FLEXIBILITY MATTERS Working Flexibly at Western

TOOLKIT FOR SUPERVISORS AND STAFF

TABLE OF CONTENTS

This Toolkit should be reviewed together with the University's:

→ Workplace Flexibility Policy
   https://policies.westernsydney.edu.au/document/view.current.php?id=137
→ Working from Home Procedures
   https://policies.westernsydney.edu.au/document/view.current.php?id=350
→ Disability Policy
   https://policies.westernsydney.edu.au/document/view.current.php?id=94
→ Discrimination, Harassment, Vilification and Victimisation Prevention Policy
   https://policies.westernsydney.edu.au/document/view.current.php?id=265
→ Fair Work Act 2009 (Cth)
   https://www.legislation.gov.au/Details/C2017C00323

ACKNOWLEDGEMENT

With respect to Aboriginal culture and protocols, and out of respect that its campuses occupy their traditional lands, Western Sydney University acknowledges the Bundjalung, Darug, Gundungurra, Tharawal (also historically referred to as D'harawal) and Wiradjuri Peoples and thanks them for their support of its work in their lands (Greater Western Sydney and beyond).

Introduction

The changing context of work require workplaces to embrace greater flexibility. This has created new challenges and opportunities for employers and staff across Australia and around the world. This toolkit is designed to support Western's staff and supervisors as they navigate working more flexibly.

Western Sydney University proactively supports flexible work. Working flexibly is one of the ways the University lives up to its mission and reputation to be a fair, diverse, equitable and inclusive workplace. Flexible work is also a key way of ensuring we continue to attract and engage a diverse and high quality workforce.

Working flexibly is about finding a careful balance between building trust and retaining workplace accountability, productivity, quality and staff wellbeing. Western recognises that it is vital to all staff to be able to balance work and personal priorities. In short, working flexibly matters at Western.

Flexible working supports our University in continuing to be a sector-leading teaching and research institution by:

- creating a work environment based on performance, achievement and trust

- attracting and retaining a diverse and high-performing workforce

- enabling teams and individuals to work productively and deliver strong organisational outcomes, and

- enhancing staff engagement and job satisfaction.

All staff at Western can apply to work flexibly as per the flexible work measures outlined in this toolkit and the relevant Staff Agreements. However, it is important to remember that some flexible work options may not work in all situations. Any flexible working arrangements must meet *both* the needs of an individual and the University. We anticipate as we move forward, it will be common to have a staff member using a hybrid of flexible working *and* more conventional work patterns. We encourage all staff and supervisors to take a highly adaptive approach, in order to harness the full benefits of flexible working for our staff and the University.

This toolkit provides information for staff and supervisors on the benefits of working flexibly, options available to staff at Western, and how to access them.

"Providing flexible working options at our University plays an integral role in developing opportunities for increased staff satisfaction, retention, engagement, and sustained organisational knowledge. A flexible workplace is one that recognises the competing demands of its employees in balancing work commitments with personal priorities. Our University has many options available to staff who require flexible working arrangements and I encourage staff to discuss these options with their Manager or HR Advisor. When properly managed flexible working arrangements serve to benefit the overall productivity of our University."

Professor Barney Glover
Vice-Chancellor and University President

1. Definitions

Carer - A carer (within the meaning of the Carer (Recognition) Act (2010) (NSW)) is a person who provides personal care, support and assistance to another person because of their disability and aged-related needs This excludes care, support or assistance provided as part of paid or unpaid work, a service provision contract, and/or education or training program. A person is not inherently considered a carer solely on the basis of their family and/or domestic relationship to the person in need of care.

Disability - Disability is defined very broadly under the Disability Discrimination Act 1992 as any physical, sensory, neurological, intellectual, psychiatric or learning disability, and includes physical disfigurement, the presence in the body of disease-causing organisms and total or partial loss of part of the body or a bodily function. It also includes a temporary, permanent, current, past or future disability, and chronic health conditions which may not commonly be considered disabilities.

Family Responsibilities - Family responsibilities (within the meaning of the Anti-Discrimination Act 1977 (NSW)) refers to responsibility for the care of a child, and/or any other immediate family member in need of care or support.

Flexible Work Arrangement – A flexible work arrangement is an agreed set of specific adjustments to the standard working arrangements of a staff member to support their personal circumstances. Within the context of this toolkit a flexible work arrangement would usually refer to more formal arrangements to accommodate specific family, caring, personal or health needs of staff including those with disability or transitioning to retirement.

Reasonable Adjustment Plan (RAP) - The University provides a RAP when a staff member with disability requires a formal workplace adjustment to accommodate their disability-related needs, in accordance with its legal responsibilities under the Disability Discrimination Act. A RAP is developed based on documented medical evidence and advice provided by a treating physician and outlines the specific workplace adjustments the University commits to install, as agreed to by the staff member and their supervisor, to enable a staff member to make their fullest workplace contribution and maintain health, safety and wellbeing. This arrangement is similar to AIPs used for our students with disability.

Reasonable Business Grounds - Reasonable business grounds are determined by the requirements of the organisation or individual unit and can include, but are not limited to:

- the new working arrangements would be too costly
- there is no capacity to change the working arrangements of other employees to accommodate the new working arrangement request
- it would be impractical to change the working arrangements of other employees or to recruit new employees to accommodate new working arrangement request
- the new working arrangements would be likely to result in significant loss of efficiency or productivity
- the new working arrangements would likely have a significant impact on customer service.

Unjustifiable Hardship - Refers to a significant difficulty or expense to an employer that renders the workplace adjustment requested unjustified.

Working Flexibly – Refers to a broad practice which allow a staff member to change their standard working arrangement to better accommodate their personal commitments outside of work. Working flexibly usually encompass changes to the hours, patterns and location of work. In the context of this toolkit, working flexibly includes informal arrangements such as occasionally working from home or adjusting start and finish times.

2. Benefits of Flexible Work

Improved Productivity

Significant research exists that identifies a positive connection between flexible work and improved productivity. Flexibility results in increased staff engagement, satisfaction and performance, and in turn results in improved business outcomes for organisations. 85% of businesses surveyed by the International Workplace Group (IWG) confirmed that productivity has increased in their business because of greater flexibility (*Source: International Workplace Group 2019 Survey*).

Attracting and Retaining Talent

The global workforce is now more mobile than ever, meaning that universities are competing for talent nationally, and increasingly on an international level. Research conducted by Robert Walers Consulting amongst 500 hiring managers and more than 1500 professionals across Australia and New Zealand found that the vast majority of professionals (88%) are more likely to consider a role if flexible working options are advertised. Flexible work also increases staff retention with 70% of employees reporting that they would be less likely to look for roles outside their current employer if options were available to work flexibly (*Source: Robert Walters Whitepaper, 2018*).

Reduced Absenteeism

Engaged and satisfied staff who feel supported to balance their work with their personal priorities are less likely to be absent. Providing opportunities for staff to create a better work/life balance can reduce stress and related health and wellbeing issues.

Enhanced Student Experience

Working flexibly can also improve student experience where it is used to leverage a more flexible model of service provision. For example, using flexible start and finish times and work patterns could enable services and support being available for more extended hours.

Improved Gender Equity

Women still tend to support the majority of caring responsibilities within families, and as a result often lose out on higher paid positions that may unnecessarily demand a rigid presence. Providing options for staff to work flexibly enables those with family and caring responsibilities to maintain their engagement and participation in the workforce. Encouraging and supporting men to work flexibly is an important means of supporting shared caring and reducing the gender pay gap. By normalising and valuing flexible work, both men and women are more likely to feel encouraged and supported to advance their career whilst also meeting family and carer responsibilities.

Individual Benefits of Flexible Working

For individuals who may otherwise not be able to fully participate in the workforce due to caring responsibilities, disability, health related issues, their location or other personal circumstances, options to work flexibly increase their ability to engage. Improved work/life balance makes it easier to navigate work and personal priorities. Working flexibly also leads to increased job satisfaction and a greater sense of autonomy.

FIND OUT MORE in Western's Business Case for Flexible Work

3. Myths about Flexible Work

UNCOVER THE FACTS

MYTH: Flexible work is NOT for Managers.

FACT: Flexible working is available to all staff, including managers. Managers have the same need to balance work and personal priorities and would also benefit from the same boosts to productivity and wellbeing. It is important for managers to role model best practice by demonstrably showing the benefits of flexible work wherever this suits their individual circumstances.

MYTH: If flexibility is given to one staff member, everyone will want the same conditions.

FACT: Flexible working generally improves overall productivity and wellbeing, therefore the University supports the option to work flexibly being available to all staff. However, not all types of flexible working can be accommodated in all workplace situations across the University and equally, flexible working does not necessarily suit all staff. Flexible working arrangements are agreed to based on whether they also meet the needs of the University workplace. Where this is not case, the supervisor and staff member should discuss the situation further and consider alternative options.

MYTH: If a staff member is not present in the office they are not committed to their job.

FACT: Just because a staff member is not physically present in the office does not mean that they are not a productive member of a team. Staff members are more likely to be productive in an environment which allows them to balance their work and personal priorities, alleviating ongoing pressures and allowing a focus on the work at hand. Trusting staff to fulfil the requirements of their job outside of conventional work patterns can encourage individuals to feel more committed and connected to the University.

MYTH: If everyone works flexibly, no one will be left to do the work.

FACT: Requests to work flexibly are about finding a solution that works for everyone. Discussion and compromise are a key part of the process. It is highly unlikely that all staff members will require the same type of flexibility at the same time. All arrangements to work flexibly are entered into on the understanding that they will not affect a staff member's ability to manage the inherent requirements of their position, or impact on other staff workloads.

MYTH: Flexible work is ONLY for women.

FACT: People of all genders, sexualities, cultural and linguistic backgrounds, abilities and ages face competing personal priorities. These may include family or carer responsibilities, managing disabilities, health concerns, cultural commitments, or other personal commitments. By encouraging flexible work for all genders in the workplace the University ensures staff members have equal opportunity for workplace participation. Flexible working is recognised as a major driver of workplace gender equality, but this is most effective when the practice applies to all staff, regardless of the background or gender.

4. Flexible Work and Legislation

Fair Work Act (2009)

The Fair Work Act 2009 (the Act) provides protections for certain workplace rights. While the University has many flexible working arrangements that are generally available to all staff, some staff have the right to formally request a flexible working arrangement under the Act if they:

- are a parent, or have the responsibility for the care of a child of school age or under
- are a carer
- have a disability
- are 55 years or older
- are a victim of domestic violence
- are caring for or supporting a member of their family or household because the other person is themselves a victim of domestic violence.

To be eligible, a staff member must have been employed for at least 12 months on a full time or part time basis. Long term casual staff members who have a reasonable expectation of ongoing employment and have been employed on a regular and systematic basis for at least 12 months are also eligible.

Staff members under the above categories have the right to request flexible working arrangements, and the manner of making these type of requests and the related decisions around their requests are specifically governed by the Act.

Anti-Discrimination Law

In Australia under anti-discrimination law it is unlawful to discriminate on the basis of a number of protected attributes including age, disability, race, sex, intersex status, gender identity and sexual orientation in certain areas of public life, including education and employment. Australia's federal anti-discrimination laws are contained in the following legislation:

- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984.

The Australian Human Rights Commission has statutory responsibility for these Acts, including receiving, investigating and conciliating complaints of unlawful discrimination. In addition to the federal legislation, each state and territory in Australia has equal opportunity and anti-discrimination agencies, with statutory responsibilities.

Disability Discrimination Act 1992 (DDA)

The DDA makes disability discrimination unlawful and promotes equal rights, equal opportunity and equal access for people with disabilities. The DDA protects people with disability from discriminatory treatment in a range of areas including employment, education and access to services, facilities and public areas. In relation to work, the DDA covers all areas of employment and makes it unlawful for a person to be discriminated against because of their disability.

Disability and Flexible Work Arrangements

Staff who have a disability may apply to work flexibly either under the provisions available to all staff at the University, or under the Fair Work Act or the DDA. The DDA requires employers to accommodate the flexible work requirements of an individual with disability, and take measures to address individual needs on a case by case basis to ensure staff are provided equal opportunity to participate in the workforce. These measures are commonly referred to as "reasonable adjustments" or "work related adjustments". The legislation does not specify the types of adjustments required to remove discrimination. Each case needs to be considered on its own circumstances.

Reasonable Adjustment Plans (RAPs)

The University provides a Reasonable Adjustment Plan (RAP) where a staff member with disability requires formal workplace adjustments to accommodate their disability-related needs, in accordance with its legal responsibilities under the DDA. A RAP outlines the specific workplace adjustments the University commits to install to help enable a staff member to make their fullest workplace contribution and maintain health, safety and wellbeing, including those need to work flexibly.

FIND OUT MORE on Western's
Disability Webpage

5. Working Flexibly at Western

Workplace flexibility relates to formal and informal work practices which seek to support staff in balancing their work and personal priorities. This is done by addressing how, when and where people work in order to achieve the most productive outcomes. Examples of personal priorities which may be supported by working flexibly include:

- family or caring responsibilities including managing school drop-off and pick-up, or attending medical appointments for a family member;
- managing a disability or chronic medical condition for yourself, or a family member;
- reducing the pressures of extended commute times or travel-related issues;
- matters of personal safety including domestic and family violence;
- transitioning to retirement; and/or
- undertaking further study or pursuing other outside interests.

Note that these examples are provided as a guide, however there are a wide range of other valid reasons staff may wish to request to work flexibly.

In supporting staff in navigating their work and personal priorities, Western has a variety of informal and formal flexible work options available. Most arrangements to work flexibly can be coordinated locally with a staff member's individual supervisor, however, some requests will require more formal arrangements.

Informal Flexibility Arrangements

Informal flexible work options are available to meet the ad-hoc and short-term needs of staff. These types of arrangements can be negotiated directly between a supervisor and staff member. Some examples of informal flexible work options include:

- adjusted start and finish times
- occasionally working from home or at another location
- occasionally changing the days of work to accommodate appointments or other personal requirements (for staff working part-time)
- occasionally working from another campus closer to home.

Formal Flexibility Arrangements

Formal requests for flexible work arrangements tend to be of an ongoing or regular nature or are for an agreed period. Some of these arrangements (such as job-share or part time work, reasonable adjustments for a disability, and some working from home arrangements) may impact a staff members' pay or entitlements, or may require additional adjustments to be put in place to accommodate a staff member's needs. These circumstances will require consultation with OHR.

Focus on Parents and Carers

Staff caring for children or other family members are often under unique pressures and time constraints when managing their work and caring commitments. The provision of flexible work options aims to support staff in maintaining their engagement and productivity in the workplace, whilst balancing these caring responsibilities. Staff with caring responsibilities are also entitled to apply for a flexible work arrangement under the Fair Work Act.

Supports for staff returning from Parental Leave

The University has a raft of flexible work and leave options available to staff who are preparing for or returning to work after the birth, adoption or fostering a child. Staff returning from Maternity or Adoption Leave can access the Phased Return to Work program. This allows for staff members to work 80% of their normal hours for 40 weeks on return from leave. Academic staff may also be eligible for Academic Career Interruption Funding which offers subsidised research assistance or other specialised support to progress their research on return to work.

FIND OUT MORE in Western's Supporting Parents Toolkit for Staff

Flexible Work Options at Western

The table below provides an outline of some of these types of arrangements:

Type of Arrangement	Description	Eligibility
Working from home	Opportunities to work from home or other off-campus locations may be possible, depending on work unit needs and according to terms approved by a staff member's supervisor. There are a number of situations where this option might be appropriate.	All ongoing, fixed term or casual staff in consultation with their supervisor and with consideration of the operational requirements of the University.
Working flexible hours	Adjusting start and finish times, or other work patterns to accommodate circumstances. These types of arrangements can be short or long term.	All ongoing, fixed term or casual staff in consultation with their supervisor and with consideration of the operational requirements of the University.
Flex-Leave	The Flexible Hours of Work (Flex-leave) scheme allows staff to accrue flex-leave where there is viable work to be done requiring the staff member to work more than 7 hours on some days, as approved by the supervisor.	Ongoing or fixed term professional staff at HEW levels 1-9 inclusive can access this scheme.
Part-time or Job-share arrangements	The University offers a variety of roles on a part-time or job-share arrangement. Some full-time staff may apply to work part-time to balance personal and work commitments, including those returning from Parental Leave or transitioning to retirement.	Ongoing full-time staff in consultation with their supervisor and OHR and with consideration of the operational requirements of the University.
Personal Leave	Leave to be used to meet family, cultural, religious or special needs. Eligible staff can take up to six days paid leave in any 12-month period and you may also use accrued sick leave entitlement as Personal Leave.	Available to ongoing or fixed term staff member.
Parental Leave and related entitlements	Staff can access a generous suite of parental leave provisions under the relevant Staff Agreement including Maternity, Adoption, Foster, Partner and Primary Carer Leave. The University also offers a Phased Return to Work after Maternity Leave.	Eligibility requirements for parental leave options vary. Consult OHR or review the relevant Staff Enterprise Agreement.
Annual, Long Service and Unpaid Leave	- Annual Leave is accrued at a rate of 4 weeks per 12-month period (or pro-rata equivalent for part-time staff) and is available for staff to access as accrued. - Long Service Leave is available to staff who have completed 10 years continuous service. Staff can access three months long service leave at their base rate of pay or six months leave at half their base rate of pay (or pro-rata for part-time staff). - In certain circumstances leave without pay on a full-time or part-time basis may be approved by the University for a period of up to one year.	Eligibility requirements for Annual, Long Service and Unpaid Leave options vary. Consult OHR or review the relevant Staff Enterprise Agreement.
Purchase Additional Leave Scheme (PAL)	The aim of the PAL scheme, subject to organisational requirements, is to provide staff with the flexibility to purchase additional leave through the annualisation of pay for a defined period and in accordance with an agreed leave plan.	All full time ongoing and fixed term professional staff who have completed 12 months of continuous employment prior to the commencement of leave.
Study Leave	Up to 5 hours of paid leave per week is available to a staff member who is undertaking an approved course of formal study related to their work. Additional paid leave to attend examinations is also available. This leave may be accrued to a maximum of 35 hours in any semester, or 70 hours per annum.	Any ongoing or fixed-term employee.

6. Working Flexibly in Higher Education

Academic Staff and Working Flexibly

Many academics tend to work in a manner which would be considered flexible. For example, working from home or other locations away from campus, working outside bandwidth hours, or adjusting work patterns to meet deadlines. However, despite this more fluid way of working, the high demands of academic life can make it challenging to accommodate other priorities such as family, caring, disability, health issues, or cultural responsibilities. Contemporary understandings have shifted assumptions that academia cannot accommodate these considerations. Indeed, some of Western's most successful academics already juggle these demands with their academic life. At Western, we strive to support academic staff working with these additional priorities and to assist their efforts to progress their careers and achieve research and teaching excellence.

Academic Staff and Parental Leave

Academics often experience particular difficulties when returning to work from parental leave. For example, in a recent survey at Western, academic staff reported that when returning from parental leave on a part-time basis, their teaching and governance demands can remain unchanged, putting significant pressure on their research productivity. This can significantly impede an academic's capacity to advance research work and impacts their longer-term career progression.

The University recognises that these factors can obstruct academic career progression if not adequately managed and supported by university workplaces. Academic leaders have a key role to play in supporting their colleagues in navigating the work-life balance. Below are eight practical ways academic leaders can better support academics who are working flexibly to balance these demands:

> *"…as my return to work date approached… I was feeling apprehensive and overwhelmed with how I was going to juggle the demands of meeting the needs of my infant, family and commitment as an academic. I worked closely with my Director of Academic [Programs] to ensure my workload was not burdensome and chose to focus on areas to finesse in my work which drew on my strengths without compromising my family." – Academic Staff member*

1. **Demonstrably model** flexible working yourself. Eg: '*Can we shift that meeting forward by half an hour? I'm picking up my daughter from school at that time*.'
2. **Challenge assumptions** that academic life cannot accommodate other priorities such as family, caring, disability, health issues or cultural responsibilities.
3. **Don't wait to be asked.** Explicitly and universally encourage academic staff to consider taking up flexible working and support provisions in order to balance other considerations.
4. **Say yes where you can.** When academics request flexible working arrangements to help achieve a better work life balance, agree to do so wherever it is practicable. Where you can't accommodate the full request, agree to a part which *is* manageable and/or discuss alternatives with the academic.
5. **Support staff of all genders** to access flexible work. Staff of all genders have personal, family, and/or community responsibilities that would benefit from flexible work.
6. **Adjust expectations** relative to the actual circumstances facing the academic. Eg: Is this academic working full or part-time? Is the academic experiencing effects of their disability more than at other times? Is this academic adjusting to being a father for the first time? Can we adjust while this academic's parent undergoes treatment?
7. **Acknowledge the accomplishment** of juggling multiple demands within an academic career and highlight those who do so and achieve academic success. It is a highly valuable skillset to have.
8. **Encourage others** to readily show support to academics who are working flexibly.

Research Supports for Academic Staff Returning from Parental Leave

Career Interruption Grants are open year round and available to a) support academics who are returning to work after a period of necessary personal leave or a career break, which could include health issues or family responsibilities, or b) are currently on family or carers' leave for a period of more than three months. These grants are designed to help re-establish research relationships, partnerships and projects that may have lapsed or been put on hold as a result of a specific career break or to allow access to funds to continue research while a staff member is on leave. Find out more on the Researcher Development webpage.

Professional Staff and Working Flexibly

There has been a persistent assumption that working flexibly does not suit professional staff roles. However, recent experiences during the COVID-19 pandemic have challenged this view. From these circumstances we have gained a new understanding of how working flexibly can apply well to professional staff across the University.

Some elements of professional staff roles are not conducive to flexible working and require a higher level of structure in daily work patterns. In these instances, certain flexible work options may not be feasibly accommodated by the University. However, in most professional roles there will be room for a degree of flexible working in one form or another. It is important to consider flexible working options on an individual basis and avoid a blanket or fixed approach to any group of staff, team or unit.

Supervisors plays a crucial role in modelling flexible work and supporting staff balancing work and personal priorities. Below are eight practical ways a supervisor can better support professional staff who wish to work flexibly:

1. **Demonstrably model** flexible working yourself, particularly if you are also in a professional staff role. Eg: '*I will be working from home tomorrow, so will need to zoom in to my scheduled meetings*'.
2. **Challenge assumptions** that flexible working doesn't apply to professional staff roles.
3. **Don't wait to be asked.** Instead, explicitly and universally encourage professional staff to consider taking up some form of flexible working. Get to know the University's Flexible Working Policy and let professional staff know about entitlements and provisions at the University.
4. **Say yes where you can.** When a professional staff requests flexible working arrangements, agree to do so wherever it is practicable. Where you can't accommodate the full request, agree to a part which is manageable. If the requested arrangement is not feasible, discuss alternatives with the professional team member.
5. **Support staff of all genders** to access flexible work. Staff of all genders have personal, family, and/or community responsibilities that would benefit from flexible work.
6. **Show a supportive attitude** to staff already working flexibly in your team or elsewhere, particularly those in similar professional roles within the University or beyond.
7. **Acknowledge** where a staff member is performing their role effectively *and* working flexibly – it's not always an easy balance to strike.
8. **Remember** that professional staff may not have a history of working flexibly. It may take explicit information, advice and even coaching to help a team member find the most effective balance. Links to more information can be found at 'Further Information and Resources' in Section 12 of this toolkit.

FIND OUT MORE - The University has a wide range of flexible working provisions in place for Academic and professional staff, and it is vital that staff and their supervisors are aware of these entitlements see the **Supporting Parents Toolkit for Staff** and **Section 5 of this Toolkit for more information.**

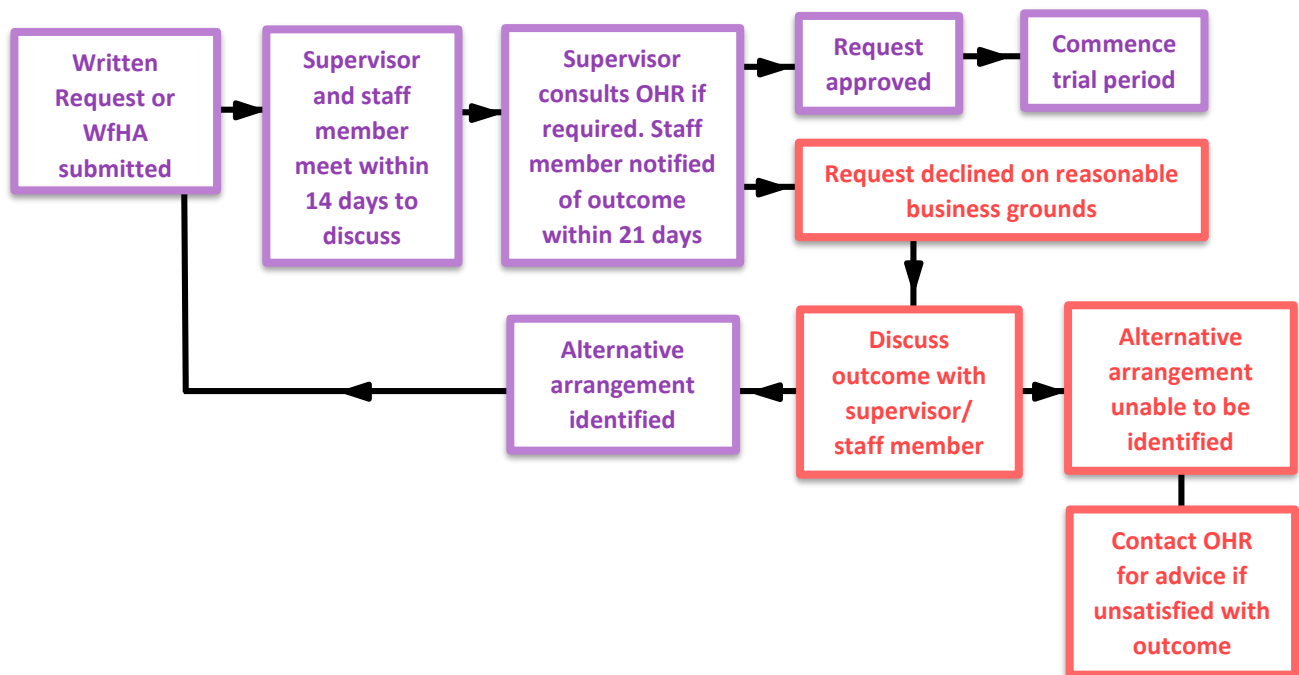# 7. Requesting and Implementing Flexible Work Arrangements

Flexibility matters at Western, and any staff member can apply to work flexibly to support them in balancing their work and personal commitments. However, it is important to remember that any flexible work arrangement must meet *both* individual and organisational needs to be effective. Not all flexible work options will suit all roles, workplaces and/or individual circumstances.

The 6 Steps to Working Flexibly

1	**Identify**	Consider whether working flexibly might support you (or the staff member) to achieve better balance between work and personal priorities. Also consider how the identified flexible work options might apply to your (or your staff members). role, workplace, and personal circumstances. Remember, the arrangement must meet the needs of the staff member, the work unit and the University.
2	**Discuss**	The staff member and supervisor should talk about the possibility of working flexibly. This should be an open and cooperative discussion regarding what adjustments can be made to standard work practices that meet the needs of the staff member, the work unit and the University.
3	**Request**	The staff member should put a request in writing for the identified flexible working arrangements. This step helps to ensure there is a clear understanding between the staff member and supervisor of the arrangements being considered. The written request should include: • the reasons for the request, • the nature of the arrangements required, and • the period of time proposed for the arrangement. Supervisors should consult OHR for formal arrangements (refer Section 5 of this Toolkit). Work Health, Safety and Wellbeing (WHS&W) should also be consulted for any organisational or workplace health and safety considerations. Staff requesting to work from home should complete a Working from Home Agreement (WfHA).
4	**Confirm**	Once the staff member submits a request, the supervisor must provide a response in a timely manner (within 21 days for staff covered by the Fair Work Act, refer Section 4). If a request is approved, progress to step five *'Trial'*. If a request is *not* approved, return to step two '*Discuss*' to identify alternative options which may be more suited to the work unit or individual.
5	**Trial**	All flexible work arrangements should be trialed for up to 3 months to ensure the arrangement is working effectively for the staff member *and* the work unit. Once the trial period expires, and the suitability of the arrangement is confirmed, staff can continue to work flexibly to the agreed timeframe.
6	**Review**	All flexible work arrangements should be reviewed annually (or more frequently if needed) to assess the continued feasibility of the arrangement and consider any changes in the working or personal circumstances of the staff member. Arrangements may need to be re-negotiated as a result of these reviews.

Approval Process

The diagram below outlines the process for seeking approval for a flexible work request, including requests made under the Fair Work Act.

```
Written Request      Supervisor and        Supervisor consults      Request          Commence
or WfHA       →      staff member     →    OHR if required.    →    approved    →    trial period
submitted            meet within 14        Staff member
                     days to discuss       notified of outcome
                                           within 21 days
                                                │
                                                ▼
                                           Request declined on reasonable
                                           business grounds
                                                │
                                                ▼
Alternative      ←   Discuss outcome     →    Alternative
arrangement          with supervisor/         arrangement unable
identified           staff member             to be identified
     │                                              │
     ▼                                              ▼
(back to Written                              Contact OHR for advice
Request)                                      if unsatisfied with
                                              outcome
```

> *"I am a male mid-career academic, with substantial research and HDR student supervision responsibilities. Working from home has helped to save the time used for the commute. I am having better meals and it has been more relaxing for me."* – *Academic Staff member*

Information for Staff

Applying to work flexibly

→ Make sure you are informed of the available flexible working options and entitlements, and have reviewed the Workplace Flexibility Policy.

→ Ensure you have completed the *Flexible Work at Western* online training module available in MyCareer Online.

→ Before making a request to work flexibly you should undertake a reasonability test (such as the following *Staff Worksheet*) and consider the benefit and impact of the requested arrangement on:
- your personal and working arrangements
- the ongoing operation of the work unit
- any staff members who may be impacted by the request – i.e. other team members

→ If you identify that you have a right to request a flexible work arrangement as defined under the Fair Work Act 2009 (refer Section 4) you must follow the procedures as outlined in the Workplace Flexibility Policy - Section 4 Part A and submit a formal written request to your supervisor clearly outlining the details of the adjustment sought and the reasons for the arrangement (see Section 7).

→ If you are unsure about talking to your supervisor about a request to work flexibly, you can request that a third party or support person attend meetings and discussions with you. Staff who already have a Reasonable Adjustment Plan (RAP) in place should contact the Office of Equity and Diversity (OED).

→ If you are considering requesting a reduction in your work hours, you should seek independent advice in relation to your superannuation and any other possible financial impacts of any new arrangement before proceeding.

When a request is approved

→ All flexible work arrangements are subject to a trial period. This trial period should involve regular reviews with your supervisor to assess how the arrangement is working. Generally, a three-month trial period is suitable, but this may vary depending on the nature of the request. Nearing completion of the trial period further discussions should occur to enable a decision to be made as to whether the arrangement should either continue or requires adjustment.

→ After the trial period, all flexible working arrangement must continue to be reviewed at set intervals to ensure they are still 'fit for purpose' and working to the benefit of both you and the University. If the arrangement is no longer working for either party then the arrangement can be cancelled or re-negotiated with appropriate notice and in consideration of any contractual changes or formal backfill arrangements that may be in place.

→ Staff are responsible for ensuring that whilst working flexibly they adhere to all University policies and procedures, including those outlined in the Working from Home Procedures, as may be relevant.

When a requested is declined

→ Requests can be declined based on reasonable business grounds (refer Section 1 of this toolkit for description). If your supervisor declines your request to work flexibly you should meet with them to understand their reasons for doing so and see if an alternative more suitable arrangement can be identified.

→ If you are unhappy with your supervisor's decision or feel your request has not been appropriately considered, you can seek advice from OHR or OED.

Where can I find out more about working flexibly?

→ A list of relevant resources can be found at Section 12 of this toolkit.
→ You can speak to your supervisor at any time about working flexibly. You can also contact your OHR Advisor or OED for advice and support.

STAFF WORKSHEET - APPLYING TO WORK FLEXIBLY

Before applying for a flexible working arrangement, consider the following and note down your thoughts in the spaces provided:

What is the reason you are applying to work flexibly?	

What are the benefits of this arrangement for:	
You?	*Your work unit?*

Will this arrangement impact your ability to fulfil the inherent requirements of your role?	
☐ *Yes*	*Comments:*
☐ *No*	
☐ *Not sure*	

What, if any, will be the impact of the arrangement on:	
Your personal circumstances?	*The efficient operation of the work unit?*

Are there any other implications that need to be considered for this arrangement?	
☐ *Financial*	*Comments:*
☐ *Resourcing requirements*	
☐ *Work Health, Safety and Wellbeing*	

What alternative arrangements could be considered if your suggested arrangements are able to be accommodated?

Once you have considered the questions above and discussed with your supervisor, you can use the template provided at Section 11 of this toolkit to assist you in formalising your request for a flexible work arrangement.

Information for Managers and Supervisors

Before you consider a request to work flexibly

→ Make sure you are familiar with the Workplace Flexibility Policy, Disability Policy and the flexible work provisions as outlined in the relevant Staff Enterprise Agreement. You should also ensure you are familiar with your obligations under relevant WHS legislation (refer to Section 8 for more information).

→ Ensure you have completed the *Flexible Work at Western* online training module available in MyCareer Online.

Reviewing a request to work flexibly

→ Keep in mind the benefits of working flexibly for the organisation, team and individual staff members (see Section 2) and the commonly held myths about flexible work (see Section 4). The University encourages supervisors to approach all requests with a "Why not?" approach. Full consideration should be given to accommodate any reasonable requests where possible.

→ Under the Fair Work Act some staff are entitled to request to work flexibly to balance work and certain personal circumstances. Requests from staff entitled to apply for a flexible work arrangement under the Fair Work Act (2009) must adhere to procedures as outlined under the Workplace Flexibility Policy Section 4 Part A.

→ When discussing a request, ensure that you are sensitive to the needs of the staff member and acknowledge their reasons for making the request.

→ In making a decision on a flexible work request consider if the request is likely to impact on:
- the wellbeing of the individual making the request, or other members of your team
- the productivity of the work unit, or other team members
- the staff member's ability to undertake the inherent requirements of their role.

→ Remember that the flexible work arrangement must work for both the staff member and the workplace and that any agreed arrangement will be subject to a trial period and regular review. There should be room to adjust and refine as you progress with the arrangement.

Implementing and reviewing requests to work flexibly

→ Ensure clear expectations are maintained between the staff member and your team and establish clear outputs and deadlines. If a staff member is working from home or another location ensure that they are able to take part in team meetings, using audio visual or teleconference facilities, and make time for informal conversations such as those you might otherwise enter into in the staff lunchroom.

→ Liaise with the staff member to ensure that they have the appropriate equipment and workspace in order to meet the inherent requirements of their role. If the staff member has a disability, or has a RAP in place, OED can provide advice or support on disability-related adjustments and may be able to fund specialised equipment.

→ Ensure you establish a regular review schedule for the flexible working arrangement with the staff member. All flexible working arrangement must be reviewed at least annually to ensure they are still 'fit for purpose' and working for the benefit of both the staff member and the University. This can be done via an informal discussion but should be confirmed in writing. If circumstances change either for the staff member or the work unit, an arrangement may be adjusted or withdrawn with appropriate notice taking into consideration any contractual changes or backfill arrangements that may be in place.

→ Ensure that you maintain appropriate confidentiality of any personal matters shared by a staff member in requesting to work flexibly in accordance with the University's Privacy Policy.

Declining a request to work flexibly

→ Wherever possible, a request to work flexibly should be given full consideration, however a request can be declined based on reasonable business grounds (see Section 1 of this toolkit for a definition).

→ When declining a request to work flexibly from any staff member, regardless of whether they were requesting under the Act or to balance other personal priorities, you should consult with your Senior HR Partner prior to finalising the outcome and document the reasons for your decision. Ensure you are clear in communicating your rationale to the applying staff member in a timely manner and can demonstrate careful consideration of all the relevant circumstances.

→ Where a specific arrangement is declined it is important that alternative options are discussed and considered. Identify other arrangements which may be more feasible to the staff member and workplace and discuss these with the staff member to determine whether these alternatives may be suitable.

Where can I go for more information or support?

→ A list of relevant resources and links for further information can be found at Section 12 of this toolkit.

→ You can contact your OHR Partner and/or OED for advice and support.

> *"A key staff member had a physical injury which impacted on their ability to travel, but was otherwise able to work from home. It was agreed that [The staff member] work from home during the period they could not travel. If this agreement had not been reached, the staff member would have had to take extended sick leave, and the business unit would have been down one staff member, plus unable to access the skills/knowledge held by that individual." – Professional staff member and supervisor.*

SUPERVISOR WORKSHEET – REVIEWING A REQUEST TO WORK FLEXIBLY

When reviewing a request to work flexibly, ensure you consider the following. It may be useful to note down your thoughts in the spaces provided:

Why is the arrangement being requested?

What are the benefits of this arrangement for the staff member?	What are the benefits of the arrangement for your work unit?

Will this arrangement impact the staff members ability to fulfil the requirements of their role?	
☐ Yes	Comments:
☐ No	
☐ Not sure	

What if any will the impact of the arrangement on:	
Other members of your team?	The efficient operation of the work unit?

Are there any financial, resourcing or Work Health, Safety and Wellbeing implications for this arrangement?	
☐ Financial	Comments:
☐ Resourcing requirements	
☐ Work Health, Safety and Wellbeing	

If you feel that the arrangement requested is not feasible for the operation of your work unit, have you considered the impact of refusing the request for the staff member? Have you considered alternative option/s which may better meet the needs of the staff member and the unit?

Once you have considered the questions above, you can use the templates provided at Section 11 of this Toolkit to assist you in formalising your decision.

8. Work Health, Safety and Wellbeing

The Work Health and Safety Act 2011 (WHS Act) provides a framework to protect the health, safety and welfare of all workers at work. It also protects the health and safety of all other people who might be affected by the work.

Western Sydney University is committed to ensuring a safe and healthy environment for staff, students, visitors, contractors, related entities and other individuals or external organisations which may be affected by its operations. This commitment recognises that every person has the right to a safe and healthy working environment and that each individual has a responsibility to co-operate in the preservation and improvement of work health and safety measures across the University.

Staff members who are working flexibly, including working from home or other off campus locations, are expected to adhere to University Work Health and Safety (WHS) policy and guidelines, such as taking reasonable care of their own health and safety, including their mental health. Supervisors should ensure that staff carry out WHS assessments as required and are consulted on decisions around the adequacy of their work environment and facilities if working from home.

SafeWork Australia is the regulatory body for the WHS Act and outlines the following staff and supervisor obligations.

Staff member's obligations - While at work, a staff member must:
- take reasonable care for their own health and safety
- take reasonable care for the health and safety of others
- comply with any reasonable instructions, requests for training, policies and procedure given by their employer.

In addition, staff should ensure they:
- follow procedures about how the work is performed

- follow instruction on how to use the equipment provided by the workplace.
- maintain a safe work environment (for example moving furniture to allow adequate workspace and providing adequate lighting, repairing broken steps)
- keep their equipment safe, well maintained and in good order
- look after their own in-home safety (for example maintaining electrical equipment and installing and maintaining smoke alarms), and
- report changes that may affect their health and safety when working from home.

Supervisor's obligations - Supervisors are responsible for the carrying out of work in a safe manner in the workplace including:
- making decisions about health and safety that may affect work activities or other people
- ensuring legal requirements regarding health and safety are met
- ensuring safe work practices
- participating in incident investigation
- leading by example and promoting health and safety at every opportunity.

In addition, supervisors should ensure they:
- review the risks associated with staff being isolated from managers, colleagues and support networks
- ensure clear boundaries are in place between work and home-life, and
- managing workers' fatigue.

Staff who work from home are also covered by the principles of the *Workplace Injury Management Act 1998* and *Workers Compensation Act 1998*. If a staff member has an accident or sustains an injury whilst working from home, they must report the incident to their Supervisor and to whs@westernsydney.edu.au as soon as practicable, and within 24 hours.

FIND OUT MORE - Work Health and Safety and Wellbeing (WHS&W) have a broad set of resources to support setting up a home workstation, and tips for managing mental health and wellbeing.

9. Checklist for Staff

This checklist will help staff to make a request for and implement a flexible work arrangement. The key to any successful flexible work arrangement is ongoing communication between the staff member and their supervisor.

☐	Have you familiarised yourself with the: → Workplace Flexibility Policy → Working from Home Procedures, and → Flexible Matters Toolkit.
☐	Have you identified a preferred arrangement that would best suit your needs, and the needs of the work unit? You can use the *Staff Worksheet – Applying to Work Flexibly* included in this toolkit to assist your decision making.
☐	Have you checked whether the flexible work arrangements provisions under the Fair Work Act 2009 (see Section 4 of this toolkit) apply to your personal circumstances?
☐	Have you made an appointment to meet with your supervisor to discuss: → your flexible work request; → any alternative arrangements; → the date you would like to commence your arrangements; and → how any workload implications will be managed if your arrangement involves a reduction in your standard work hours?
☐	If you would like to have a support person attend this meeting with you, have you made appropriate arrangements and notified your Supervisor?
☐	Have you sought professional advice to discuss any implications your proposed flexible working arrangement may have on your personal finances or superannuation?
☐	Have you considered how any work health, safety or wellbeing considerations for your flexible work arrangement will be managed?
☐	After meeting with your supervisor, have you documented your request in writing confirming: → the reasons for your request; → details of the agreed arrangement; and → time periods for commencement, and duration of the arrangement?
☐	Have you discussed your core responsibilities and performance outcomes whilst working flexibly? Do you have a clear understanding of what is expected?
☐	Have you discussed with your supervisor how your participation in team meetings and other team activities will be managed (if relevant)?
☐	If working from home or another off campus location, do you have the appropriate workspace and technology to perform the inherent requirements of your role?
☐	Have you communicated your flexible working arrangement with other team members and stakeholders (if required)?
☐	Have you updated your staff email signature and auto-reply settings to let staff know you are working flexibly, and when you will be available to respond?

10. Checklist for Supervisors

This checklist will assist you in managing and implementing flexible work arrangement for staff. Trust, communication and a clear understandings of performance expectations are all integral components of any successful flexible work arrangement.

☐	Have you reviewed the: → Workplace Flexibility Policy → Working from Home Procedures → Work Health and Safety Policy → Flexible Work entitlements under the → Flexible Working Toolkit Fair Work Act (Refer Section 4)
☐	Have you completed the *Flexible Work at Western* online training module available through Staff Online?
☐	Have you advised the requesting staff member about this toolkit and related policy and guideline documents?
☐	Have you met with the staff member to discuss their flexible work request?
☐	If the request for flexible work relates to a confidential matter, have you taken necessary steps to ensure the staff member's privacy?
☐	Have you consulted with OHR regarding the flexible work request and any formal arrangements that may be required?
☐	Have you provided the staff member with written confirmation of your response to their request, including reasons for declining their request if relevant? Note this response must be provided within 21 days for requests under the Fair Work Act 2009.
☐	Have you confirmed in writing the expected trial period for the flexible work request, and a timeline for the review process for the arrangement?
☐	In consultation with OHR, have you considered how the staff member's workload will be adjusted to accommodate any reduction in work hours (where relevant)? This may include phased return to work arrangements, or a reduction in the staff members paid hours.
☐	Have you clearly communicated the expected responsibilities and performance outcomes for the staff member whilst they are working flexibly?
☐	Have you considered any work health, safety or wellbeing implications of the requested flexible work arrangement, and how these will be appropriately reviewed and managed?
☐	If the arrangement involves a staff member working from home or another off campus location, have you confirmed they have a safe and appropriate workspace and facilities to perform the inherent requirements of their role? If required, has the staff member completed a Working from Home - WHS and Wellbeing Checklist?
☐	Have you considered how the staff member working flexibly will be included in team meetings and other team activities (if relevant)?
☐	Have you communicated the staff members flexible working arrangement with other team members and stakeholders as relevant, and with consideration of the staff members privacy?

11. Templates and Useful Tools

Template email signatures

Adding a statement about flexible work to your email signature block helps let people know you are working flexibly and promotes a culture of flexible work across our University. Some sample statements are included below for you to adapt for your own use:

"I believe in working flexibly and I send messages to suit my circumstances. I don't expect that you will read, respond to, or action if outside of regular working hours."

"Making Flexibility Work - I work flexibly. If you receive an email from me outside of normal business hours, I am sending it at a time that suits me. I don't expect that you will read, respond to, or action this email if outside of your regular working hours."

"I aspire to a healthy work/life balance and support others to do the same. I don't expect that you will read, respond to, or action this email outside of your regular working hours."

Template email/letter to request flexible working arrangements

Subject: Request to Work Flexibly

"Dear *<insert manager/supervisor's name>*,

I would like to formally request a change to my standard work practice to allow me to work flexibly.   My reason for making this request is *to >> assist me in managing my family or caring responsibilities   >>to support me in managing a disability or chronic medical condition   >> reduce the current pressures of extended commute times or travel related issues   >>assist me in managing personal family circumstances (note if you are uncomfortable disclosing matters of domestic or family violence to you supervisor, you can liaise directly with OHR and they can facilitate the process)   >>prepare to transition to retirement   >> undertake further study or pursue outside interests   >>any other relevant reason.* [Note: Select the example which may best suit you and adapt to your circumstances or include your own reason. These are examples only and not exhaustive of possible reasons to request to work flexibly].

I have been employed at the University since *<date>* on a *<full-time/part-time/casual basis>*.

I would like to start working flexibly by *<include a few sentences to describe the changes you would like to make to your standard working patterns including any adjustment to the days/hours/times/locations>*.

These changes will assist me in better managing my work and personal priorities by *<insert reasons>*. I would propose starting this flexible working arrangement from *<insert date>*.

I believe that this arrangement will not adversely affect my work unit and can be accommodated by *<identify ways the work can be performed, your commitment to ensure the arrangement is effective and/or how your proposal may help the work unit>*.

I look forward to hearing from you at your earliest convenience, and would be happy to meet to discuss this request and any alternative arrangements that may be suitable.

Please feel free to contact *<me/my representative>* on *<insert contact details>*.

Yours sincerely,
<Insert name>"

Template for Supervisors to respond to requests for working flexibly

REQUEST APPROVED

Subject: Response to request to work flexibly

"Dear *<insert name of staff member>,*

I have reviewed your request to work flexibly submitted on *<insert date>*. I note that you are requesting to *<include details of changes requested to standard working practices>*. I have considered your request and the implications of the request on your role and the work unit and *<am happy to approve your request for a trial period of 3 months. At the conclusion of the trial period, I would like to meet to review the arrangement and ensure it is working for you and the work unit.>* or *<am happy to approve your request, but as your request has implications on the structure of your role (i.e. job-share request or request to move to part-time), I will need to follow up with OHR regarding the required actions>*.

Whilst working flexibly please ensure you adhere to relevant University policy regarding your flexible work arrangement *<insert relevant guidelines such as Working from Home Procedures, Flexible Work Policy, Work Health, Safety and Wellbeing Policy>*.

Please feel free to contact me on *<insert contact details>* to discuss the arrangement at any time.

Your Sincerely
<insert email signature>"

REQUEST DECLINED

Subject: Response to request to work Flexibly

"Dear *<insert name of staff member>,*

I have reviewed your request to work flexibly submitted on *<insert date>*. I note that you are requesting to *<include details of changes requested to standard working practices>*. I have considered your request and the implications of the request on your role and the work Unit and unfortunately I am unable to approve your request at this time.

My reasons for this are *<insert rationale for declining the request based on reasonable business grounds or unjustifiable hardship>*.

I would like to suggest the following alternative arrangement for your consideration which I feel may better meet the needs of you and the work unit - *<insert alternative arrangement>*.

Please feel free to contact me on *<insert contact details>* if you would like to discuss your request further.

Your Sincerely
<insert email signature>"

REQUEST UNDER THE FAIR WORK ACT 2009

Template letters for individuals eligible to apply for a flexible work arrangement under the Fair Work Act are available for download from the Fair Work website.

12. Further Information and Resources

Internal Resources

→ Professional Staff Agreement

→ Academic Staff Agreement

→ Workplace Flexibility Policy

→ Working from Home Procedures

→ Disability Policy

→ Office of Equity and Diversity Disability webpage

→ Office of Human Resources Flexible Work Options webpage

→ Office of Equity and Diversity Flexible Working Arrangements webpage

→ Family and Carer Support webpage

→ Supporting Parents Toolkit

→ Staff Benefits Workplace Flexibility and Diversity webpage

→ Work Health, Safety and Wellbeing

External Resources

→ Fair Work Act 2009 (Cth)

→ Fair Work Online

→ Australian Human Rights Commission

→ NSW Anti-Discrimination Board

→ WHS Act 2011

→ Model WHS Laws

→ Flexibility in the workplace

→ Guide to Best Practice – Work and Family

Western Sydney University Contacts

→ Office of Human Resources - For information about leave entitlements and conditions of work contact your HR Advisor. If you are not sure who to call contact the Office of Human Resources helpline on (02) 9678 7575 or humanresources@westernsydney.edu.au

→ Superannuation Officer for Super related advice and information - westernsydney.edu.au/human_resources/ohr/your_pay/superannuation#

→ Office of Work Health, Safety and Wellbeing - If you have any concerns about health, safety or wellbeing risks contact westernsydney.edu.au/whs/whs/contact_us

→ Office of Equity and Diversity - For information and advice on policy and support 9678 7374 or equityanddiversity@westernsydney.edu.au

This resource was developed by the Office of Equity and Diversity in collaboration with the Flexible Work Sub-Group of the Vice-Chancellor's Gender Equality Committee.

WESTERNSYDNEY.EDU.AU