THE UNIVERSITY OF NOTRE DAME AUSTRALIA

Policy:

Flexible Working Arrangements

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1 OBJECTS OF THE UNIVERSITY

The University's Objects are defined in Section 5 of its Act of Parliament:

The Objects of the University are:

(a) the provision of university education, within a context of Catholic faith and values; and

(b) the provision of an excellent standard of -

i. teaching, scholarship and research;

ii. training for the professions; and

iii. pastoral care for its students.

2 PURPOSE

2.1 To provide employees with access to flexible working arrangements to assist in balancing the demands of their professional and personal life and support productive, inclusive and service orientated work practices.

2.2 In line with broader Catholic Social teaching, the University recognises that work is integral for underpinning personal fulfilment, and private and social dignity. Work is recognised as an important, but not an exclusive, means through which a person contributes to society at large. In balance to their work activities, people need to share time with their family, to attend to their personal spiritual development, to rest, and to pursue wider cultural, educational and recreational interests through which they might grow, develop and further contribute to their spiritual and intellectual life.

2.3 As an employer the University strives to balance the needs of the individual employee and the University to enable work-and-life needs to be addressed appropriately. The overall aim is to optimise the contribution of employees in the achievement of both personal and professional outcomes in an environment that is co-operative, supportive and efficient.

2.4 This policy outlines the University's approach to flexible working arrangements to enable effective, equitable, transparent and mutually beneficial outcomes.

3 SCOPE

3.1 This policy applies to all continuing, fixed-term and eligible casual employees at the University.

4 ELIGIBILITY

4.1 All continuing and fixed-term employees are eligible to request flexible working arrangements.

4.2 Certain employees[1] have the right to request flexible working arrangements under the *Fair Work Act 2009*, because they:

4.2.1 are the parent of, or have responsibility for the care, of a child who is school age or younger;
4.2.2 are a carer (within the meaning of the *Carer Recognition Act 2010*);
4.2.3 have a disability;
4.2.4 are aged 55 or older;
4.2.5 are pregnant;
4.2.6 are experiencing violence from a member of their family; or
4.2.7 provide care or support to a member of their immediate family or household, who requires care

[1] Continuing and fixed-term employees who have completed at least 12 months service, and regular casual employees who have completed at least 12 months and have a reasonable expectation of continuing employment on a regular and systematic basis.

or support because they are experiencing violence from their family.

4.3 Requests for flexibility made under the *Fair Work Act 2009* may only be refused on *reasonable business grounds* (as defined in section 9.7) and must be responded to in writing within 21 days advising whether the request is approved, or not. If the request is not approved, it must include details of the reasons for this decision.

5 PRINCIPLES

5.1 Flexible working arrangements is about flexibly thinking about where, when and how work can be done, in a way that maintains or improves service delivery and outcomes at the University.

5.2 Flexible working arrangements provides opportunities for employees, teams and the University to design working arrangements with mutually beneficial outcomes that:

5.2.1 Delivers excellent service and performance outcomes;
5.2.2 Meets the needs of our students, clients and stakeholders;
5.2.3 Enables employees to achieve professional and personal goals and a healthy work-life balance;
5.2.4 Creates an inclusive and engaged workplace;
5.2.5 Builds a working environment based on mutual achievement and trust;
5.2.6 Supports efficient, productive and safe work practices; and
5.2.7 Supports effective communication and collaboration.

5.3 Employees may request flexibility at work for a variety of reasons, including but not limited to:

5.3.1 Pursue study;
5.3.2 Transition to retirement;
5.3.3 Family responsibilities which may include care of children or ageing relatives;

5.4 All employees can request flexible working arrangements, irrespective of the reason for their request. When discussing requests, employees and managers should focus on if and how the arrangements can work rather than the reason for request.

5.5 Flexible working arrangements requests will be considered on a case-by-case basis. The University may refuse the request on a number of grounds, including but not limited to:

5.5.1 the nature and inherent requirements of the role,

5.5.2 the services and outcomes provided;

5.5.3 student, client, stakeholder and team needs;

5.5.4 circumstances of the employee requesting flexible work arrangements;

5.5.5 workplace health and safety;

5.5.6 the financial burden of the arrangements on the University;

5.5.7 the costs of or barriers to recruiting additional employees;

5.5.8 the impact on quality of work and performance.

5.6 While all employees can request flexible working arrangements, not all types of flexible working arrangements will work for every role. Sustainable flexible working arrangements seek to find balance between employee, team and University needs.

5.7 Employees working flexibly will be treated no less favorably than any other employee, nor will flexible working arrangements be considered as a barrier to promotion or management responsibilities. However, flexible work arrangements are specific to the position held by the employee at the time the request was approved. In the event an employee working flexibly is subsequently promoted and/or assigned management responsibilities, the request for flexible work arrangements will need to be reconsidered against the requirements and responsibilities of the new role.

6 TYPES OF FLEXIBLE WORKING ARRANGEMENTS

The types of flexible working arrangements available at the University include:

Type		Description
6.1	*Flexible hours of work*	When employees can vary their start, finish and break times provided their contracted number of hours is met. In some arrangements, employees may also extend their hours on one day to reduce their hours on another, provided their weekly or monthly contracted hours are met.
6.2	*Hybrid working / remote working*	When employees work some or all of their hours at another location. This may be from home or an alternative location.
6.3	*Compressed working weeks*	When an employee works the same number of weekly hours, compressed into a shorter period within the ordinary spread of hours / workload allocation outlined in the Enterprise Agreement. For example, a 37.5 hour week may be worked at the rate of 9.375 hours per day for four days instead of 7.5 hours a day for five days. Changes to salary are not required.
6.4	*Part-time work*	A regular work pattern where you work less than full-time and are paid on a pro-rata basis for that work.
6.5	*Job sharing*	A full-time job role is divided between two or more employees who are paid on a pro-rata basis for the part of the job each completes.
6.6	*Career break*	Time out from a career typically taken for six (6) up to twelve (12) months, utilising any annual and long service then leave without pay to pursue study, travel, other interests (excluding other work) while retaining the right of return to their substantive position.

7 ROLES AND RESPONSIBILITIES

7.1 **Managers** are responsible for:

7.1.1 ensuring all flexible working arrangements are managed in accordance with this Policy and the *Procedure: Flexible Working Arrangements*;

7.1.2 modelling a positive approach to flexible work and focusing on how flexible working arrangements can work to achieve mutually beneficial outcomes;

7.1.3 considering requests for flexibility fairly and equitably, balancing operational and individual needs;

7.1.4 ensuring all requests for flexible working arrangements are responded to in writing within 21 days advising whether the request is approved, or if not providing reasons why the request was refused;

7.1.5 only refusing requests on *reasonable business grounds* for requests made under the *Fair Work Act 2009*;

7.1.6 ensuring the effective management and review of flexible working arrangements; and

7.1.7 facilitating flexible working arrangements that maintains or improves service delivery and performance outcomes and delivers mutually beneficial outcomes outlined in section 5.2.

7.2 **Employees** are responsible for:

7.2.1 ensuring all flexible working arrangements requests are made in accordance with this Policy and the *Procedure: Flexible Working Arrangements*;

7.2.2 demonstrating how flexible working arrangements maintain or improve service delivery and outcomes;

7.2.3 focusing on how flexible working arrangements can work to achieve mutually beneficial outcomes; and

7.2.4 supporting the effective operation and review of flexible working arrangements; and

7.2.5 ensuring that working flexibly maintains or improves service delivery and performance outcomes and delivers mutually beneficial outcomes outlined in section 5.2.

7.3 Only the **Pro Vice Chancellor, People and Culture** (or nominee) can approve a request to work remotely:

7.3.1 on an ongoing basis; or

7.3.2 in a different state/territory or country to the University's current campuses for 3 months or more.

8 RELATED DOCUMENTS

Industrial Agreement

8.1 *The University of Notre Dame Australia Staff Enterprise Agreement 2018 – 2021*

Policies & Procedures

8.2 *Employee Code of Conduct and Ethical Behaviour*

8.3 *Policy: Leave*

8.4 *Policy: Information Security*

8.5 *Policy: Privacy*

8.6 *Procedure: Flexible Working Arrangements*

8.7 *Guideline: Considering remote and hybrid working*

Legislation

8.8 *Australian Human Rights Commission Act 1986 (Cth)*

8.9 *Age Discrimination Act 2004 (Cth)*

8.10 *Disability Discrimination Act 1992 (Cth)*

8.11 *Racial Discrimination Act 1975 (Cth)*

8.12 *Sex Discrimination Act 1984 (Cth)*

8.13 *Fair Work Act 2009 (Cth)*

8.14 *Equal Opportunity Act 1984 (WA)*

8.15 *Equal Opportunity Act 2010 (Vic)*

8.16 *Anti-Discrimination Act 1977 (NSW)*

8.17 *Occupational Health and Safety Act 1984 (WA)*

8.18 *Work Health and Safety Act 2011 (NSW)*

8.19 *Workplace Gender Equality Act 2012 (Cth)*

8.20 *Carer Recognition Act 2010 Guidelines*

8.21 *Carers (Recognition) Act 2020 (NSW)*

9 DEFINITIONS

For the purpose of this Policy, the following definitions apply:

9.1 ***Carer*** is a person who provides personal care, support and assistance to another person because of their disability, medical condition, a terminal or chronic illness, mental illness or fragility due to age. 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.

9.2 ***Disability*** is any temporary or permanent 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.

9.3 ***Family responsibilities*** refers to responsibility for the care of a child, and/or any other immediate family member in need of care or support**.**

9.4 ***Flexible working arrangements*** means agreed changes to an employee's standard working arrangements usually encompassing changes to where, when and how work can be done.

9.5 ***Hybrid working*** means a combination of working on-campus and at another location, such as at home or another location.

9.6 ***Immediate family member*** means:

9.6.1 a spouse, a de facto spouse of the employee;

9.6.2 a child or an adult child (including an adopted child or a stepchild), parent, grandparent, grandchild or sibling of the employee or of the spouse of the employee.

9.7 ***Inherent requirements*** means the essential features or defining characteristics of a position that must be achieved as part of a job. They are the tasks or skills that are a major part of the position; and cannot be allocated elsewhere or done in a different way and have significant consequences if not performed.

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

i. the new working arrangements would be too costly,

ii. there is no capacity to change the working arrangements of other employees to accommodate the new working arrangements request,

iii. it would be impractical to change the working arrangements of other employees or to recruit new employees to accommodate new working arrangements request,

iv. the new working arrangements would be likely to result in significant loss of efficiency or productivity,

v. the new working arrangements would likely have a significant impact on student experience and/or customer service.

9.9 ***Remote working (or working remotely)*** means working away from campus at another location. This may be at home or another location.

Version	Date of approval	Approved by	Amendment
1	16 August 2023	Vice Chancellor	New Policy