



Flexible Working Arrangements Policy

1. Background

WA Country Health Service (WACHS) recognises that the availability of flexible working arrangements (FWA), in accordance with industrial instruments, can play a key role in attracting and retaining skilled and valuable employees and increasing workforce participation.

2. Policy Statement

WACHS is committed to creating a positive work environment that supports FWAs to enable employees to balance their work and non-work commitments, where practical.

WACHS recognises that the availability of FWAs can play a key role in attracting and retaining skilled and valuable employees and increasing workforce participation. Benefits may include reducing employee turnover and absenteeism, improving productivity and contributing to employee wellbeing and positive morale.

Where an employee requests a FWA, it will be given due consideration, and where practicable, accommodated in a spirit of collaboration and cooperation by managers and employees, and in accordance with the provisions of the relevant Industrial Instrument and objectives of the *Equal Opportunity Act 1984*.

WACHS' responsibility for providing a quality health service to the community is paramount, and as such, service delivery needs take priority when considering FWAs.

3. Flexible Working Arrangements

FWAs are often sought by employees to assist with caring obligations, phased retirement or to accommodate personal requirements.

The suitability of FWAs is dependent upon several factors including service delivery needs, the type of work an employee does and the employee's circumstances. FWAs should not disrupt the workplace. In particular, potential implications for client service/patient care require careful consideration by both the employee and the employer.

The following may be utilised to develop a FWA:

- flexible working hours (e.g. flexitime or a compressed working week in accordance with industrial instruments)
- job sharing

- part-time work
- cultural/ceremonial leave
- applicable leave arrangements in accordance with the relevant Industrial Instrument such as:
 - accrued days off
 - time off in lieu
 - parental leave
 - study leave
 - purchased leave
 - annual leave
 - leave without pay
 - flexible access to long service leave
- telecommuting (refer to WACHS Telecommuting Policy for further information and specific requirements). Note the delegated authority to approve telecommuting arrangements is different to the approval for FWAs. If a FWA has a telecommuting component it is important to secure separate approval for this.
- breastfeeding breaks (WACHS Employee Breastfeeding Policy for further information and specific requirements). Note, if breastfeeding breaks are requested, a specific Breastfeeding Agreement is available for this purpose and it is not necessary to complete the FWA Application Form.

Employees should refer to the relevant Industrial Instrument or contact their Manager or Human Resources for further information.

3.1 Requesting FWAs

Employees may access the FWAs available in their Industrial Instrument in accordance with the corresponding approval process. Any request must comply with the requirements of the Industrial Instrument. Where a combination of arrangements is requested, application should be made in writing via the FWA Application Form to the appropriate line manager specifying the change(s) sought with reasons or evidence in support.

Where a combination of provisions is to be utilised, or to facilitate the appropriate management of an arrangement, a FWA may be developed in which the arrangement, associated conditions including the extent of the approval and review mechanism, are documented.

Employees are encouraged to review their relevant Industrial Instrument and discuss any proposed flexible working arrangements with their manager and/or Human Resources.

Employees are also encouraged to seek financial and/or superannuation advice from an independent financial advisor before requesting a FWA.

The FWA is not in substitution for any corresponding approval process required by an Industrial Instrument.

In situations of pandemic planning and action, WACHS may initiate temporary FWAs with employees. Refer to the Flexible Working Arrangements or Telecommuting – Pandemic Agreement.

3.2 Responding to a Request for a FWA

A request for a FWA will initially be assessed by the relevant line manager and is subject to consultation with the employee.

Where a FWA, which is not a feature of the applicable Industrial Instrument is requested, managers must contact Human Resources for advice.

A balanced approach should be adopted regarding the consideration of a request for a FWA with the aim of reaching a mutually satisfactory outcome for both the employer and employee.

Decisions in response to a request for a FWA must:

- ensure service delivery needs take priority when arranging flexible work arrangements;
- take into account organisational (e.g. type of role, tasks, financial and work unit) and employee needs;
- be in accordance with the employee's employment conditions provided in their Industrial Instrument;
- be made on a case by case basis, following an assessment of the merits of the request and the arrangement;
- be made by the delegated authority as outlined in the Authorities, Delegations and Directions Schedule; and
- be transparent and capable of review.

Employees who request FWAs often do so due to personal circumstances. Managers should therefore respect the employee's privacy, give consideration to the cultural needs of the employee and maintain confidentiality at all times. This is particularly the case when, if required in order to reach a decision, discussion is necessary with work colleagues or other relevant employees.

If agreement cannot be reached, consideration should be given to whether part of a request for a FWA may be accommodated, or whether the request can be modified to achieve a mutually satisfactory outcome.

Managers must provide a written response to a request for a FWA within 14 days and indicate whether the request has been approved or otherwise.

A template Management Response to assist managers with this process is provided. Advice may be sought from Human Resources if required.

Prior to any FWA being approved or otherwise, managers must consult with the delegated authority. If a manager does not endorse a request for a flexible working arrangement, the reason/s for this decision must be documented and explained to the employee.

FWAs will be renegotiated where an employee changes position.

The principles of procedural fairness will be applied when making decisions about a request for a FWA.

3.3 Documenting an approved FWA

A FWA approved pursuant to the provisions of an Industrial Instrument does not require a FWA to be completed unless it is necessary to facilitate the appropriate management of an arrangement.

A FWA may be utilised where a range of flexible working arrangements have been agreed to ensure the arrangement is properly documented and agreed by the appropriate manager and employee.

The FWA is to include:

- the agreed terms, start and finish date(s);
- an outline of the role and responsibilities of the employee under the arrangement;
- confirmation that service delivery needs take precedence;
- a review date (arrangements to be reviewed every six months, earlier if the circumstances change for either the employee or employer);
- provision for notice of withdrawal from a FWA to be provided by either employer or employee;
- signature of employee and relevant manager and/or delegated authority.

A copy should be retained by each party of a FWA once signed and dated by both the delegated authority and employee.

A FWA must be managed in accordance with local record keeping procedures and the [General Disposal Authority for State Government Information](#).

4. Definitions

Flexible working arrangement	An arrangement agreed by the employer and employee that allows an employee to access one or more industrial provisions or policy provisions to alter their working arrangements specifically to meet their personal needs, balanced with needs of WACHS.
Flexible working hours	An arrangement between the employer and employee to vary the hours and days working in accordance with the relevant industrial instrument.

Industrial Instrument	The applicable Industrial Agreement or Award of the WA Industrial Relations Commission. http://www.health.wa.gov.au/AwardsAndAgreements/
Job sharing	A voluntary arrangement between the employer and employee in which more than one person share one full time job, each working part-time on an agreed basis.
Part time work	An arrangement between the employer and employee providing employment at less than standard full time hours in accordance with the relevant Industrial Instrument.
Phased retirement	An arrangement to assist employees nearing retirement which may include accessing available leave flexibility and/or a graduated reduction in working hours, working days and/or work load.
Procedural fairness	<p>The three main rules or principles:</p> <p>Bias rule</p> <ul style="list-style-type: none"> • The Decision Maker (or person requested to investigate) acts fairly and without bias • The Decision Maker (or person requested to investigate) does not hold, or is not perceived to hold, a vested or direct personal interest in the outcome of the process. <p>Hearing rule</p> <ul style="list-style-type: none"> • The Respondent is provided with notice of any allegation(s) against them, given a reasonable opportunity to respond to those allegation(s) or decisions affecting him or her, and their response is genuinely considered. <p>Evidence rule</p> <ul style="list-style-type: none"> • Decisions are based on logically probative evidence • Irrelevant considerations are not taken into account in making the decision.

5. Roles and Responsibilities

Employee responsibilities:

- Working collaboratively with the manager when requesting a FWA and considering alternatives that may be offered.
- Seeking any relevant personal financial or superannuation advice from an independent financial advisor relating to a requested FWA.
- Considering the broader impact of the FWA to their personal circumstances (e.g. regional accommodation implications).
- Recognising that service delivery needs are the priority when requesting or undertaking a FWA.
- Requesting a new FWA when changing positions or where there is a desire to extend the existing arrangement.
- Where relevant, complete HSS forms to effect the FWA following approval.

Manager responsibilities:

- Working collaboratively with the employee where a FWA request is received.
- Ensuring that employees are aware of flexible work options.
- Actively promoting options where appropriate.
- Giving due consideration to requests for FWAs.
- Providing fair and balanced decision making to requests for FWAs.
- Assessing individual requests on their merits including implications for other employees and service delivery needs.
- Complying with the requirements of the appropriate Industrial Instrument.
- Ensuring that FWAs do not impinge on WACHS outcomes, employee or patient safety.
- Where relevant, ensuring that HSS forms are completed to effect the FWA following approval.

Delegate Authority:

- Consider the FWA request and implications on WACHS service delivery.
- Approval of the FWA.

6. Compliance

Failure to comply with this policy may constitute a breach of the WA Health Code of Conduct (Code) Policy. The Code is part of the [Integrity Policy Framework](#) issued pursuant to section 26 of the [Health Services Act 2016](#) (WA) and is binding on all WACHS staff which for this purpose includes trainees, students, volunteers, researchers, contractors for service (including all visiting health professionals and agency staff) and persons delivering training or education within WACHS.

WACHS staff are reminded that compliance with all policies is mandatory.

7. Records Management

All WACHS corporate records must be stored in the approved Electronic Documents and Records Management System.

[Records Management Policy](#)

8. Evaluation

Evaluation and review of this policy is to be carried out by the People, Capability and Culture Directorate every five years (or earlier if required).

9. Standards

[National Safety and Quality Health Service Standards \(second edition\)](#) - Clinical Governance Standard 1.3, 1.5 and 1.10

10. Legislation

[Equal Opportunity Act 1984 \(WA\)](#)
[Industrial Relations Act 1979 \(WA\)](#)
[Minimum Conditions Employment Act 1993 \(WA\)](#)
[Occupational Safety and Health Act 1984 \(WA\)](#)
[State Records Act 2000 \(WA\)](#)

11. References

[WACHS Authorisations Schedule](#)
[Supporting good mental health in the workplace – A resource for agencies](#)

12. Related Forms

[Flexible Working Arrangements - Application Form](#)
[Flexible Working Arrangements - Management Response](#)
[Flexible Working Arrangements - Agreement](#)
Flexible Working Arrangements or Telecommuting - Pandemic Agreement (to be activated when required)
[HSS Contract Variation M6](#)
[HSS Computer Access Request eHFN-030](#)

13. Related Policy Documents

WACHS [Employee Breastfeeding Policy](#)
WACHS [Employee Record of Attendance Policy](#)
WACHS [Telecommuting Policy](#)

14. Related WA Health System Policies

[WA Health Code of Conduct Policy](#)
[WA Health Management of Accrued Leave Policy](#)
[WA Health Purchased Leave Guidelines OD0163/13, IC 0157/13, IC 0162/13, IC 0161/13, IC 0158/13, IC 0160/13.](#)

15. Policy Framework

[Employment](#)

**This document can be made available in alternative formats
on request for a person with a disability**

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