

FLEXIBILITY FOR WORKING PARENTS: SAMPLE POLICY



[The Company] aims to be an employer of choice and to fully comply with our obligations under Federal and State/Territory laws regarding parental leave and providing flexible working conditions.

Flexible Working Arrangements allow employees to work non-standard hours, work on a part-time or job-share basis, or away from their normal workplace, whether as part of their ongoing employment arrangements or for a fixed term period.

Flexible Working Arrangements provide benefits by attracting and retaining skilled and qualified employees who do not wish to work full-time or because their personal circumstances do not allow them to work full-time. They provide employees with the time to deal with family and other personal responsibilities.

The Flexible Work Policy is not incorporated into, and does not form part of an employee's employment contract. Rather, it provides guidelines for our employees and managers, and summaries of applicable legislation.

Types of Flexible Working Arrangements

There are many ways that employees requiring Flexible Working Arrangements may be accommodated.

Some of the common Flexible Working Arrangements include:

FLEXIBLE WORKING HOURS

Flexible working hours may include:

- Changing starting and finishing times.
- Working more hours over fewer days.
- Working additional hours to make up for time taken off.
- Lengthening or shortening the hours on any given day.
- Reducing, increasing or changing the days of the week.

PART-TIME WORK

Part-time work provides employment opportunities to employees for whom full-time work is not suitable, with the benefit of continuity of employment and pro rata accrual of benefits. Part-time work may be agreed for a fixed period or as part of an ongoing arrangement.

Part-time work, or a job share arrangement, may be suitable to parents who wish to make a gradual return to work following parental leave. It may also be suitable for more mature employees who wish to transition to retirement.

JOB SHARING

Job sharing is a voluntary arrangement in which one full-time position is shared between two employees, each working part-time on a permanent basis. The employees do not have to work equal hours.

Job sharing is a way of recruiting and retaining qualified employees who do not wish to work full-time or whose personal circumstances do not permit full-time work. Job share arrangements may be agreed for a fixed period or as part of an ongoing contract of employment.

AD HOC FLEXIBILITY

Employees may request flexible working on an ad hoc, one-off or irregular basis to suit their personal circumstances. This may include allowing an employee to attend an outside work appointment and 'make-up' the time on another occasion. Ad hoc flexibility must be agreed between the staff member and their manager prior to the arrangement occurring.



Requests for Flexible Working Arrangements

The Company will consider all reasonable requests by an employee for flexible working arrangements where an employee:

- As a parent, or has the responsibility for the care, of a child who is school age or younger.
- Is a carer (as defined in the *Carer Recognition Act 2010*), e.g. if they are carer for an elderly parent.
- Has a disability.
- Is 55 or older.
- Is experiencing family or domestic violence.
- Is caring for or supporting an immediate family or household member who requires care or support because of family or domestic violence.
- The Company will not unreasonably refuse such a request.

An employee must have at least 12 months' continuous service with the Company to be eligible to make a request for a Flexible Working Arrangement under the National Employment Standards. However, the Company will also consider requests from employees with less than 12 months' continuous service.

A request for flexible working arrangements must be in writing and set out the change sought and reasons for the change.

The Company will give the employee a written response to the request within 21 days, stating whether the request is granted or refused.

A request will only be refused on reasonable business grounds, which may include if the arrangement would:

- Be too costly for the Company.
- Require impractical changes to working arrangements of other employees, or require recruitment of new employees.
- Detract from the employee's ability to fulfil the requirements of their position (or their team's effectiveness).
- Result in a significant loss in efficiency or productivity.
- Give rise to an unsafe work environment.
- Be likely to have a significant negative impact on customer service.

Rather than refusing a request, the Company may go beyond its minimum legal requirements and be open to discussing the request and come up with an approach that would accommodate the needs of both parties.

Flexibility for employees who take Parental Leave

The Company aims to be an employer of choice and to fully comply with our obligations under Federal and State/Territory laws regarding parental leave and providing flexible working conditions.

This may include eligibility for Government funded Paid Parental Leave.

The company will facilitate payment of the government Paid Parental Leave Scheme should you meet the eligibility criteria. This scheme is managed by the Government and you can find more information via [MyGov](#) or [Centrelink](#).

UNPAID PARENTAL LEAVE

Under the *Fair Work Act 2009*, employees who have completed 12 months' continuous service are entitled to unpaid parental leave (maternity, paternity, adoption and related kinds of leave).

The primary entitlement to unpaid parental leave is 12 months following birth/placement, to be shared between both parents.

In addition to the basic entitlement to unpaid parental leave, one parent may request an additional 12 months of leave, which will only be refused after discussing the request with the employee and based on reasonable business grounds.

Refer to the Parental Leave Policy for further details.

FLEXIBLE PARENTAL LEAVE

There is also flexibility associated with employees who take Parental Leave. An employee may take up to 30 days of unpaid parental leave (flexible unpaid parental leave) during the 24-month period starting on the date of birth or day of placement of the child. Flexible unpaid parental leave may be taken as:

- A single continuous period of one or more days.
- Separate periods of one or more days each.

Flexible unpaid parental leave comes out of the employee's entitlement to 12 months of unpaid parental leave. Other unpaid parental leave must be taken before the flexible unpaid parental leave commences.

Source: <https://www.fairwork.gov.au/about-us/news-and-media-releases/website-news/changes-to-the-parental-leave-pay-scheme>, March 2021

NOTE TO EMPLOYER: *Where supplementing existing company policies from this policy, or making modifications to this policy, please seek legal advice to ensure it meets minimum legal requirements.*

EXAMPLE: Requesting Flexible PLP

Kerry works part-time, 4 days a week. After the birth of her child, she uses her initial 12 set weeks of PLP while she's on parental leave from work.

After the 12 weeks, Kerry returns to work hoping to access flexible PLP. Kerry and her employer agree that she'll work 2 days per week and use flexible PLP for the other 2 days. They also agree that after her flexible PLP runs out, she'll return to 4 days of work a week.

Kerry takes her flexible PLP for 2 days each week for the next 15 weeks – a total of 30 days. She then returns to work for 4 days a week as agreed with her employer.