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General Information

Whilst the object of this Policy is to assist in maintaining balance and productivity within the workplace, it is important to ensure that consideration is also given to any statutory or other obligation which may require an employer to consider flexible working arrangements.

From 1 July 2013, employers who are covered by the Fair Work Act 2009 (Cth) ('the FW Act') are required to consider any requests for flexible work arrangements by employees in the following categories:

- employees 55 years of age or older;
- an employee with a disability;
- an employee who is a carer (within the meaning of the Carer Recognition Act 2010 (Cth));
- an employee who is the parent of or has the responsibility of caring for, a child who is of school age or younger;
- an employee who is experiencing violence from a member of the employee's family;
- an employee who provides care or support to a member of the employee's immediate family, or a member of the employee's household, who requires care or support because the member is experiencing violence from the member's family.

Employers may benefit if they are able to be sufficiently flexible to assist employees balancing their various work and other commitments.

Outside-work commitments may include the following: family responsibilities such as caring for children or parents; study/education; sporting/cultural pursuits; and participation in community organisations such as emergency services organisations and charities etc.

The diversity of the work–life balance issue means that it covers a wide range of employment practices. The most common ones include:

- various types of flexible working hours (e.g. alteration of start and finishing times);
- various types of paid and unpaid leave entitlements, often incorporated into an overall flexible leave policy;
- amenities at the workplace, such as breastfeeding facilities;
- working from home; and
- phased retirement arrangements.

A Flexibility Policy is a general statement that sets out the organisation's approach to an employee's work–life balance. However, it is normally complemented by separate, more specific policy statements on each particular strategy, for example a separate Flexible Leave Policy.

A final issue is the need for an organisation's culture to support the Policy. Many work–life balance policies have come unstuck because employers have not seen value in providing such flexibility and/or employees have misunderstood the purpose of the flexibility and have dropped their output/work quality in the more flexible environment. The Policy statement should address these issues.

Requests for flexible work arrangements

Employers in Victoria should seek additional advice as further obligations apply in relation to the right to request flexible working arrangements. In particular, the Equal Opportunity Act 2010 (Vic) contains much broader obligations on employers to accommodate such arrangements. Under the Victorian legislation, employers in Victoria must not, in relation to the work arrangements of a contractor, employee or a person being offered employment, unreasonably refuse to accommodate the responsibilities of that person as a parent or carer. Furthermore, the responsibilities as a carer are broader than the provisions contained in the FW Act and apply to any person who is wholly or substantially dependent on the contractor, employee or prospective employee for ongoing care and attention.

For employers covered by the FW Act, they should be aware that before making a flexibility request, an employee must have at least 12 months' continuous service.

Casuals may also make a request for flexible working conditions provided that at the time of making the request, the person is a long-term casual (i.e. they have been engaged on a regular and systematic basis for at least 12 months) and they have a reasonable expectation of continuing employment with the employer on a regular and systematic basis.

If you are unsure of whether an employee is entitled to make a request under the FW Act, you should seek specific legal advice. For employers in **Victoria** — the employee **does not** need to serve any minimum period before becoming eligible to submit a flexibility request.

Employers covered by the FW Act and those who operate in Victoria have an obligation to consider any written requests for flexible working arrangements by eligible employees. Employers may wish to use the Response to Request for Flexible Working Arrangements form to respond to any such request. *(this form is available to ACFA Members as part of their membership tier)*

Finally, employers also need to be mindful that they do not breach any State or Federal anti-discrimination laws when considering a request from an employee for a flexible working arrangement (eg due to an employee's pregnancy). This applies to all employees (regardless of their length of service), prospective employees and contractors.

How to complete this template

Designed to be customised

It is completely customisable based on your specific requirements.

Include what you must and can comply with

This document should be used in conjunction with your contract of employment, and any specific company procedures and processes. Only include the commitments you are confident you can comply with, make sure you update and review the document regularly.

Important: You may have legal obligations to your employees under an employment or industrial agreement such as an award, workplace agreement or employment contract. Make absolutely certain what's written in this document is consistent with these. If you're unsure what covers your employees, ACFA Members can contact FIAA's workplace advice team on 1300 342 248 or on 02 4340 2000 for further advice/assistance.

To complete the template:

1. Using Word's Replace function, search for (INSERT COMPANY NAME) and replace with your company name.
2. Replace (items in brackets) with your own wording.
3. Once you have finished work on the template, delete the first TWO pages of the document.

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SAMPLE

Flexibility Policy

1. Purpose

- 1.1 (Insert company name) acknowledges that employees need to be able to achieve an effective balance between their work and outside-work commitments. Outside-work commitments may include family and carer responsibilities, further education, and involvement in various community organisations and activities.

2. Commencement of Policy

- 2.1 This Flexibility Policy (Policy) will commence from XX/XX/XXXX. It replaces all other Work/Life Balance or Flexibility Policies (whether written or not).

3. Application of the Policy

- 3.1 This Policy applies to employees of (insert company name).
3.2 This Policy does not form part of any employee's contract of employment.

4. Achieving workplace flexibility

- 4.1 Achieving an optimum work/life balance is beneficial in maintaining high productivity at work.
- 4.2 To help achieve and maintain an effective work/life balance, (insert company name) may give consideration to a range of flexible working arrangements, leave entitlements and other forms of assistance which are aimed at meeting the needs of both the organisation and its employees who have outside-work commitments.
- 4.3 As part of (insert company name)'s desire to achieve and obtain optimal flexibility in the workplace, (insert company name) acknowledges its obligations under workplace legislation to consider an employee's requests for flexible working arrangements.
- 4.4 Consideration will be given to all requests made for flexible working arrangements, however the particular categories of employees that may eligible under the *Fair Work Act 2009* (Cth) to request flexible working arrangements are:
- a) employees 55 years of age or older;
 - b) an employee with a disability;
 - c) an employee who is the parent of or has the responsibility of caring for, a child who is of school age or younger;
 - d) a carer (within the meaning of the *Carer Recognition Act 2010* (Cth))
 - e) an employee who is experiencing violence from a member of the employee's family; and
 - f) an employee who provides care or support to a member of their immediate family or household, who requires care or support because they are experiencing violence from the member's family.

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