

Name of Policy	Flexible Working Arrangements
Description of Policy	This Policy describes the Flexible Working Arrangements available at Australian Catholic University
Policy applies to	<input checked="" type="checkbox"/> University-wide <input type="checkbox"/> Specific (<i>outline location, campus, organisational unit etc.</i>) <hr/>
	<input checked="" type="checkbox"/> Staff Only <input type="checkbox"/> Students Only <input type="checkbox"/> Staff and Students
Policy Status	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Revision of Existing Policy

Approval Authority	Vice-Chancellor and President
Governing Authority	Chief Operating Officer
Responsible Officer	Director, Human Resources

Approval Date	July 2008
Effective Date	July 2008
Approval date of Last Revision	11 April 2019
Effective date of Last Revision	11 April 2019
Date of Policy Review*	11 April 2022

* Unless otherwise indicated, this policy will still apply beyond the review date.

Related legislation, policies, procedures, guidelines and local protocols	Change Management Policy Employment of Fractional Staff Policy Employment of Part-Time Staff Policy Overtime for Professional Staff Policy Parental Leave Policy
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1. Background Information

This policy has been developed to support the implementation of flexible working arrangements; including the requirement for consultation prior to changing a staff member's hours of work; and to provide information to those staff members who have the right to request flexible working arrangements in accordance with the Fair Work Act, 2009. This policy also supports the implementation of flexible working arrangements for Professional Staff at ACU.

2. Policy Statement

The University recognises that flexible working arrangements may assist staff members to balance their work, personal and family needs, including meeting competing commitments. Further, certain staff members have the right to request flexible working arrangements and the University is obliged to consider each request on its merit and respond formally within 21 days. Whilst flexible working arrangements are intended to accommodate staff members' needs, staff members are also expected to organise their time on a 'give-and-take' basis to ensure the proper and efficient operations of the University.

The University will consult with staff members prior to any proposed change to the staff member's regular roster or ordinary hours of work.

3. Policy Purpose

The purpose of this policy is to outline for staff and supervisors;

- the right of certain staff members to request access to flexible working arrangements,
- the responsibilities of the University to consider their request and provide a written response within 21 days in accordance with the provisions of the Fair Work Act, 2009 (as amended);
- the obligation of the University to consult with staff members before a change to their ordinary hours of work or regular roster; and
- to explain the overall operation of the flexible working arrangements at ACU for Professional Staff.

4. Application of Policy

4.1 Flexible Working Arrangements and Work-Life Arrangements: All Staff

To assist staff to balance their various work and life responsibilities, the following flexible working arrangements that may be available to a staff member include:

- Changing hours of work;
- Changing patterns of work;

- Changing the location of work (eg. an alternative campus or a period of time working from home); and/or
- Changing work arrangements, including Job Share.

Any change to a staff member's days/hours of work, pattern of work or location of work must be done by completing a Request to Vary form in Staff Connect.

4.1.1 Changing Hours or Patterns of Work Include Moving to Part-Time Work

A full-time staff member may apply to work part-time on a temporary or ongoing basis according to the staff member's contract of employment and the needs of the University. There is no limit to the fraction of full-time workload that a part-time staff member may work, although this is at the discretion of the University.

4.1.2 Job-Sharing

Job-sharing will be subject to operational requirements of the organisational unit and may be introduced by agreement between the staff member(s) and the nominated supervisor. Staff working in a job-share arrangement will normally share one full-time position at the same classification level, with each person working part-time on a regular basis and in accordance with the conditions for part-time staff.

4.2 Request for Flexible Working Arrangements

A staff member who

- has responsibility for the care of a child who is school age or younger;
- has a child who is under 18 years of age and who has a disability;
- is a carer (within the meaning of the Carer Recognition Act, 2010 (NSW)¹;
- is 55 years or older;
- has a disability;
- is experiencing family violence or who is providing care or support to a member of the staff member's immediately family or household who requires care or support because the member is experience violence from the member's family;

has the right to submit a request for a change to her or his working arrangements and have that request considered and formally responded to by the University.

4.2.1 The staff member must lodge her or his request in writing with their nominated supervisor or manager. The request must set out the details of the change/s sought and provide the reasons for the change. The staff member should also specify if the requested change is to be ongoing or for a fixed period of time, and the proposed date for a review of the arrangements.

4.2.2 The nominated supervisor/manager will provide a written response to the request within 21 days advising whether the request is granted or refused.

¹ The definition of "Carer" from the Carer Recognition Act, 2010 (NSW) is at Appendix 1

- 4.2.3** The nominated supervisor/manager may only refuse a request on reasonable operational grounds and if the request is refused, the response will include details of the reasons for the refusal.

5. Consultation to Occur Prior to Changing Hours of Work – All Staff²

- 5.1** Nominated supervisors are required to consult with staff about a change to the staff member's ordinary hours or work and/or to their regular roster. A staff member may be accompanied by a person of their choice, including a staff representative, for the purposes of that consultation.
- 5.2** The nominated supervisor will provide information to the staff member about the proposed change and invite the staff member to give their views about the impact of the change (including any impact in relation to their family or caring responsibilities).
- 5.3** The nominated supervisor will consider any views given by the staff member about the impact of the proposed change prior to a decision being made to either implement the proposed change, some other form of arrangement, or maintain the status quo.
- 5.4** A staff member may not be unreasonably required to alter their regular roster or ordinary hours of work if there are good and sufficient reasons why they may not be able to accommodate such a requirement. These good and sufficient reasons may include (but are not limited to) elder or childcare arrangements.
- 5.5 Meal Breaks and Rest Pauses**
- 5.5.1** A staff member will not be required to work for more than five consecutive hours, without taking an unpaid meal break of at least 30 minutes.
- 5.5.2** Morning and afternoon tea breaks shall not exceed 10 minutes or any other local arrangement not exceeding 20 minutes in aggregate in the day. A staff member may not be unreasonably prevented from having a tea break. Tea breaks must be taken at a time that does not interfere with the continuity of work where, in the opinion of the nominated supervisor, such continuity is necessary for the effective functioning of the unit.

6. Flexible Working Arrangements for Professional Staff

- 6.1** Professional Staff may be asked to work more flexibly to assist maintain work unit operations or to provide for enhanced operations in circumstances such as:
- where a particular staff member is absent and the absence was unplanned for;
 - providing an expanded or additional period of service to students and other clients;

² This provision complies with the requirements of Section 205 (1A) of the Fair work Act, 2009 and is consistent with the Change Management provisions of the ACU Staff Enterprise Agreement, 2017 – 2021.

- to complete an item of work where continuity is necessary; or,
- to meet a University need/deadline.

6.2 The application of these working arrangements is to be irregular and prospective, and is not to be used as a mechanism for avoiding the payment of overtime.

6.3 Parameters for Professional Staff Working Arrangements

A Professional Staff member, including a shift worker, and their nominated supervisor may negotiate working arrangements within the following parameters:

- the maximum number of ordinary hours which may be worked on any one day is 9 hours;
- the normal weekly ordinary hours of work is thirty five (35) hours, however the maximum number of hours which may be worked in any week is 45 hours;
- the normal daily span of hours worked under these arrangements will be 8:00 am to 6:00 pm Monday to Friday, but this may be extended to 7:30 am to 7:00 pm where it is essential to maintain a University service or activity;
- the ordinary hours of work for caretaking/cleaning/gardening/security staff shall be worked between 6:00am to 10:00pm, Monday to Friday;
- except in an emergency, a professional staff member will normally be given forty eight (48) hours' notice if they are required to work during the period 7:30am to 8:00am or 6:00pm to 7:00pm;
- overtime and shift penalties are not applicable between 7:30am and 7:00pm;
- a professional staff member will work an average of 140 hours over a four-week cycle;
- part-time professional staff will work the hours specified in their contract of employment over a four (4) week cycle (or the contracted period in the case of casual staff);
- subject to receipt of a written request from the staff member which is formally approved by the Member of the Executive, a staff member may work ordinary hours outside the normal span of ordinary hours provided that the staff member is not required to do so under this provision; and,
- subject to receipt of a written request from the staff member which is formally approved by the nominated supervisor, a staff member may work ordinary hours on a Saturday; provided that the staff member is not required to work on a Saturday under this provision and the staff member works their normal hours during that week to enable at least two days off during the calendar week.

6.4 Participation in Flexible Working Arrangements

6.4.1 Flexible working arrangements may vary across and within work groups according to particular work demands and service requirements.

6.4.2 Not all aspects of these arrangements will apply to all Professional staff because of the particular role a staff member may perform within a particular work group, or due to the hours they work (e.g. part time and/or fractional). Some staff may participate in a limited way whereby variations may occur in a staff member's hours during a particular cycle according to work demands.

6.4.3 The nature of particular working arrangements will be subject to the operational convenience of the work unit and must be approved by the

relevant Member of the Executive on recommendation from the nominated supervisor or Manager of the work unit.

6.4.4 Where it is essential to maintain a University service or activity, a nominated supervisor may require a staff member to commence/finish work at any time within the span of hours (7:30 am to 7:00 pm) provided that, other than in an emergency situation, 48 hours' notice is given of such a requirement to the staff member.

6.5 Recording Hours of Attendance

All professional staff working a flexible working hours arrangement must record the hours they work each day on the [Time Record – Flexible Working Arrangements for Professional Staff](#).

6.6 Administration

Nominated supervisors and Managers will be responsible for the efficient and sensible operation of these arrangements within the particular work group and for ensuring that the University's operations are effectively maintained at all times. The administration associated with these arrangements includes:

- the completion of daily time sheets by all staff.
- the reconciliation of daily time sheets
- the completion and submission of leave forms.

6.7 Work Cycles

Each year is divided into two six-monthly reconciliation periods (normally, January to June and July to December) and each six-month period is divided into four-week cycles. No excess accumulated time may be carried forward from one six-monthly reconciliation period to the next.

6.8 Time Credits and Time Off

6.8.1 Normally no more than 28 hours of time accumulated during a four-week work cycle may be carried over into another cycle. However, with prior approval of the relevant Member of the Executive, up to 35 hours accumulated time may be carried into another work cycle. Time accumulated in excess of 35 hours will be paid out to the staff member at the staff member's ordinary rate of pay.

6.8.2 Staff may not carry a time debit into another four-week work cycle without the prior approval of the relevant Member of the Executive. A staff member with a time debit at the end of a cycle will be required to submit a leave form to cover the deficit. In such circumstances, the staff member may elect to use any annual or long service leave to credit or to take the time as leave without pay.

- 6.8.3** It is not necessary for a staff member to have a credit balance when taking time off, nor to have worked a full work cycle in the case of newly appointed staff entering duty part way through a work cycle.
- 6.8.4** Where a staff member has accumulated time credits in excess of 7 hours, this may be taken at a time or times convenient to the work group, by agreement with the nominated supervisor.
- 6.8.5** A staff member must obtain the prior approval of the nominated supervisor prior to taking time off under the conditions of this policy.

6.9 Approved Leave and Public/University Holidays

- 6.9.1** Periods of approved leave and/or public/University holidays which fall during a work cycle are regarded as a staff member's normal working day and do not count as accruing additional time unless a staff member is required to work on a public/University holiday.
- 6.9.2** By agreement with the nominated supervisor, a staff member may take a half-day annual leave together with a half-day time off.
- 6.9.3** As personal leave is credited and debited in hours, a staff member and their nominated supervisor may agree on whether a staff member takes personal leave or accumulated time off to cover an absence due to illness.

6.10 Overtime/Shift Allowances

- 6.10.1** Normally, overtime and shift allowances are not applicable between 7:30 am and 7:00 pm Monday to Friday or on Saturdays where a staff member has elected to work ordinary hours on a Saturday.
- 6.10.2** However, overtime is applicable if a staff member is carrying the maximum accumulated hours (ie 28 hours) into a new work cycle, and is required by their nominated supervisor or manager to work additional hours.
- 6.10.3** If a staff member commences a period of approved overtime after 7:00 pm, the normal meal break provisions set out in the Meal Allowances During Overtime Policy must be applied.

6.11 Termination of Service

- 6.11.1** A staff member who gives notice of their resignation or retirement shall, during the period of notice, take all reasonable steps to eliminate any accumulated credit or debit. Nominated supervisors and managers shall facilitate a staff member who is making such endeavours during this period.
- 6.11.2** A staff member who has not been able to exhaust all of her/his time credits will, on termination, be paid the monetary value of any time credits.

6.11.3 A staff member who does not eliminate a debit in hours upon termination will have the monetary value deducted from any leave or money owing at termination.

7. Revisions made to this Policy

Date	Major, Minor or Editorial	Description
9 April 2014	Major	This Policy has been updated to incorporate the “right to request” and consultation amendments from the Fair Work Act, 2009 and to implement the ACU Staff Enterprise Agreement 2013-2017.
13 August 2018	Editorial	ACU brand template update and Staff Connect advice at Item 4.1 regarding Request to Vary instructions and Service Connect link for further assistance.
11 April 2019	Editorial	Updated to include reference to Australian Catholic University Staff Enterprise Agreement 2017 – 2021.

The University may make changes to this policy from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this policy may forward their suggestions to Human Resources.

8. Further Assistance

Any staff member who requires assistance in understanding this policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further information or advice be required staff should visit [Service Central](#).

Appendix 1

CARERS (RECOGNITION) ACT 2010 - SECT 5

Meaning of "carer"

- (1) For the purposes of this Act, a person is a "carer" if the person is an individual who provides ongoing personal care, support and assistance to any other individual who needs it because that other individual:
 - (a) is in the target group (as referred to in section 5 (1) of the Disability Services Act 1993), or
 - (b) has a medical condition (including a terminal or chronic illness), or
 - (c) has a mental illness, or
 - (d) is frail and aged.

- (2) Despite subsection (1), a person is not a carer for the purposes of this Act in respect of care, support and assistance that the person provides:
 - (a) under a contract of service or a contract for the provision of services, or
 - (b) in the course of doing voluntary work for a charitable, welfare or community organisation, or
 - (c) as part of the requirements of a course of education or training.

- (3) To avoid doubt, a person is not a carer of another person for the purposes of this Act merely because the person:
 - (a) is the spouse or de facto partner of the person, or
 - (b) is the parent, guardian, child or other relative of the other person, or
 - (c) lives with the other person.