

Flexible working arrangements

Policy Number: C5 (QH-POL-242)

Publication date: June 2020

Purpose: To outline the industrial provisions for flexible working arrangements.

Application: This policy applies to all Queensland Health employees.

Queensland Ambulance Service employees are to refer to their local policy/procedure.

Delegation: The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual or Hospital and Health Services Human Resource (HR) Delegations Manual, as amended from time to time.

Legislative or other authority:

- *Hospital and Health Boards Act 2011*
- *Human Rights Act 2019*
- *Industrial Relations Act 2016*
- *Public Service Act 2008*
- *Workers' Compensation and Rehabilitation Act 2003*
- *Work Health and Safety Act 2011*
- Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016
- Health Practitioners and Dental Officers (Queensland Health) Award – State 2015
- Hospital and Health Service General Employees (Queensland Health) Award – State 2015
- Medical Officers (Queensland Health) Award – State 2015
- Queensland Health Nurses and Midwives Award – State 2012
- Nurses and Midwives (Queensland Health) Award – State 2015
- Queensland Public Service Officers and Other Employees Award – State 2015
- Building, Engineering and Maintenance Services Certified Agreement (No. 6) 2016
- Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 2) 2016
- Medical Officers' (Queensland Health) Certified Agreement (No.5) 2018
- Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018
- Queensland Public Health Sector Certified Agreement (No.9) 2016

Related policy or documents:

- PSC Directive 15/13 – Recruitment and Selection
- PSC Directive 10/16 – Transfer within and between classification levels and systems
- PSC Directive 05/17 – Special Leave
- PSC Policy Breastfeeding and Work
- PSC Guide to Considering Requests for Flexible Work
- Code of Conduct for the Queensland Public Service
- [Queensland Health Workforce Diversity and Inclusion Strategy 2017-2022](#)
- [Purchased Leave HR Policy C21](#) (QH-POL-203)

- [Parental Leave HR Policy C26](#) (QH-POL-187)
- [Support for employees affected by domestic and family violence HR Policy C73](#) (QH-POL-391)
- Guideline for Flexible working arrangements (QH-GDL-242)
- [Guide for employers and employees considering a request for flexible working arrangements](#)
- [Flexible Working Arrangements Checklist for requests for flexible working arrangements](#)
- [Transition to Retirement Guide](#)
- [Queensland Government Indemnity Guideline](#)
- Telecommuting Safety Checklist

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1 Commitment to flexible work

Queensland Health supports and encourages the implementation of flexible work practices for the mutual benefit of Queensland Health and its employees by boosting the performance and wellbeing of individuals and teams.

A range of flexible work options and leave provisions are provided in awards, enterprise agreements and HR related policies and directives. The enterprise agreements further commit Queensland Health to implement flexible working arrangements and to provide regular updates on participation at local consultative forums. Examples of flexible working arrangements include (but are not limited to) part-time employment, variable working hours, working set shifts or set days, purchased leave, parental leave, lactation breaks and domestic violence leave.

Flexible work provides options for employees to achieve an optimum work/life balance. This may be achieved through consideration of re-designing work at a team level to find the combination of flexible working arrangements that help employees and teams perform best.

This policy is to be read in conjunction with the Guideline for Flexible working arrangements (the Guideline), which provides further information on the options and administration of these arrangements. Work areas are not limited to the options in the Guideline and can implement localised arrangements to best suit their operational requirements.

2 Flexible work requests

The *Industrial Relations Act 2016* (section 27) allows for an employee to request flexible working arrangements, specifically a change in the way the employee works, including:

- the employee's ordinary hours of work
- the place and/or location where the employee works
- a change to the way the employee works e.g. the use of different equipment as a result of a disability, illness or injury.

Flexible working options are to be considered in an equitable manner for the whole work unit. Client service and patient care is not to be compromised as a result of flexible working arrangements.

3 Submitting a request to access flexible working arrangements

Requests for flexible work should be made in accordance with section 27 of the Industrial Relations Act which requires that the request:

- (a) be in writing; and
- (b) state the change in the way the employee works in sufficient detail to allow the employer to make a decision about the request; and
- (c) state the reasons for the change.

Decisions are to be made within 21 days of receipt of the request and communicated to the employee in writing (refer section 28 of the Industrial Relations Act).

The approving delegate may approve a request in its entirety, in part, subject to specific conditions or decline the request.

In cases where the delegate approves a request in its entirety, the delegate must clearly outline the flexible working arrangement/s that have been approved (e.g. approval has been granted for the employee to work from 7.30am to 2.30pm, 5 days per week), within the written decision provided to the employee.

Any decision to grant a request in part or subject to conditions, or to refuse a request, is to be made only on reasonable grounds and communicated to the employee in writing, and must:

- contain details of the part approval and/or conditions (e.g. timeframe for the arrangement to be reviewed)
- provide clear reasons as to why a part approval or condition has been applied, or the reason for refusal
- state the employees' entitlement to lodge an industrial dispute with the Queensland Industrial Relations Commission.

Section 29 of the Industrial Relations Act notes that if the employer does not give the written notice within 21 days after receiving this request, the employer is taken to have decided to refuse the request. The Queensland Industrial Relations Commission has jurisdiction to hear and decide a dispute over the request.

3.1 Duration of flexible working arrangements

Flexible working arrangements may be made on either a permanent or temporary basis, and can be terminated at any time by the employee or the delegate in writing, with reasonable notice.

Flexible working arrangements should be reviewed on a regular basis e.g. every three months to ensure ongoing suitability for the employee, the work team and the organisation.

Changes to flexible working arrangements must be discussed with the employee.

The right to appeal still stands for any decision to terminate, part-refuse continuation or apply new conditions to a reviewed flexible working arrangement.

The right to appeal can apply to the review decision and/or the process followed.

3.2 Ad hoc requests

Ad hoc employee requests to change work hours or location for one-off or short-term situations are not considered flexible working arrangements and can be considered by the employee's manager. If endorsed, ad hoc arrangements, including expectations of both the manager and the employee, should be documented and retained.

4 Employee safety

When implementing flexible working arrangements that involve working from home (telecommuting), employee safety is a critical factor. A risk assessment must be undertaken to identify any issues that may impact on the safety of employees.

5 Appeals and disputes

Employees have a right to appeal based on grounds for the decision and/or the process followed.

They may appeal the decision or any unreasonable future repeal of the arrangement by:

- taking the matter to the delegate's supervisor for fresh consideration and response
- lodging a complaint in accordance with the Employee Complaints HR Policy E12 or
- lodging direct with the Queensland Industrial Relations Commission.

History:

June 2020	<ul style="list-style-type: none"> • Policy: <ul style="list-style-type: none"> – amended to update references and naming conventions – application amended as a result of changes to the Hospital and Health Boards (Changes to Prescribed Services) Amendment Regulation 2019.
February 2019	<ul style="list-style-type: none"> • Policy: <ul style="list-style-type: none"> – formatted as part of the HR Policy review – amended to update references and naming conventions – application amended to include prescribed Hospital and Health Services – updated to reflect amendments to the <i>Industrial Relations Act 2016</i> – amended to remove the telecommuting and job share administrative provisions.
June 2014	<ul style="list-style-type: none"> • Policy formatted as part of the HR Policy Simplification project. • Policy amended to: <ul style="list-style-type: none"> – limit application to Department of Health and non-prescribed HHS – amend policy title from 'Telecommuting' to 'Flexible Working Arrangements' – combine and summarise flexible working arrangement related HR policies including Job Sharing HR Policy B59 – removed provisions that are duplicated in other industrial instruments • update references and naming conventions.
October 2009	<ul style="list-style-type: none"> • Amended telecommuting (home-based work) agreement to update the mandatory documents to be submitted for records management.
April 2008	<ul style="list-style-type: none"> • Developed as a result of the HR policy consolidation framework.
Previous	<ul style="list-style-type: none"> • IRM 1.3-3 Job Sharing Arrangements • IRM 3.10-3 Telecommuting – Arrangements for Home-Based Work During Prescribed Hours of Work • Job Sharing HR Policy B59

Attachment One – Process for requests

The following information is provided as the minimum mandatory standard practice, procedure or process to enable satisfactory compliance with this Queensland Health HR policy.

Local guidelines/procedures may be developed to facilitate implementation of this policy. Any local guidelines/procedures must be consistent with this policy and attachment, and ensure employee entitlements continue to be met.

Key principles

The following principles underpin all flexible working arrangements and should be considered by the delegate, employee and team members:

- Flexibility can take many forms and be for many reasons.
- Start from the position of 'how can we make this work?'
- Be creative and solutions focused.
- Understand the operational benefits and outcomes.
- Ensure arrangements are compliant with applicable industrial instruments.
- Promote a 'guilt-free' attitude to requests and implementation.
- Cultivate an open and trusting environment.
- No one size fits all—everybody and every situation is different.

1. Making a request

Requests for flexible working arrangements made under the *Industrial Relations Act 2016* are to be in writing to the delegate, detailing:

- the change the employee is seeking to the way they currently work with sufficient detail to allow the delegate to make an informed decision
- the requested start date for the arrangement and the preferred duration of the arrangement
- the reason/s for the request.

A form has been developed to assist with this process and can be found on the Flexible working arrangements HR Policy C5 QHEPS page under the Related Documents section.

2. Decision about the request

The delegate may decide to:

- grant the request (in full and without conditions)
- grant the request in part or subject to conditions
- refuse the request.

A decision to grant the request in part or subject to conditions, or refuse the request, may only be made on reasonable grounds and must be provided to the employee in writing and:

- state the reasons for the decision, including clearly outlining the reasonable grounds for granting the request in part or subject to conditions or for the refusal; and
- advise the employee that the Queensland Industrial Relations Commission has jurisdiction to hear and decide a dispute over the request under chapter 6 of the Industrial Relations Act.

The delegate must give the employee written notice about their decision within 21 days after receiving the employee's written request.

If a form was used to make the request for flexible working arrangements, the delegate should use this form to advise the employee of the decision.

If the request for flexible working arrangements involves an employee working from home, a process to assess any risk associated with this arrangement must be undertaken.

2.1 Consideration of the request

Each individual request is to be considered by the delegate on a case-by-case basis using a team approach that considers fairness, diversity and inclusion, the guiding principles, and legislative and operational requirements.

The delegate must be able to demonstrate they worked with the employee and the larger team to find solutions that best meet work, team and personal needs.

The delegate must be as fair and equitable as possible while managing the operational requirements of the work unit and ensuring appropriate performance.

Multiple requests are best managed by taking a proactive approach where all team members are invited to consider some form of flexible work that supports their personal and team performance or wellbeing.

The delegate should consider the Guideline for Flexible Working Arrangements prior to making a decision.

3. Reviewing and ending arrangements

To make amendments to an existing arrangement, the delegate and employee are to discuss the change and then create a new Application and Agreement Form that reflects the new agreement, including an updated end date.

The right to appeal still stands for any decision to terminate, part-refuse, continue or apply new conditions to a reviewed flexible working arrangement. The right to appeal can apply to the review decision and/or the process followed.

The employee and the delegate need to be flexible with notice periods to allow time for alternative arrangements to be made.