



Policy Number HR020

FLEXIBLE WORKING POLICY

1. Purpose

This policy sets out the circumstances in which employees can request flexible working arrangements, the procedure for making a request, and the process by which Ormond College will consider and approve, amend, or deny the request.

Ormond College supports a diverse and inclusive workforce and recognises that many of its employees require working arrangements that are outside the traditional work structure.

This policy allows greater flexibility for Ormond College employees who require flexible work arrangements to suit their circumstances.

2. Scope

This policy applies to all employees of Ormond College who wish to pursue a formal flexible work request, meet the criteria to make a request and have completed at least 12 months of service, including casual employees who have had regular employment for at least that period and where there is a reasonable expectation of continuing employment on a regular and systematic basis.

3. Definitions

Term	Definition
Carer	<p>In accordance with Section 5 of the <i>Carer Recognition Act 2010</i>, the term “carer” includes all people who provide ongoing personal care, support and assistance to any individual who has a disability, a medical condition, a terminal or chronic illness, mental illness, or fragility due to age.</p> <p>A person is not a carer within the meaning of Section 5 of the <i>Carer Recognition Act 2010</i> where that care, support or assistance is provided under a contract of service or a contract for the provision of services, in the course of doing voluntary work for a charitable, welfare or community organisation, or as part of the requirements of a course of education or training.</p> <p>A person is not a carer within the meaning of Section 5 of the <i>Carer Recognition Act 2010</i> merely because they are the spouse, de facto partner, parent or other relative or guardian of an individual who requires care or lives with an individual who requires care.</p>



Disability	<p>The Disability Discrimination Act 1992 (DDA) defines disability broadly as:</p> <ul style="list-style-type: none">• total or partial loss of the person's bodily or mental functions; or• total or partial loss of a part of the body; or• the presence in the body of organisms causing disease or illness; or• the presence in the body of organisms capable of causing disease or illness; or• the malfunction, malformation, or disfigurement of a part of the person's body; or• a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or• a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions, or judgement or that results in disturbed behaviour; <p>and includes a disability that:</p> <ul style="list-style-type: none">• presently exists; or• previously existed but no longer exists; or• may exist in the future (including because of a genetic predisposition to that disability); or• is imputed to a person. <p>To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.</p>
Family	<p>'Family' includes persons, whether related by blood, marriage, adoption, step or fostering and those who usually reside in the same household in accordance with the <i>Explanatory Memorandum to the Fair Work Amendment Bill 2013</i>.</p>
Family Violence	<p>'Family violence' means violent or threatening behaviour or any other form of behaviour that coerces or controls a family member or causes that family member to be fearful. Examples may include (but are not limited to): physical violence, sexual assault and other sexually abusive behaviour, economic abuse and emotional or psychological abuse, stalking, kidnapping or deprivation of liberty.</p>



Flexible Work	<p>'Flexible work' may include, but is not limited to, varying an employee's working conditions in the following ways:</p> <ul style="list-style-type: none">• Changing hours of work• Changing pattern of work• Changing duration and times of breaks• Changing days of work• Changing how work is performed• Changing where work is performed (e.g., working from home arrangements)
School-age	<p>The age at which a child is required to attend school in the relevant State or Territory.</p>

4. Policy Guidelines

At Ormond College, we are committed to fostering a flexible work environment that supports well-being and work-life balance. We recognise that employees have diverse needs and responsibilities outside of work and aim to accommodate those needs through flexible work arrangements for those who meet the requirements.

Employees who do not meet these requirements may apply for flexibility under the Remote Working Policy. Our goal is to promote productivity and job satisfaction by offering options that allow for greater flexibility in work schedules and locations, creating a more engaged and motivated workforce.

Requesting Flexible Working Arrangements

Anyone can request flexibility – but certain employees have a legal entitlement to request flexible working arrangements under the Fair Work Act. You have this legal entitlement if you are a permanent employee who has worked with the employer for at least 12 months, or a regular casual employee who has worked with the employer for at least 12 months and have a reasonable expectation of continuing employment on a regular and systematic basis. Also, the employees request must be because you are:

- the employee is the parent, or has responsibility for the care, of a child who is of school age or younger;
- the employee is a carer, within the meaning of the *Carer Recognition Act 2010*;
- the employee has a disability, within the meaning of the *Disability of the Disability Discrimination Act 1992 (DDA)*;



- the employee is 55 or older;
- the employees, or a member of their immediate family or household, experiencing family and domestic violence, within the meaning of the *Explanatory Memorandum to the Fair Work Amendment Bill 2013*;
- employees who are pregnant.

Employees Responsible for the Care of a Child

Employees who are responsible for the care of a child returning to work after a period of birth or adoption-related leave may specifically request part-time working arrangements. This is in addition to the general right to request flexible working requirements contained above.

Short Term or Future Flexible Work Requests

When an employee foresees the possibility of assuming caring responsibilities in the short to medium term, they should consult with their manager as soon as practicable to allow sufficient time for planning and discussions regarding appropriate flexible work measures. During such discussions, employers may request evidence from the employee of the need to request flexible working arrangements.

Accommodating Requests

Where an employee's specific request for flexible working arrangements cannot be accommodated on the terms proposed by the employee, the employer and employee may discuss options for an alternative flexible working arrangement that the business can reasonably accommodate with regard to all of the circumstances.

Status of a Flexible Working Arrangement

Unless the employer and employee specifically agree otherwise, a flexible working arrangement does not amount to a permanent variation to the employee's terms and conditions of employment. The employer will have the right to monitor, review, change and even terminate the flexible working arrangement at any time on reasonable business grounds. As far as reasonably practicable, the employer will consult with the employee prior to any variation or termination of an arrangement and will endeavour to give the employee reasonable notice of the change.

A flexible working arrangement may result in a reduction of pay (for example, if less hours are worked overall and/or at the times attracting extra penalties), paid leave (for example, a reduction in weekly hours may affect leave payments) and termination pay (for example, redundancy and notice payments will be calculated on pay rates as at termination date).

Types of Flexible Working Arrangements

Changes to the pattern of hours:



A flexible working arrangement may involve changing the employee's pattern of hours, including start and finish times or days worked. A flexible working arrangement must suit the College's needs and the personal preferences of the employee.

Part-time agreement:

The employee may request a reduction in the number of hours worked as part of the flexible working arrangement. This may be in the form of a part-time agreement. Agreements will need to balance the College's operational requirements and the employee's personal needs.

Agreements will be for a maximum period of 12 months, unless engaged on a part-time contract.

If the employee applies for another role within the College, then the part-time agreement will need to be renegotiated, subject to operational requirements.

Job sharing:

Job sharing is an arrangement where two or more employees share a job between them.

In certain cases, requests for flexible work arrangements in the form of a reduction of hours may require job sharing. Whether job sharing arrangements are approved will depend on the College requirements and the availability of another employee to share the role.

The maximum period a job share arrangement can be approved for is 12 months at a time.

Working away from the office:

Unless specifically agreed in the employment contract, Ormond College provides a place of work on-site at the College:

- One-off/ad hoc requests to work from home can be approved by the manager
- Regular working away from the College arrangements must be discussed and agreed to by the employee and the manager, in accordance with the Remote Working Policy and by completing the Remote Working Self-Assessment Checklist
- If the employee's performance does not meet the agreed key performance indicators, the College may consider revoking any working away from the office arrangements

Approval for remote working may be granted if:

- the employee's duties are suitable for remote working arrangements;
- the employee is currently meeting the agreed key performance indicators of their role;
- the work carried out from the alternate location does not contravene any local or state government regulations; and,
- suitable technology is available.



The College will not pay for the costs of setting up or maintaining a home office. The employee is responsible for covering this expense.

Employees are expected to attend the office on an agreed-upon regular basis or ad hoc occasions, as reasonably directed by the College, during the term of the agreement.

Compressed working hours:

As part of a flexible working arrangement, employees may request to compress their regular Monday – Friday hours to provide a shorter working week.

A compressed working hours agreement must meet the following criteria:

- the maximum working hours on any one day is 10 hours;
- an unpaid meal break of at least 30 minutes must be included after no more than 5 continuous hours of work;
- meal breaks cannot be at the start or end of the regular hours; and,
- regular hours must be calculated over a two-week period.

The employee’s work-life balance and wellbeing will be taken into consideration before approving applications for compressed working hours.

Compressed working hours agreements will be for a maximum of 12 months.

If the compressed working hours negatively impact the employee’s health or performance, the College may consider revoking the agreement.

Approval Process

Applications for flexible working arrangements must be approved by the manager and Executive Member, in consultation with the Associate Director People and Capability.

Guiding Principles

<i>Work-Life Balance</i>	We acknowledge the importance of maintaining a healthy balance between your work and personal commitments. Our flexible work arrangements aim to help you effectively manage your responsibilities both inside and outside the workplace.
<i>Individualized Approach</i>	We understand that your circumstances and preferences may differ. We encourage open and constructive conversations between you and your manager to explore and determine the most suitable flexible work arrangement for your needs.



<i>Performance and Accountability</i>	While we value flexibility, we maintain a strong emphasis on your performance and accountability. Regardless of your work arrangement, you are expected to fulfill your job responsibilities and meet performance expectations.
<i>Open Communication</i>	We foster a culture of open communication where you feel comfortable discussing your flexible work needs with your manager. Your manager is encouraged to provide timely and transparent feedback on your requests and engage in collaborative discussions to find mutually beneficial solutions.
<i>Compliance and Fairness</i>	Our flexible work arrangements adhere to applicable employment legislation, including the provisions of the Fair Work Act and any relevant Modern Awards. We ensure fairness and equal treatment for all employees in accessing and implementing flexible work arrangements.

Additional Flexible Work Options

Additional flexible work options which the College may consider include:

<i>A graduated return to work</i>	For team members returning from parental leave a return to part-time building up to full-time work over an agreed period
<i>Purchased leave</i>	Where you can take an additional two weeks of leave per year by adjusting your salary to 50 weeks paid over the full 52 weeks

This is not an exhaustive list, and other options may be agreed.

Considerations when Determining Flexible Working Arrangements

- The nature of work and your parental or carer responsibilities
- The nature and cost of the arrangements required for you to fulfil your family or carer responsibilities
- The capacity to change the working arrangements of other team members to accommodate your new working arrangements
- The impact of the proposed flexible arrangements on the student experience/welfare
- The effect of the flexible working arrangements on the College, including the financial impact
- The consequences for you if you don't have flexible working arrangements
- The starting date for the arrangements



- The duration of the arrangements
- Whether any legal or other constraints affect the feasibility of accommodating your request, such as occupational health and safety laws.

Procedure

The employee must request flexible working arrangements in writing, providing details of the change sought and reasons for the change

The employee and manager, in consultation with the Executive Member and Associate Director People and Capability, are encouraged to discuss the flexible working arrangements and, where possible, reach an agreement that balances both the employee and the College needs

The College will respond to the employees request in writing within 21 days, stating whether it is granted or refused. If the College is unable to accommodate the request, the response will outline the reason why

Any agreed flexible work arrangements will be documented. In most cases, an employment variation will be drawn up. The variation agreement will have an end date, of no more than 12 months, at which time the flexible arrangements will be reviewed

Flexible arrangements are specific to the employee circumstances. If the circumstances change, the flexible arrangements may be reviewed and modified. A potential change in role will prompt a discussion to review any flexible arrangement in place before the new role is offered

By utilising flexible work practices, the employee will be treated no less favourably than any other employee. Flexible working is not a barrier to promotion or supervisory responsibilities.

Review and Evaluation

- The flexible work arrangements will be periodically reviewed to ensure their ongoing feasibility, effectiveness, and impact on your performance and team collaboration
- The employee and manager will maintain open communication to assess the success of the arrangement and make adjustments as necessary
- Either party may request a review of the flexible work arrangement at any time due to changed circumstances or performance concerns.

Legislation

- *Fair Work Act 2009* (Cth)
- *The Occupational Health and Safety Act 2004* (OH&S Act)

Related Template, Forms and Policies

- Remote Working Policy
- Remote Working Self-Assessment Checklist