academic Staff.
- i. Ways of Working is the University's model to enable Hybrid Work as core part of work and teaching practice.
- j. Ways of Working Statement is the tool used by business areas capture and communicate their hybrid work commitment. The statement articulates how business unit's structure the work pattern to meet the service delivery expectation of their stakeholders.

- k. Workplace Adjustment is commonly referred to as a 'reasonable adjustment', is a modification to a work process, practice, procedure or setting that enables a staff member with a disability, or health condition to perform their job. It also applies for a recognised carer for a person with disability, within the meaning of the [Carers Recognition Act 2012 \(Vic\)](#).

Section 8 - Authority and Associated Information

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

(65) Associated information includes:

- a. [Enterprise Agreement](#)
- b. [HR Intranet](#)
- c. [Ways of Working](#)
- d. [Staff Health and Wellbeing](#)
- e. [Health and Safety Policy](#)
- f. [Health and Safety Procedure - Induction and Training](#)

Status and Details

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