

## HEALTH SERVICES UNION

### Flexible Work

This policy and procedure sets out the circumstances in which requests for flexible working arrangements can be made by employees and the procedure for determining whether those requests may or may not be granted by the Health Service Union Secretary.

#### Purpose

Health Services Union supports a diverse and inclusive workforce and recognises that many of its employees require working arrangements that are outside of the traditional full-time work structure. The purpose of this policy and procedure is to allow greater flexibility for Health Services Union employees who require flexible work arrangements to suit their circumstances.

#### Scope

This policy and procedure applies to all employees of Health Services Union who have completed at least twelve (12) months service and includes casual employees who have had regular employment for at least that period and have a reasonable expectation of continued work.

#### Definitions

The following table contains relevant definitions for requests for flexible working arrangements:

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	Disability has its ordinary meaning.
Family	‘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> .
Family violence	‘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 in accordance with

	the Australian Law Reform Commissions' Final Report, <i>Family Violence – A National Legal Response, Volume 1, October 2010</i> .
Flexible work	<p>'Flexible work' may include, but is not limited to varying an employees' working conditions in the following ways:</p> <ul style="list-style-type: none"> <li>• Changing hours of work</li> <li>• Changing pattern of work</li> <li>• Changing duration and times of breaks</li> <li>• Changing days of work</li> <li>• Changing how work is performed</li> <li>• Changing where work is performed (e.g. working from home arrangements)</li> </ul>
School age	The age at which a child is required to attend school in the relevant State or Territory.

### Requesting Flexible Work Arrangements

Employees may make a request for flexible working arrangements if one or more of the following circumstances apply to that employee:

- 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* - see definitions section above);
- the employee has a disability;
- the employee is 55 or older;
- the employee is experiencing violence from a member of the employee's family;
- the employee 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.

### Parents / Employees Responsible for the Care of a Child

Parents and employees who have responsibility for the care of a child who are 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

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

## **Making a Request**

Any request for flexible working arrangements must be made to the employees' Manager, the HSU Secretary and the HR Manager and the request must:

- be in writing; and
- set out details of the change sought; and
- provide details of the reasons for the change.

## **Approving or Refusing Requests**

After receiving a request for flexible working arrangements from an employee the HR Manager will provide a written response to the employee within twenty-one days (21 days) advising of whether the request is granted or refused.

### **Approving a request**

If the HSU Secretary approves the request for flexible working arrangements, the request and approval letter will be retained on the employment file as a variation to the employment contract.

### **Refusing a request**

The HSU Secretary may refuse a request for flexible working arrangements only on reasonable business grounds, which may include, but are not limited to the following reasons:

- The proposed arrangements would be too costly for the business to implement;
- There is no capacity to change the current working arrangements of other employees to accommodate the new working arrangements requested;
- It would be impractical to change the working arrangements of other employees, or recruit new employees, to accommodate the new working arrangements requested by the employee;
- The new working arrangements requested by the employee would be likely to result in a significant loss in efficiency or productivity; and/or
- The new working arrangements requested by the employee would be likely to have a significant negative impact on union business.

## **Accommodating Requests**

Where an employees' specific request for flexible working arrangements cannot be accommodated on the terms suggested by the employee, the employer and employee may discuss options for an

alternative flexible working arrangement which the business can reasonably accommodate having 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 in pay (e.g. if less hours are worked overall and/or at the times attracting extra penalties), paid leave (e.g. a reduction in weekly hours may affect leave payments) and termination pay (e.g. redundancy and notice payments will be calculated on pay rates as at termination date).