

FLEXIBILITY AT WORK POLICY

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Responsible Officer:	Manager, People & Culture
Owner:	People and Culture
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	<p>Age Discrimination Act 2004 (Cth) Carer Recognition Act 2010 Disability Discrimination Act 1992 (Cth) Equal Opportunity Act 2010 (Vic) Fair Work Act 2009 (Cth) Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 Fair Work Regulations 2009 (Cth) Gender Equality Act 2020 (Vic) Greater Bendigo City Council Enterprise Agreement (EA) 2021 Human Rights and Equal Opportunity Commission Act 1986 (Cth) Human Rights and Equal Opportunity Commission Regulations 1998 (Cth) Information Privacy Act 2000 (Vic) Local Government Act 2020 (Vic) National Employment Standards (NES) Occupational Health and Safety Act 2004 (Vic) Sex Discrimination Act 1984 (Cth) Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic) Workplace Gender Equality Act 2012 (Cth)</p>
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1. PURPOSE

The purpose of this policy is to:

- 1.1. Communicate the City of Greater Bendigo's (the City's) commitment to providing flexible and family friendly working conditions and a work environment that enables employees to optimise their contribution to the City
- 1.2. Communicate the rationale for providing Flexible Working Arrangement (FWA) options for employees
- 1.3. Provide a set of principles to guide and enable consistent decision-making and management of FWAs to promote a culture of fairness
- 1.4. Describe the FWA options available to employees and provide clarity around entitlements and expectations

2. BACKGROUND

The City is committed to the introduction of conditions of work that assist employees to address family responsibilities, support employees to live a balanced lifestyle and accommodate various priorities and responsibilities at work, home and in the community.

The City recognises that providing flexibility at work for its employees is integral to:

- 2.1 promoting positive organisational culture, including a healthy work-life integration;
- 2.2 adhering to the City's organisational values and expected behaviours;
- 2.3 achieving the City's vision;
- 2.4 employee engagement, retention, loyalty and commitment;
- 2.5 supporting employee wellbeing;
- 2.6 being recognised as an employer of choice;
- 2.7 enhancing business performance;
- 2.8 meeting legal requirements;
- 2.9 providing all genders access to equal opportunities and outcomes; and
- 2.10 the successful delivery of the Greater Bendigo Council Plan.

3. GUIDING PRINCIPLES

- 3.1 We start from a position of flexibility - all roles can have some type of flexibility. But not all types of flexibility will work for every role. If there's a good reason a role can't have a type of flexibility, people managers and employees must look for a type of flexibility that will work.
- 3.2 We focus on outcomes - rather than when, where and how we work, we focus on the outcomes of our roles and our team's and organisation's priorities
- 3.3 We lead by example - we can all support and champion flexible work. This means People Managers must model the principles set out in this policy to their employees.
- 3.4 We put health, safety and wellbeing first - the health, safety and wellbeing of employees is at the core of flexible work. With any flexible work, organisations, people managers and employees must consider: what the risks are, what harm those risks could cause and how they could mitigate those risks

- 3.5 We embed flexibility through the employment lifecycle - this will help us attract, retain and develop our people. With a more diverse and inclusive organisation, we'll better meet the needs of the community we serve.
- 3.6 We come up with solutions that work for everyone - flexible work needs to suit us all and reflect a strong commitment to each employee's and team's needs. But we also need to balance this with our commitment to continually improving service delivery and outcomes for the community. Flexible work must never result in more work for employees who do or don't work flexibly, reduced service delivery to the community, an unreasonable cost to the City nor compromise organisational culture, safety, health and wellbeing.
- 3.7 We maintain privacy - we're all entitled to have our privacy respected when we work flexibly. And we all must comply with relevant privacy laws.
- 3.8 We embed a culture of growth and development – we provide training and support to people managers and employees to enable successful flexible work, and promote and regularly review flexible working arrangements.
- 3.9 We champion equity - each employee's flexibility is different and flexibility is available to all. Flexible work helps employees balance paid work with other demands and this helps us create a diverse and inclusive workforce that reflects the community we serve. Flexible working is not a barrier to career progression, promotion, pay or development opportunities and employees working flexibly are treated no less favourably than any other employee

4. SCOPE

This policy applies to City employees. While the City strives to support the availability of FWAs for all employees, some options may not be practicable for certain roles including those required to be onsite or deliver face-to-face services and scheduled roles.

In addition, under National Employment Standards (NES) permanent employees who have worked with the City for at least 12 months and regular casual employees who have worked with the City for at least 12 months and have a reasonable expectation of continuing employment on a regular and systematic basis, are eligible to request any FWA option described in this policy in the following circumstances:

- the employee is a 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
- the employee is 55 or older
- the employee is pregnant
- the employee is experiencing family or domestic violence or
- the employee provides care or support to a member of their immediate family or household who is experiencing family or domestic violence

Some conditions of employment that also support flexible hours of work and leave are not considered flexible working arrangements and are outside the scope of this policy. These include: employer directed part-time work, time in lieu, Carer's, Affirmation and Transition of Gender, Family Violence and Special Parental Leave.

5. DEFINITIONS

In this policy:

Compressed Hours means a regular working pattern of working more hours per workday to achieve a 9-day fortnight or 19-day month.

Employee means a person who receives a salary or wages from the City (employed on either a full-time, part-time or casual basis where the nature of the work is permanent/ongoing or temporary for a specified period)

Flex Hours means where, by agreement with their people manager, an employee uses flexible start and finish times within the normal spread of hours and accumulates time ('flex hours accrued') that will be taken at a later date ('flex hours taken')

Flexible Working Arrangement (FWA) means at the request of the employee, approved changes to existing individual working arrangements that modify when, how and/or where the employee performs/undertakes their work. FWAs are typically arrangements that are in addition to EA employee entitlements and employment conditions or are entitlements and employment conditions that allow flexibility in their application.

Gradual Increase or Decrease in Work Hours means a temporary increase or decrease in hours worked each week with the intent to further increase or decrease hours worked each week in the future (usually an employee returning from an extended period of leave, employee's returning to work from parental leave or transitioning to retirement)

Half-pay means a period of leave (Long Service or Annual) paid at 50% of the usual rate of salary

Job Share means two people share the work and pay of a single full-time job

Leave Without Pay (LWOP) means leave for up to 52 weeks for personal, travel or career purposes.

Part-time means a temporary or permanent arrangement where an employee chooses to reduce their employment fraction from full-time to part-time (less than 38 hours per week)

People manager - a person who manages and supervises employees. At the City this typically includes a CEO, Director, Unit Manager, Team Leader, Coordinator, Supervisor, Leading Hand or Foreperson.

Purchased Leave means additional leave that is paid for by the employee via salary deductions over a calendar year.

Reduction in hours (temporary/permanent) means the voluntarily restriction of their working hours and pay by an employee permanently or for a specified period of time

Remote Working means by request from the employee, the regular performance of scheduled hours at a remote location

Temporary Employment means employment on either a full or part-time basis under a Temporary Employment Agreement for a specified period and specified reason

Transition to Retirement means a process for employees aged 55 or older to gradually transition towards permanent retirement up to a maximum of a 2-year period, by implementing different working arrangements, including reducing hours of work and duties

Transition to Retirement Agreement means a document prepared by HR outlining the conditions in the Transition to Retirement Plan, including a timeline and date of retirement, agreed to by the employee and Unit Manager

Transition to Retirement Plan means details of changed work arrangements that will be implemented over the transition to retirement period

Unit Manager means a Manager reporting directly to a Director or the CEO

6. POLICY

Approved FWAs will be for a period of not greater than 12 months. Employees or People Managers may initiate a review of an individual FWA at any time.

Rostered Day Off (RDO) is only available to specific business units within the City as defined in the *Greater Bendigo City Council Enterprise Agreement 2021: Appendices – Specific Conditions of Employment*. All other ongoing and temporary full-time or part-time employees should refer to Compressed Hours.

6.1 Flexible Working Arrangement Options Details, Eligibility and Exclusions

6.1.1 *When We Work*

- a) Compressed Hours applies to all ongoing and temporary full-time employees.
- b) Gradual Increase or Decrease in Work Hours applies to all ongoing and temporary full-time or part-time employees.
- c) Half-pay (LSL or annual leave) applies to all ongoing and temporary full-time or part-time employees.
- d) LWOP applies to all ongoing and temporary full-time or part-time employees.
 - All available accrued leave must be utilised prior to commencing any period of leave without pay (this includes annual leave, long service leave, Flex and time in lieu hours)
 - Salary increments, payable to employees who have not reached the top of their salary range and whose performance of duties has been satisfactory, will be managed as follows:
 - LWOP for one calendar month or less – no effect on the incremental date.
 - LWOP for more than one calendar month – the incremental date will be postponed by the number of days of the leave without pay period.
 - Where the application for LWOP will involve alternative/secondary employment, an employee must seek approval prior to undertaking outside employment via the [Outside Employment Approval Form](#).
 - For LWOP periods of more than six months, employees are required to confirm their intention to return to work in writing no less than eight weeks prior to the nominated return date
 - There is no automatic entitlement to return to work earlier than the nominated return date and this will only be permitted with Director approval.

- Employees must commence negotiations with their manager no less than 12 weeks prior to the proposed new return date if they wish to return to work early.
- e) Flex Hours applies to all ongoing and temporary full-time or part-time employees except:
 - those employees in any unit where alternative arrangements are made under a Specific Conditions of Employment (SCE) agreement as detailed in the relevant EA Appendix
 - employees on RDO or compressed hours arrangements (see EA section 10.2).
 - when remote working
- The maximum Flex Hours accrual balance for full-time employees is five (5) days and pro-rata for part-time employees.
- f) Part-time applies to all ongoing and temporary full-time employees.
- g) Purchased Leave applies to all ongoing full-time or part-time employees and temporary employees (both part-time and full-time) contracted for a minimum of 12 months.
 - All Purchased Leave must be taken before utilising annual leave
 - Purchased Leave cannot be taken on half pay.
 - Applications must be received by early December for the agreement to commence on 1 January of the following year. This condition may be waived for applications demonstrating exceptional circumstances.
 - All Purchased Leave must be taken within the calendar year for which it is approved.

6.1.2 *How We Work*

- a) Job Share applies to all ongoing and temporary full-time or part-time employees.
- b) Transition to Retirement applies to all ongoing full-time and part-time employees with more than 12 months continuous service with the City and aged 55 or older as per National Employment Standards. Transition to Retirement can be achieved by utilising one, or a combination of options including reduction in working hours and/or days, utilising leave entitlements to reduce working hours and/or days or altering workload.

6.1.3 *Where We Work*

- a) Remote Working applies to all casual, ongoing, and temporary full-time or part-time employees. The City recognises that some outcomes such as meaningful collaboration and connections are difficult to achieve with a dispersed workforce. To address this, it is expected that:
 - full-time employees are in the office at least three days per week
 - full-time employees on compressed hours are in the office at least three days per week (representing a majority of the work week)
 - part-time employees are in the office at least fifty percent of their working hours.
- There will be times when an employee is required to attend the office on an agreed Remote Working day.

- Any FWA request to work in the office for less than the work hours identified above must be by Director approval and be a requirement to fill an operational shortfall.
- Remote Working arrangements cannot be used as a substitute to provide care and support to an immediate family or household member or caring for dependent children at home.
- Employees who work remotely are responsible for ensuring they have appropriate office equipment and materials that enable them to work safely and effectively. Costs associated with establishing a home office set up is the responsibility of the employee. In addition, they must have access to reliable internet to ensure that there is the ability to undertake their activities as well facilitating regular communication. All computer equipment provided by the City will be serviced and maintained by the City. In utilising the City's equipment, the employee will ensure compliance with health and safety requirements.
- Employees who work remotely must maintain a regular office-based / Remote Working pattern and seek People Manager approval prior to changing this pattern on an ad hoc basis.

6.2 Requesting Flexible Working Arrangements

The procedure for requesting a FWA is dependent on the flexibility option requested and is described in detail in the [Flexibility at Work Procedure](#).

Requests will be assessed on a case-by-case basis and approved by the employee's People Manager or Unit Manager as appropriate. Following receipt of a written FWA request, the City will provide a written response granting or refusing the request within 21 days and will only refuse such requests on reasonable business grounds. These reasons will be detailed in the written refusal. FWAs can be approved initially for a maximum of 12 months, with a review of the arrangement after 3 months. If the agreement is not mutually satisfactory either party can choose to return to the previous arrangements.

6.3 Timesheets

All employees (except Senior Officers) are required to accurately complete and submit a timesheet. Completion and submission of a timesheet enables the City to fulfil its record-keeping obligations in relation to hours worked, start and finish times, breaks and leave taken.

The reporting of suspected fraudulent or corrupt conduct with regard to timesheet recording should follow the procedure described in the City's Fraud and Corruption Prevention Policy. Should an employee be found to have committed timesheet fraud, the matter will be dealt with through the City's Managing Misconduct Procedure, which can result in disciplinary action, including termination of employment.

6.4 Grievance Procedure

If an employee feels that they have been treated unfairly or unreasonably in relation to any part of the flexible work arrangement process they should refer to the City's Procedure for the Management of Issues, Concerns and/or Complaints.

7. ROLES AND RESPONSIBILITIES

7.1 All Employees are responsible for:

- 7.1.1 Reading and complying with this policy and any related procedures

- 7.1.2 Submitting a written request via submission of a Flexible Working Arrangement Request form (available [online](#)) including the details of the requested arrangement/s and reason/s for the request
- 7.1.3 Reviewing FWA/s in consultation with their People Manager as required.
- 7.1.4 Seeking information on the impact of any FWA/s on other entitlements, including superannuation, annual leave, sick leave and long service leave.
- 7.2 In addition to the above responsibilities, People Managers are responsible for:
 - 7.2.1 Assessing FWA requests from their direct reports and ensuring requests are processed within 21 days
 - 7.2.2 Approving Half-Pay requests (up to four weeks) and LWOP requests (up to four weeks)
 - 7.2.3 Recommending approval to Unit Manager (where relevant) for all FWAs other than those detailed above (7.2.2).
 - 7.2.4 Initiating and undertaking review of FWA/s in consultation with the Employee as part of the City's annual performance and development review process
- 7.3 In addition to the above responsibilities, Unit Managers are responsible for:
 - 7.3.1 Approving all FWA requests within their Business Unit except those detailed above (7.2.2)
 - 7.3.2 Advocating for our employees to consider FWAs and promoting the City as a flexible employer.
- 7.4 In addition to the above responsibilities, Directors are responsible for:
 - 7.4.1 Approving early return to work from LWOP
 - 7.4.2 Approving any Remote Working FWA request to work in the office for less than the work hours identified in this policy
- 7.5 In addition to the above responsibilities, the CEO is responsible for:
 - 7.5.1 Approving Outside Employment requests
- 7.6 In addition to the Employee responsibilities, People and Culture are responsible for:
 - 7.6.1 Providing advice to Employees, People Managers and Managers on Flexibility at Work arrangements.
 - 7.6.2 Confirming FWAs where relevant, including start, end and review dates if applicable.

8. RELATED DOCUMENTS

Employees are encouraged to access the related internal documents which are available on the intranet and/or external resources which are available as per the below.

[Greater Bendigo City Council Enterprise Agreement 2021](#)
[Flexible Work Arrangements Request Form](#) (online)
[Flexibility at Work Procedure](#)
[Outside Employment Approval Form.](#)
[Procedure for the Management of Issues, Concerns and/or Complaints](#)
[Transition to Retirement Application Form](#)

Further information or advice on this policy should be directed to People and Culture

9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities

10. EQUITY IMPACT ASSESSMENT

This policy and content have been assessed according to the City's Equity Impact Assessment process. No required changes to the policy were identified.

11. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a Business Unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

12. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>Aug, 2009</i>		<i>P&C</i>	<i>Home Based Work</i>	<i>1</i>	<i>Aug, 2012</i>
<i>Jan, 2015</i>		<i>P&C</i>	<i>Leave Without Pay – Administrative</i>	<i>3</i>	<i>July, 2019</i>
<i>July, 2015</i>		<i>P&C</i>	<i>Phased Retirement – Administrative</i>	<i>3</i>	<i>Oct, 2017</i>
<i>Nov, 2018</i>	<i>KT</i>	<i>P&C</i>	<i>Purchased Leave – Administrative</i>	<i>5</i>	<i>Nov, 2019</i>
<i>July, 2020</i>		<i>P&C</i>	<i>Flexibility at Work - initial</i>	<i>1</i>	<i>July, 2021</i>
<i>February 2021</i>	<i>Manager P&C</i>	<i>P&C</i>	<i>Revised Flexibility at Work</i>	<i>2</i>	<i>April, 2022</i>
<i>November, 2022</i>	<i>Manager P&C</i>	<i>P&C</i>	<i>Administrative updates</i>	<i>3</i>	<i>November 2023</i>
<i>June 2023</i>	<i>Manager P&C</i>	<i>P&C</i>	<i>Review</i>	<i>4</i>	<i>June 2027</i>